

Gloucestershire County Council Act, 1956

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CHAPTER xl

An Act to empower the Gloucestershire County Council to demolish the concert hall forming part of the shire hall of the county and to use the space thereof for building purposes to confer further powers on the Gloucestershire County Council and local authorities in the county of Gloucester in relation to lands and highways and the local government improvement health and finances of the county to enact provisions with respect to hairdressers' and barbers' premises and public entertainments to make further provision for the superannuation of employees and for other purposes. [28th March 1956.]

WHEREAS—

(1) By an Act of Parliament passed in the year eighteen hundred and fourteen and intituled "An Act for erecting a Shire Hall and Courts for the Administration of Justice, and other buildings for public Purposes for the County of Gloucester and County of the City of Gloucester" (hereinafter called "the Act of 1814") the justices of the peace for the time being for the county of Gloucester were constituted as a body of commissioners for carrying the Act of 1814 into execution except so far as the mayor and aldermen for the time being of the city of Gloucester were by the Act of 1814 authorised to act in the execution thereof:

(2) By the Act of 1814 provision was made for certain lands houses buildings and premises situated in the city of Gloucester and described or mentioned in a schedule to the Act of 1814 (hereinafter called "the scheduled properties") to be acquired

by agreement or by compulsory procedure in pursuance of the Act of 1814 by the mayor and aldermen for the time being of the said city or any three or more of them (hereinafter referred to as "the corporation") and for the said properties when so acquired to vest in the said commissioners and for the said commissioners or any five or more of them (hereinafter referred to as "the commissioners") to take possession of the scheduled properties and to pull down the houses and buildings comprised therein and to use the sites of all the scheduled properties for the purpose of building thereon new courts of justice a new shire hall and offices buildings rooms and other accommodations as in the Act of 1814 mentioned to be completed and fitted up as the commissioners should deem requisite and proper:

(3) It was provided by the Act of 1814 that the cost of acquisition of the scheduled properties should be contributed as to the sum of one thousand pounds by the mayor and burgesses of the city of Gloucester and as to the remainder thereof by raising assessing and levying the same within eighteen months from the passing of the Act of 1814 by proportional rating of the inhabitants and occupiers of properties within the city and county of the city of Gloucester and any lands tenements and hereditaments lying outside the county of the said city but usually rated and assessed to the poor rate in a parish within the said city and county of a city but omitting any cottages messuages tenements or gardens ordinarily omitted from rating for reasons other than vacant possession or accidental omission:

It was also provided by the Act of 1814 that every tenant at a rack-rent paying any such rate or assessment should be entitled to deduct one half-part thereof out of his her or their respective rent or rents:

(4) It was further provided by the Act of 1814 that all the costs of obtaining the Act of 1814 and carrying into execution the several powers and purposes of the Act of 1814 other than the acquisition of the scheduled properties should be raised by a rate or rates to be made assessed and levied proportionately from time to time by the commissioners on all and every parish town liberty precinct village and hamlet within the county of Gloucester (except such parts of the borough of Tewkesbury as had not ordinarily been assessed and contributed to the county rates for the said county) and all and every extra-parochial place and other places within the said county (which should have been rated or assessed to the property tax) but in making such rate or rates no messuages lands tenements and premises not exceeding in annual value the sum of four pounds and which should be in the actual occupation of the owner or proprietor thereof getting his or her livelihood wholly by daily

labour and having no other lands or property yielding an income should be included or estimated nor should such rate or rates include or estimate such parts of the county of Gloucester as had been usually rated and assessed to the poor rate in a parish within the said city and county of a city provided that those parts should be rated or assessed as hereinbefore mentioned towards raising money for the purchasing of the scheduled properties:

It was also provided by the Act of 1814 that every tenant at a rack-rent paying such rate or rates should be entitled to deduct two third-parts thereof out of his her or their respective rent or rents:

(5) It was further provided by the Act of 1814 that the commissioners might apply towards the expense of erecting the buildings authorized and directed by the Act of 1814 to be built the money arising by the sale of a building previously used as the office of the clerk of the peace of the county of Gloucester which the commissioners were authorized by the Act of 1814 to sell when they should have appropriated as such office and completely finished and fitted up for that purpose part of the buildings by the Act of 1814 authorized to be erected:

(6) With respect to the holding appropriation and use of the new courts of justice new shire hall offices buildings rooms and other accommodations which the commissioners were required by the Act of 1814 as hereinbefore mentioned to build and fit up and which were in due course built and fitted up the Act of 1814 contained the several sections and parts of sections set forth in the First Schedule to this Act:

(7) Power was also given by the Act of 1814 to the justices of the peace of the county of Gloucester assembled at the general quarter sessions of the peace for the said county at any time or times thereafter if they should think it necessary or proper to order and cause a house with suitable conveniences and accommodations to be built on some part of the site of the scheduled properties for the residence of the clerk of the peace of the said county or his deputy and to be fitted up in such manner as such justices should direct and it was provided that all expenses of the erecting and fitting up of the same and all other expenses incident thereto should be paid out of the county rate for the county of Gloucester and that when such house conveniences and accommodations should be completed and fitted up the same and every matter and thing appertaining thereto should from thenceforth be appropriated to the use occupation and residence of the clerk of the peace for the time being

of the said county or his deputy or for such other purposes as the said justices of the peace for the time being of the said county should think proper and should order or direct:

(8) The land and buildings and other property which by virtue of the provisions of the Act of 1814 became vested in the justices of the peace for the county of Gloucester became by virtue of the provisions of section 64 of the Local Government Act 1888 transferred to and vested in the county council of the administrative county of Gloucester (hereinafter referred to as "the Council") and subject to all debts and liabilities affecting them were to be held by the Council for the same estate interest and purposes and subject to the same covenants conditions and restrictions for and subject to which that property would have been held if the said Act of 1888 had not passed so far as those purposes are not modified by that Act or any subsequent Act:

(9) The said property includes a concert hall (hereinafter called "the concert hall") which is situate in the first floor in the centre of the shire hall and has in the past been used for concerts and has also on infrequent occasions been let for public meetings:

(10) Among the purposes to which the shire hall has heretofore been in part appropriated has been the provision of offices for the staff of the Council and the accommodation now available at the shire hall for that purpose is inadequate and there is no space available at or in connection with the shire hall as now used for expansion of such accommodation but if the Council were enabled to demolish the concert hall it would be possible to build in its place a block of offices which would provide much needed office accommodation for the work of the Council and the housing of their staff:

(11) The retention of the concert hall for its present uses is not now necessary in the public interest but the dealing with it in the manner aforesaid would contravene the provisions of the Act of 1814 hereinbefore referred to or some of them:

(12) Except for the provisions of the Act of 1814 the Council would have power under section 125 of the Local Government Act 1933 to use the space now occupied by the concert hall for the purpose of building therein such a block of offices as hereinbefore mentioned:

(13) It is therefore expedient that the Council should be empowered to demolish the concert hall and to appropriate and use the space thereby occupied and any other space vested in the Council by virtue of the Act of 1814 and made available by such demolition for such purposes as are authorised

by the said section 125 notwithstanding any provisions of the Act of 1814 that would or might otherwise prevent or interfere with such demolition or such appropriation or use:

(14) There is in the concert hall an organ (hereinafter referred to as "the organ") the cost of which was provided as to the sum of two hundred pounds by the sale of an old organ and as to the further sum of one thousand and fifty-five pounds by public subscription. By a declaration of trust dated the sixteenth day of December nineteen hundred and eleven the organ is vested in the chairman for the time being of the Council the mayor for the time being of the city of Gloucester the organist for the time being of Gloucester Cathedral and the president for the time being of the Gloucester Choral Society as trustees for the uses upon the trusts and subject to the provisions prescribed and set forth in the said declaration of trust:

(15) In view of the intended demolition of the concert hall it is expedient that the provisions in this Act contained with respect to the organ should be authorised and carried into effect:

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

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

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

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

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

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

PART I

PRELIMINARY

1. This Act may be cited as the Gloucestershire County Short title. Council Act 1956.

PART I
—cont.Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Shire hall.

Part III.—Lands.

Part IV.—Highways.

Part V.—Open spaces camps and pleasure grounds etc.

Part VI.—Public entertainments order and safety.

Part VII.—Public health.

Part VIII.—Weights and measures.

Part IX.—Superannuation pensions etc.

Part X.—Finance.

Part XI.—Lectures cultural activities records etc.

Part XII.—Miscellaneous.

Part XIII.—Protective provisions.

Part XIV.—General.

Incorporation
of Lands
Clauses Acts.

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

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

Interpretation.

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

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

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

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

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

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

“ apparatus ” in relation to any statutory undertakers has the same meaning as in section 240 (For protection of certain statutory undertakers) of this Act ;

- “ authorised security ” means any mortgage stock bond or other security which the Council or a local authority are for the time being authorised to grant create or issue or upon or by means of which the Council or a local authority are for the time being authorised to raise money ;
- “ burial authority ” has the same meaning as in section 11 of the Burial Act 1900 ;
- “ Cheltenham Corporation ” means the mayor aldermen and burgesses of the borough of Cheltenham ;
- “ claimed road ” means a county road in respect of which a local authority have claimed or may hereafter claim under section 32 of the Local Government Act 1929 to exercise and are exercising the functions of maintenance and repair ;
- “ commission ” means the British Transport Commission ;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly ;
- “ Council ” means the county council of the county ;
- “ county ” means the administrative county of Gloucester ;
- “ county fund ” means the county fund of the Council ;
- “ county road ” has the same meaning as in Part III of the Local Government Act 1929 ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction thereof ;
- “ district ” means a borough or an urban or rural district in the county ;
- “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a district ;
- “ financial year ” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year ;
- “ food ” has the meaning assigned thereto by section 135 of the Food and Drugs Act 1955 ;
- “ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district ;
- “ highway authority ” means—
- (a) in the case of a trunk road the Minister of Transport and Civil Aviation or with his consent the authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road ;

PART I
—cont.

(b) in the case of a county road except a claimed road and in the case of any other road for the time being maintained by the Council the Council ; and

(c) in the case of any other highway (not being a highway repairable by the commission) the local authority for the district in which the highway is situate ;

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

“ local authority ” means the council of a district ;

“ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act 1952 ;

“ 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 ;

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

“ parish council ” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish ;

“ rural district ” means a rural district in the county ;

“ rural district council ” means the council of a rural district ;

“ specified area gas board ” means any area gas board established under the Gas Act 1948 whose area comprises the whole or any part of the county and “ area gas board ” means any area gas board so established ;

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

“ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of

temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;

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

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

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

“ Tewkesbury Corporation ” means the mayor aldermen and burgesses of the borough of Tewkesbury ;

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

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

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

(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.

5. The sections of this Act of which the numbers and marginal notes are set out in the Second and Third Schedules to this Act shall not apply to a rural district or to any part thereof or be exercisable by a rural district council unless and until in the case of the sections set out in the said Second Schedule they have adopted those sections in accordance with section 6 (Adoption by rural district councils of certain provisions of Act) of this Act or in the case of the sections set out in the said Third Schedule the sections have been applied to their districts pursuant to section 7 (Application of certain provisions of Act to rural districts) of this Act.

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

PART I
—cont.

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

Application
of certain
provisions of
Act to rural
districts.

7.—(1) The Minister may on the application of a rural district council by order to be published in the London Gazette or in such other manner as he may direct apply to the district of that council or to any part thereof any of the sections of this Act of which the numbers and marginal notes are set out in the Third Schedule to this Act and upon such order coming into force the provisions of this Act to which it relates shall be in force within the district or within such part thereof from such date as may be specified in that behalf in the order.

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

The appointed
day.

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

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

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

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

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

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

(4) Either—

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

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

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

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

PART I
—cont.

- (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 253 (Appeals) of this Act.

PART II

SHIRE HALL

9. In this Part of this Act unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:— Interpretation
of Part II.

“ Act of 1814 ” means the Local Act of Parliament (54 Geo. 3 c. clxxv) passed in the year 1814 and intituled “ An Act for erecting a Shire Hall and Courts for the Administration of Justice, and other buildings for public purposes for the County of Gloucester and County of the City of Gloucester ”;

“ city ” means the city of Gloucester ;

“ concert hall ” means such part of the shire hall as comprises a concert hall and is commonly known as “ the concert hall ” as the same with its appurtenances existed immediately before the passing of this Act ;

“ corporation ” means the mayor aldermen and citizens of the city ;

“ the demolition ” means the demolition of the concert hall in pursuance of the provisions of this Part of this Act ;

“ the organ ” means the organ which existed in the concert hall immediately before the passing of this Act and is vested in trustees by virtue of a declaration of trust dated the sixteenth day of December nineteen hundred and eleven ;

“ the organ trust declaration ” means the said declaration of trust ;

PART II
—cont.

“ shire hall ” means the shire hall of the county situate in the city and constructed and vested in the Council under the authority of the Act of 1814 as the same with its appurtenances existed immediately before the passing of this Act ;

“ the trustees of the organ ” means the persons who at the time to which the expression applies are appointed and acting as trustees under the organ trust declaration.

Power to
demolish
concert hall.

10.—(1) The Council may cause the concert hall to be demolished and save as otherwise in this Act provided may cause any furniture equipment articles or other things which immediately before the passing of this Act were contained in the concert hall and vested in the Council and any materials or substances resulting from the demolition to be appropriated and used for such purposes as the Council may determine or to be sold or destroyed or otherwise dealt with as the Council may think fit In the event of any such things being sold the net proceeds of sale shall be paid into and form part of the county fund.

(2) The trustees of the organ are hereby authorised and directed upon such demolition to sell or otherwise dispose of the organ and to apply the net proceeds of such sale or disposition in such manner for the advancement of music in the county or in the city or in both as they may in their discretion determine.

(3) (a) If before the demolition there should be in the concert hall any fittings equipment apparatus or other things besides the organ which are not owned by the Council notice in writing may be given by the Council to the owners thereof or other the persons entitled to possession thereof if known to the Council to remove the same within a reasonable time specified in the notice and if they are not so removed the Council may cause the same to be destroyed or sold or otherwise dealt with as they may think fit In the event of any such things being sold the net proceeds of sale shall be paid into and form part of the county fund.

(b) In relation to any such fitting equipment apparatus or thing of which the Council after making reasonable inquiries are unable to ascertain the owner the Council may exercise the powers of paragraph (a) of this subsection to destroy sell or otherwise deal with such fitting equipment apparatus or thing if it is not claimed within twenty-eight days after the insertion by the Council in a local newspaper circulating in the city of a notice of their intention so to do provided that in the event of any such thing being sold the net proceeds of sale shall be retained by the Council for a period of not less than three months after such sale before being paid into the county fund in accord-

ance with the provisions of this subsection and if during such period of three months a claim by the owner of the said thing shall be received by the Council the said net proceeds of sale shall be paid by the Council to the owner.

PART II
—cont.

11. After the demolition the space within the shire hall previously occupied by the concert hall and any other space vested in the Council by virtue of the Act of 1814 and made available for building purposes by the demolition shall cease to be subject to any of the provisions of the Act of 1814 and the Council may appropriate and use the same for any of the purposes for which they are authorised to use premises acquired or provided by them in pursuance of their powers under section 125 of the Act of 1933.

Use of
space made
available by
demolition.

12. Within three months after the commencement of the demolition the Council shall pay to the corporation the sum of two thousand pounds which shall constitute full compensation to the corporation and to the inhabitants of the city for the loss by reason of the demolition of all or any right or possibility for the said inhabitants to hold public meetings in the shire hall and for all or any other loss falling upon the corporation or the said inhabitants in relation to the concert hall by reason of the passing and carrying into effect of the provisions of this Part of this Act.

Compensation
to corporation.

13. Nothing in this Act shall repeal or prejudice or affect the operation of any provisions of the Act of 1814 save as expressly provided or authorised by this Act and nothing in the Act of 1814 shall be deemed or construed to interfere with or prejudice the execution of any of the purposes or the operation of any of the provisions of this Part of this Act.

Saving for
Act of 1814.

PART III

LANDS

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

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

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

PART III
—cont.Power to
reinstate
owners or
occupiers of
property.

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

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

Appropriation
and disposal
of land.

16.—(1) Subsections (1) and (2) of section 163 of the Act of 1933 shall apply to any land acquired by the Council under this Act whether or not the land is required for the purposes for which it was acquired or has since been appropriated or is being used.

(2) Notwithstanding anything in subsection (1) of the said section the purpose for which the Council may appropriate any such land shall not require the approval of the Minister unless it was acquired under section 158 of the Act of 1933 as amended by section 14 (Amendment of section 158 of Act of 1933 in relation to Council) of this Act.

(3) The Council may sell lease exchange (paying or receiving or without paying or receiving money for equality of 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):

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

(5) Subsection (3) of section 163 and sections 164 and 165 of the Act of 1933 shall not apply to any land acquired by the Council under this Act.

Application
of capital
money.

17. Section 166 of the Act of 1933 shall apply to capital money received by the Council in respect of the sale leasing exchange or other disposition of land under section 16 (Appropriation and disposal of land) of this Act as it applies to capital money received in respect of a transaction under section 164 or section 165 of that Act.

18. With respect to any land acquired under this Act the Council may if they think fit—

PART III
—cont.

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

Powers of
leasing.

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

Undertakings
and
agreements
binding
successive
owners.

- (a) given or made under seal on the passing of plans or otherwise in connection with the land ; and
- (b) expressed to be given or made in pursuance of this section ;

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

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

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

20.—(1) Where the Council have either before or after the passing of this Act contributed or agreed to contribute towards or in connection with the acquisition or utilisation by the council of any other county or of any county borough or district or by any other public body (in this section referred to as an "authority") or by any person or any trustees of land for the purpose of a public or private open space recreation or pleasure ground public walk sports ground or playing fields or towards the layout or maintenance of such land and such authority person or trustees have either before or after the passing of this Act in consideration of such contribution or of an agreement to make such contribution entered into a covenant with the Council restrictive of the user of such land the Council shall have power

Enforcement
of restrictive
covenants
relating to
land acquired
for open
spaces etc.

PART III]
—cont.

(in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against such authority person or trustees and against the persons deriving title under them in the like manner and to the like extent as if the Council were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(2) Where an authority have either before or after the passing of this Act contributed towards or in connection with the acquisition or utilisation by the Council of land for the purpose of a public or private open space recreation or pleasure ground public walk sports ground or playing fields and the Council have either before or after the passing of this Act in consideration of such contribution or of an agreement to make such contribution entered into a covenant with such authority restrictive of the user of such land such authority shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against the Council and the persons deriving title under them in the like manner and to the like extent as if such authority were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(3) (a) For the purposes of section 15 of the Land Charges Act 1925 any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

(b) This section shall not apply to a covenant contained in any instrument made before the twenty-seventh day of November nineteen hundred and fifty-four unless the restrictions enforceable under such covenant were registered as local land charges within twelve months after that date.

(4) Any covenant to which this section applies shall continue to be enforceable notwithstanding that the land intended to be affected thereby may have passed to an authority acquiring the same by agreement under the Lands Clauses Acts or any Act incorporating those Acts.

(5) Nothing in this section shall deprive the Council or any authority person or trustees of any right to enforce a covenant to which this section applies which they or he would have had if this section had not been enacted.

Compensation
may be in
land.

21.—(1) The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation

wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent.

PART III
—cont.

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

22.—(1) The Council may (with the consent of the Minister) lay out and develop any 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 warehouses and other buildings and construct sewer drain pave channel and kerb streets:

Development
of land.

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

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

(3) In this section the expression " industrial buildings " means buildings designed or suitable for use for the carrying on of any industrial process.

23.—(1) Subject to the provisions of this Act a local authority may exercise the powers contained in the foregoing provisions of this Part of this Act (other than section 14 (Amendment of section 158 of Act of 1933 in relation to Council)) and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

Application
of certain
provisions
of Part III
to local
authorities.

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

(2) In its application to a local authority section 16 (Appropriation and disposal of land) of this Act shall have effect as if in subsection (2) thereof for the words " section 158 of the Act of 1933 as amended by section 14 (Amendment of section 158 of Act of 1933 in relation to Council) of this Act " there were substituted the words " section 24 (Acquisition of land in advance of requirements) of this Act. "

PART III
—cont.
Acquisition
of land in
advance of
requirements.

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

(2) 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 local authority and until it is so appropriated all expenses incurred by the local authority in respect of the land shall be payable out of the general rate fund.

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

Loans for
erection etc.
of buildings.

25.—(1) A local authority may advance money to the purchaser or lessee of any land acquired from or leased by the local authority for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

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 local authority will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the local authority by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;

- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the local authority may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
- (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the local authority and to produce to the local authority when required the receipts for the premiums paid in respect of the insurance; or
 - (ii) (if the local authority elect themselves to insure the said building against fire) to repay to the local authority the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the local authority and authorised in writing by their 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 a local authority have agreed to grant a lease and the expression "lease" shall be construed accordingly.

PART IV

HIGHWAYS

26.—(1) In this Part of this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

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

"private street" means a street within the meaning of the Private Street Works Act 1892 or a street to which section 150 of the Public Health Act 1875 applies or

PART IV
—cont.

- land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947 ;
- “ private streets authority ” means the Council and any local authority entitled to exercise the powers of the Private Street Works Act 1892 or of section 150 of the Public Health Act 1875 ;
- “ private street works ” means works executed under the provisions of any enactment relating to private street works ;
- “ public service vehicle ” has the same meaning as in the Road Traffic Acts 1930 to 1947 ;
- “ street byelaws ” means any byelaws for the time being in force in any district with respect to the level width and construction of new streets ;
- “ structure ” means a wall fence hoarding or similar erection but for the purpose of this definition the expression “ wall ” does not include a wall forming part of a permanent building ;
- “ transfer ” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “ transfers ” shall be construed accordingly ;
- “ urban authority ” has the same meaning as in the Private Street Works Act 1892.

(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.

*A. New streets*Prohibition
of building
until street
defined.

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

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

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

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

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

PART IV
—cont.

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

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

Prohibition of building until street formed and sewered.

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

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

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

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

(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 district.

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

Termination of new streets.

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.

PART IV
—cont.

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

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

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

Rounding
or splaying
off corners
at street
junctions.

30.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the 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 local authority shall pay compensation to any person injuriously affected by the exercise of the 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.

(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 local authority 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 with respect to the avoidance of any such notice for want of registration as a local land charge.

(6) This section shall not apply to a new street laid out by the Council or to a county road (not being a claimed road) except with the consent of the Council.

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

Adjustment
of boundaries
of estates in
connection
with streets.

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

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

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

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

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

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

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

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

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

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

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the land exchanged therefor and any such covenants restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

PART IV
—cont.

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

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

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

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

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

B. Verges and trees

Trees grass
verges and
gardens.

32.—(1) Subject to the provisions of this section the Council or a local authority 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—

- (a) to plant trees or shrubs or place tubs in which to grow trees or shrubs ;
- (b) to attach baskets for plants to posts or standards provided by the Council or local authority or with the consent of the owner thereof to any other posts or standards ;
- (c) to lay out grass verges or gardens ;
- (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 as is referred to in paragraph (f) of the foregoing subsection 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.

(4) Section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Council or a local authority or to any such land as is referred to in subsection (1) of this section and anything done by the Council or a local authority 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 Council or a local authority to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

(6) A local authority may with the consent of the Council exercise the powers conferred by this section in a street being a county road notwithstanding that the street is not vested in the local authority.

(7) Where the Council or a local authority 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.

33.—(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 county—

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

(a) remove or cut any turf; or

(b) pluck any bud blossom flower 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.

PART IV
—cont.

(2) Any person offending against this section 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—

(a) apply to any open space vested in or under the control of the council of a district a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty or to any land as respects which byelaws have been made under section 90 of the National Parks and Access to the Countryside Act 1949; or

(b) affect any right of any persons authorised by any enactment to open or break up any street or road or any land for the purpose of laying making altering repairing or renewing any main pipe sluicé weir sewer electric line duct substation transformer station street-box drain tramway or trolley vehicle equipment or other apparatus.

(4) In this section the expression “open space” has the same meaning as in the Open Spaces Act 1906.

Removal of
trees etc.
from streets.

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

C. Improvements

Variation
of width of
carriageways
and footways.

35.—(1) Subject to the provisions of this section the highway authority may vary the relative widths of the carriageway and footway or footways in any street repairable by them.

(2) 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 highway authority shall send notice of the proposed work to the Minister of Transport and Civil Aviation.

(3) The highway authority 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 or not it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

PART IV
—cont.

36.—(1) Subject to the provisions of this section the Council may enter into and carry into effect agreements with persons having a legal interest in land adjoining any county road in the county for the adjustment of the boundary of the road. Adjustment of boundaries of county roads.

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

(a) may exchange land including land forming the site of the road 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 road 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 of way over the part of any such road so exchanged shall be extinguished.

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

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

(6) 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 Council in any case in which the consent of that department would have been required if this Act had not been passed.

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

(8) The powers of this section shall not be exercisable by the Council in respect of any street being a claimed road but in respect of any such street or any street being an unclassified road and not being a county road the said powers may be exercised by the local authority in whom such road is vested and this section shall be read and have effect accordingly as if references to such local authority were substituted therein for the references to the Council.

(9) The Council may if they think fit contribute to the expenses incurred by any such local authority in exercising the said powers.

PART IV
—cont.Revocation of
improvement
line.

37.—(1) Where in the opinion of the highway authority the retention of any improvement line or part thereof which has been prescribed in pursuance of section 33 or of section 34 of the Public Health Act 1925 is no longer necessary or desirable and should be revoked the highway authority may by resolution revoke such line or any part thereof and such revocation shall be indicated on the improvement plan on which the improvement line is marked.

(2) Notice of such revocation shall be given to every occupier and owner of land interested in like manner as notice is required to be given under subsection (3) of the said section 33.

(3) An improvement line or part thereof shall not be revoked under this section in relation to any road which at the time when the revocation is proposed is a classified road until notification of the proposed revocation has been sent to the Minister of Transport and Civil Aviation and his observations with respect thereto have been considered.

Revocation
of building
line.

38.—(1) Where in the opinion of the highway authority the retention of any building line or part thereof which has been prescribed in pursuance of section 5 of the Roads Improvement Act 1925 is no longer necessary or desirable and should be revoked the highway authority may by resolution revoke such line or any part thereof and such revocation shall be indicated on the deposited plan showing the building line.

(2) Notice of such revocation shall be served upon every owner occupier and lessee of land affected in like manner as notice is required to be served under subsection (2) of the said section 5.

(3) A building line or part thereof shall not be revoked under this section in relation to any road which at the time when the revocation is proposed is a classified road until notification of the proposed revocation has been sent to the Minister of Transport and Civil Aviation and his observations with respect thereto have been considered.

Repair of
boundary
roads.

39.—(1) Where the boundary between the county and any other county or county borough or the boundary between any districts in the county divides any road longitudinally the councils or authorities who but for this enactment would be responsible for the maintenance and repair of the portions of the road on each side of the boundary shall in lieu of maintaining and repairing the portion for which they are so responsible maintain and repair respectively such part or parts of the road throughout its entire width as shall be agreed upon or as failing agreement shall in the case of any road wholly within the county be determined by the Council on the application of either party and in any other case be determined by the Minister of Transport and Civil Aviation on the application of either party.

(2) Until notice is received by the statutory undertakers of the effect of an agreement or determination made in pursuance of this section the statutory undertakers shall for all the purposes of the Act of 1950 be entitled to treat the council or authority who but for such an agreement or determination would be responsible for the maintenance and repair of any portion of road as the appropriate street authority.

D. Stopping up

40.—(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 highway authority that a highway within the county 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;
- (c) may be made with respect to two or more highways or parts of highways which are connected with each other;

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

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

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

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

PART IV
—cont.

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

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

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

(a) shall be made unless the written consent of the local planning authority and of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court;

(b) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace of the county.

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

(7) An appeal against a decision of a magistrates' court under this section may be brought to quarter sessions by any person (including any authority or council) who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 and 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 highway authority such sum as may be agreed between him and the highway authority or in default of agreement as may be determined by arbitration to

represent the value to him of the relief and any such sum shall be payable either—

PART IV
—cont.

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

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

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

41. For the purpose of—

(a) making any new street ; or

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

Temporary
stoppage of
streets.

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

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

(i) as respects any trunk road without the consent of the Minister of Transport and Civil Aviation ; or

(ii) as respects any county road without the consent of the Council ; or

(iii) so as to deprive foot-passengers and so far as possible vehicular traffic bona fide going to or from any building or land in the street of reasonable access to the building or land ; or

(iv) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock canal inland navigation or passenger road transport undertakers ; or

(v) so as to obstruct or interfere with the access to any apparatus of statutory undertakers.

PART IV
—cont.

Maintenance
of forecourts
to which
public have
access.

E. *Erections etc. in highways*

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

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

Provided that—

(a) for the purposes of paragraph (c) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the highway authority of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work;

(b) the highway authority may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

(3) The powers of this section shall be exercisable in relation to the forecourt of any premises being premises in respect of which a justices' licence for the sale of intoxicating liquor for consumption on the premises is in force only in respect of so much of such forecourt as is used solely by persons proceeding on foot either as part of the footway or for the purpose of access to the premises.

Forecourts
injurious to
amenities of
street.

43.—(1) If a local authority by resolution determine that any stall or other erection on any forecourt in their district is by reason of its character injurious to the amenities of the street on which the forecourt abuts the local authority may by notice require the owner or occupier of 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.

(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.

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

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

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

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

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

46.—(1) Any parish council may erect and maintain direction posts of such size and type as may be approved by the Council in or adjacent to public footpaths (not being footpaths at the side of a highway repairable by the inhabitants at large) and bridle-paths with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land. As to direction
posts relating
to rights of
way.

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

(3) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1947 and to any regulations made or any general or other directions given by the Minister of Transport and Civil Aviation in pursuance of the said provisions.

47.—(1) A local authority may illuminate any inscription which has been set up of the name of any street within their district: Illumination
of street
names.

Provided that—

- (i) a local authority shall on being so requested by the commission cease to illuminate any inscription under the powers of this section in such a manner as in the opinion of the commission will hinder the ready interpretation of any railway signal or navigation light or so as otherwise to render hazardous the use of any railway dock canal or inland navigation ;

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—cont.

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

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

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

Attachment of
street lamps
brackets etc.

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

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

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

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

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

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

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

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

“appropriate authority” means a magistrates’ court except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

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

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

“owner” means—

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

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

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—cont.

(c) in relation to any other building the person who is receiving the rack-rent or who would receive the rack-rent if the building were let at a rack-rent; and the expression "owned" shall be construed accordingly.

Awnings over
footways.

49.—(1) No part of any awning over the footway of a street in the county being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than one foot six inches from the outer edge of the footway.

(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 the public the local authority may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

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

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

Barriers in
streets.

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

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

- (a) as respects any trunk road without the consent of the Minister of Transport and Civil Aviation; or
- (b) as respects any county road (not being a claimed road) without the consent of the Council; or
- (c) as respects any street belonging to or repairable by any transport undertakers and forming the approach to any station dock wharf or depot of those undertakers or so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of those undertakers without the consent of those undertakers; or

(d) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

(2) The consent of any undertakers under proviso (c) to the preceding subsection shall not be unreasonably withheld and any question whether or not 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 local authority may provide slots or sockets in or under the surface of the street.

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

(5) In this section the expression "transport undertakers" means any railway dock canal inland navigation or passenger road transport undertakers providing a regular service or services of public service vehicles.

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

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit.

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

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

F. Protection of highways

52.—(1) No person shall place or erect in the county any structure at or within a distance of ten yards from the corner of any street unless he has given to the highway authority notice of his intention so to do accompanied by plans and particulars of the structure and the highway authority have approved the placing or erection thereof under this section: Erection of structures at street corners.

Provided that this subsection shall not apply to any structure being development which by virtue of the Act of 1947 and any development order for the time being in force thereunder may be undertaken only with permission granted on an application or an advertisement which may be displayed only with consent granted on an application under regulations for the time being in force under section 31 of that Act.

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—cont.

(2) Within five weeks from the receipt of such a notice from any person the highway authority may give him notice that they disapprove the placing or erection of the structure or that they approve it only subject to such conditions or to such modifications of the plans and particulars submitted to them as may be specified in the notice:

Provided that a notice shall not be given under this subsection except on the ground that the structure would by obstructing the view of foot-passengers or drivers of vehicles constitute a danger to the traffic on the street upon adjoining or near to which it is proposed to be placed or erected or (as the case may be) would constitute such a danger unless placed or erected subject to the conditions or modifications specified in the notice.

(3) The highway authority may at any time within the said five weeks give notice that they approve the placing or erection of the structure in accordance with the plans and particulars submitted to them and if within the said five weeks the highway authority have not given notice under the last foregoing subsection they shall be deemed for the purposes of this section to have approved the placing or erection of the structure in accordance with those plans and particulars.

(4) Where the highway authority have approved the placing or erection of the structure it shall not be placed or erected—

(a) otherwise than in accordance with the plans and particulars submitted as aforesaid; or

(b) if notice has been given under subsection (2) of this section of any conditions or modifications otherwise than in accordance with those conditions and with the said plans and particulars as modified by the notice.

(5) Any person giving notice under subsection (1) of this section who is aggrieved by any notice given under subsection (2) thereof may within twenty-one days from the service of the last-mentioned notice appeal to the Minister of Transport and Civil Aviation who may make such order as he thinks fit and whose decision shall be final.

(6) If any person places or erects any structure in contravention of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds.

(7) The foregoing provisions of this section shall not apply to a temporary structure required to be placed or erected at or within a distance of ten yards from the corner of a street for the purpose of the construction demolition alteration repair or maintenance of any building or works:

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

(8) Where any person is convicted of an offence under either of the last two foregoing subsections the court by which he is convicted may order him within such time as may be fixed by the order to remove the structure in respect of which he was convicted and if he fails to comply with the order—

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

(b) the highway authority after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing:

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

(9) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925.

(10) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

53. The provisions of section 4 of the Roads Improvement Act 1925 in their application to the Council shall have effect as if in paragraph (a) of subsection (1) of that section there were inserted after the words "fence or hedge" the words "or other erection whether similar to the foregoing or not (not being or forming part of the structure of a permanent edifice or an advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply)".

Prevention
of obstruction
to view at
corners.

54.—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in a district any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street.

Application of
building line
to walls etc.

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

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

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

PART IV
—cont.

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

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

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

(5) Where after the expiration of five years from the passing of this Act there is on any site in a district a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

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

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

- (a) any building line prescribed by the local authority in respect of the land under the provisions of any enactment; or
- (b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the local authority under subsection (2) of section 140 of the Housing Act 1936; or

(c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the local authority) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

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

(a) any wall erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purposes of their railway dock canal or inland navigation undertaking; or

(b) any structure which is erected on land belonging to any statutory undertakers so long as that land is used primarily for the purposes of works in connection with the provision of a supply of electricity gas or water.

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

(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 a district; and

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

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

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

PART IV
—cont.

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

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

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

(7) The provisions of this section shall not apply to any retaining wall erected by or under the jurisdiction or control of any river board or internal drainage board so long as such wall is used primarily in connection with any of the functions of such river board or drainage board (as the case may be).

Hoads to be
set up during
building
operations.

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

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

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

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

(4) The provisions of section 80 of the Towns Improvement Clauses Act 1847 and of section 34 of the Public Health Acts Amendment Act 1890 shall not apply to any building operations in respect of which the highway authority have made requirements under this section.

57.—(1) After the passing of this Act no part of any building (including the foundations) shall except with the consent of the local authority and (where the local authority is not the highway authority) the highway authority be constructed so as to extend under the footway of any street at a less depth than six feet below the surface of such footway. Restriction on buildings under footways.

(2) The giving of consent by the local authority and the highway authority shall not relieve the owner or occupier of the building from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

(3) Any person aggrieved by the withholding of a consent under the preceding subsection may appeal to a magistrates' court.

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

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

58.—(1) Where the plans of any new building in a district intended or adapted for use as a house have been deposited with the local authority of that district 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. Means of access to buildings.

(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.

PART IV
--cont.

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

(4) Whenever the local authority by notice given under this section require the carrying out of work in a street they shall send a copy of such notice to the statutory undertakers concerned and such undertakers shall be entitled to execute such works as may be reasonably necessary for the protection of their apparatus and the cost reasonably incurred by them in so doing shall be recoverable by them summarily as a civil debt from the person by whom or on whose behalf the plans were deposited.

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

(6) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

Fencing and
lighting of
obstructions
in highways.

59.—(1) Where in any highway 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 the deposit thereon or therein of any material 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 to the highway authority may cause proper boards or fences to be put up for the protection of persons or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

(2) Any expenses reasonably incurred by the highway authority 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 such hoarding scaffolding or material or of the defective fitting or structure or from the person or persons responsible for the erection of the hoarding or structure or for the deposit of the material on over or in 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 Act of 1950.

G. Private streets

PART IV
—cont.

60.—(1) A local authority may in any street in their district not being a highway repairable by the inhabitants at large 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:

Urgent repairs
of private
streets.

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

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

61. If—

- (a) any owner of land fronting adjoining or abutting on a private street in the county transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and
- (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 highway authority are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and
- (d) a magistrates' court is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works ;

Evasion by
owners of
private street
works
expenses.

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

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

Carriage-
crossings
at ends of
private streets.

PART IV
—cont.

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

(3) If the highway authority require the construction of any carriage-crossing across any part of a highway repairable by the inhabitants at large they may execute such works as may be necessary to secure compliance with such requirement and recover the expenses of so doing from the person by whom such street has been or is being laid out or constructed.

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

(5) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the surveyor of the highway authority made before the passing of this Act certified that such street had before the first day of July nineteen hundred and fifty-four been completed in accordance with plans and specifications approved and required by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at that date been taken over by the highway authority.

Application
of Act of
1892 to parts
of public
streets.

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

(2) Notwithstanding anything in the said Act of 1892 the private streets authority may in any district where that Act is applicable carry out private street works under the provisions of that Act throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions of subsection (1) of this section the private streets authority shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so repairable.

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

(4) Where in consequence of any order or orders made under sections 30 31 or 32 of the Public Health Act 1925 any lands are added to an existing highway repairable by the inhabitants at large such lands shall for the purposes of section 150 of the Public Health Act 1875 or of the said Act of 1892 in any district where that Act is applicable be deemed to be a street not repairable by the inhabitants at large and the private streets authority may apportion the expenses of any private street works carried out in respect of such street or any part of such street on the premises of which such lands formed part immediately prior to their addition to the highway as aforesaid.

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

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

65.—(1) Where any private street works have been completed but the Council are unable to recover the amount due from the owner of any premises or otherwise under the Private Street Works Act 1892 by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount became due and at reasonable intervals thereafter be found the Council may at any time after the expiration of twelve years from the date when the said amount became due apply to the county court and that court may on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with make an order vesting the said premises in the Council absolutely and thereupon the Council may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

Recovery of private street works charges where owner unknown.

(2) Where the county court make an order under subsection (1) of this section the court shall nominate a surveyor for determining the value of the said premises and such surveyor shall determine the same accordingly and shall annex to his

PART IV
—cont.

valuation a declaration in writing subscribed by him of the correctness thereof and the Council shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of six years at the rate of five per centum per annum or at such other rate as may have been fixed by order of the Minister under section 77 of the Public Health Act 1925 together with all costs and expenses reasonably incurred by the Council.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 of the Lands Clauses Consolidation Act 1845 as if it was a sum awarded to be paid to an owner who cannot be found and as if the Council were the promoters of an undertaking and such sum shall be applied in accordance with section 78 of the said Act.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the Council in addition to any existing rights powers and remedies for the recovery of expenses and shall be exercisable by the Council in respect of all private street works whether completed before or after the passing of this Act.

(5) Subject to the provisions of this Act the council of an urban district may exercise the powers contained in this section and this section shall accordingly have effect with any necessary modifications including the substitution of—

“ council of an urban district ” for “ Council ” ;

“ Private Street Works Act 1892 or the Public Health Act 1875 whichever shall be the appropriate enactment ” for “ Private Street Works Act 1892 ”.

Application of
street byelaws
to certain
private streets.

66.—(1) The provisions of street byelaws with respect to the width of new streets shall apply to any private street in respect of which a resolution to carry out private street works has been passed in accordance with the Public Health Act 1875 or the Private Street Works Act 1892 notwithstanding that such private street was constructed or laid out before such street byelaws came into force as if such private street were a new street.

(2) Any person who suffers loss or incurs any expense in consequence of the application of street byelaws to a private street under this section shall be entitled to be paid by the private streets authority compensation to be determined in the case of dispute (a) as to the amount of such loss in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 or (b) as to the amount of such expense by arbitration.

H. Footpaths

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

Crossings over
footways.

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

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

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

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

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

- (a) Any person may request the highway authority in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing

PART IV
—cont.

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 highway authority may approve the request either with or without modifications or propose alternative work or reject the application ;
- (c) The highway authority shall give the applicant notice of their decision under the last foregoing paragraph and if they approve the work 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 highway authority 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 highway authority shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the highway authority by or to the applicant as the case may require.

Maintenance
of footways etc.

68.—(1) Where a street in the county which is not repairable by the inhabitants at large is laid out as a carriageway and footway the owner of every house fronting adjoining or abutting on such street shall maintain so much of the footway as abuts on or adjoins the frontage of such house and the approach to such house from the street (exclusive of so much of such footway or approach as passes through any land within the curtilage of such house) in accordance with such reasonable requirements as may be specified in a notice given by the highway authority.

(2) Any person aggrieved by a requirement of the highway authority under this section may appeal to a magistrates' court.

(3) Subject to such right of appeal as aforesaid if any person fails to comply with a notice given by the highway authority under this section within twenty-eight days (or such longer period as may be specified in the notice or allowed by the highway authority) from the receipt of such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) Nothing in this section shall be deemed to relieve a highway authority from their obligations under the National Parks and Access to the Countryside Act 1949 to repair public paths (as defined in Part IV of the said Act of 1949).

I. Miscellaneous

PART IV
—cont.

69.—(1) As from the thirty-first day of December nineteen hundred and fifty-seven where in any street repairable by the inhabitants at large within the county 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.

(2) (a) The Council shall before the first day of July nineteen hundred and fifty-seven cause public notice to be given of the effect of this section and of the date when it will come into force by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think fit.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

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

Mixing of
mortar in
streets.

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

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

71. Any compensation recoverable by the Council or any local authority or highway authority or a joint board or a joint committee of local authorities or a parish council 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.

Summary
recovery
of damages
for negligence.

72.—(1) The Council shall with respect to county roads (not being claimed roads) and roads constructed by the Council or by some person under agreement with them which when completed are intended to become county roads have the functions of an urban district council or a local authority under the enactments mentioned in this section and those enactments shall apply accordingly.

Exercise by
Council of
powers with
respect to
county roads.

PART IV
—cont.

(2) The enactments referred to in this section are as follows:—

The Towns Improvement Clauses Act 1847 (as incorporated with the Public Health Act 1875)—

- Section 68 (Houses projecting beyond line of street when taken down to be set back);
- Section 69 (Future projections of houses etc. to be removed on notice);
- Section 70 (Commissioners may cause existing projections to be removed and compensation to be made);
- Section 71 (Doors in future to be made to open inwards);
- Section 72 (Doors opening outwards may be altered by commissioners);
- Section 73 (Coverings for cellar doors to be made by occupier);
- Section 74 (Waterspouts to be affixed to houses or buildings);
- Section 75 (Ruinous or dangerous buildings to be taken down or secured by owners &c.);
- Section 76 (The expenses to be levied by distress on the owner);
- Section 77 (If owner cannot be found commissioners may take the house or ground making compensation provided by 8 & 9 Vict. c. 18);
- Section 78 (Commissioners may sell the materials restoring to the owner overplus arising from the sale);
- Section 81 (Penalty for not lighting deposits of building materials or excavations);
- Section 82 (Penalty for continuing deposits of building materials or excavations at unreasonable time);
- Section 83 (Dangerous places to be repaired or inclosed):

The Public Health Acts Amendment Act 1890—

- Section 35 (As to repair of cellars under streets):

The Public Health Acts Amendment Act 1907—

Section 30 (Dangerous places to be repaired or enclosed);

Section 31 (Fencing lands adjoining streets):

The Public Health Act 1925—

Section 24 (Projections against or in front of houses or buildings).

(3) The Council shall not in the exercise of the powers of this section perform or discharge any of the functions under the enactments mentioned in this section in any district in which such enactments are for the time being in force except at the request of and by agreement with the local authority of such district and during the continuance of such agreement such functions shall cease to be exercisable by such local authority in relation to the road to which the agreement applies:

Provided that nothing in this subsection shall prevent the Council from exercising any powers conferred on them by any other enactment.

(4) Any agreement made under the provisions of this section may relate to any one or more roads in a district.

(5) The functions conferred on the Council under the enactments referred to in this section shall not be exercised with respect to any advertisement. For the purposes of this section the expression "advertisement" has the meaning assigned to it by section 119 of the Act of 1947.

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

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

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

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

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

(b) deposit for sale;

PART IV
—cont.

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

- (i) such sale or offer or exposure for sale or deposit for sale ; or
- (ii) a person buying or examining such food goods provisions articles or things ; or
- (iii) a vehicle which had been used by such last-mentioned person.

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

(3) Nothing in this section shall apply to the sale of food goods provisions articles or things from a vehicle used as a travelling shop for the purpose of itinerant trading.

PART V

OPEN SPACES CAMPS AND PLEASURE GROUNDS ETC.

Interpretation
of Part V.

75. In this Part of this Act unless the context otherwise requires—

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

“movable dwelling” includes—

- (a) any tent ;
- (b) any structure capable of being moved from place to place ; and
- (c) any van cart carriage truck tramcar railway-carriage motor-car caravan trailer omnibus or other vehicle ;

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

- (i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or in connection with building operations ;
- (ii) any tent structure or vehicle temporarily used for the service of the Council or of any local authority or other public authority ;
- (iii) any canal boat or any other boat ;

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

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

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

“ occupier ” in relation to a movable dwelling shall be deemed to include an owner ;

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

A. Open spaces

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

Power to let
parks etc.
for games.

(a) any portion of the part set apart as aforesaid ; and

(b) the whole or any part of any pavilion convenience refreshment-room or other building provided under that section ;

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

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

(i) more than one-third of the area of any park or pleasure ground ; or

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

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

Boating pools.

(2) A local authority may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any boating pool under this section and references in the following provisions of this section to a boating

PART V
—cont.

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) A local authority may either—

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

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

(4) (a) If section 44 of the Public Health Acts Amendment Act 1890 is in force in a district the powers of the local authority under subsection (2) of that section 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.

(b) If the said section 44 is not in force in a district the local authority may either themselves provide and let for hire or may license any person to let for hire any pleasure boats on a boating pool provided under this section and may make byelaws for regulating the numbering and naming of such boats the number of persons to be carried therein the boathouses and mooring places for the same and for fixing rates of hire and the qualifications of boatmen and for securing their good and orderly conduct while in charge of any boat.

(5) In the exercise of the powers of this section a local authority shall not divert or in any manner interfere with the river Thames and the watercourses which are respectively to be treated as and deemed to be the main river and parts thereof and are shown by distinctive colours on the map of the river Thames (above Teddington Lock) catchment area prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force without the consent of the conservators of the river Thames (which consent shall not be unreasonably withheld).

Saving for river and drainage boards in relation to boating pools.

78. Where the existence of a boating pool provided under the powers of section 77 (Boating pools) of this Act is likely to interfere with any watercourse flowing directly or indirectly into any stream which is vested in or controlled by a river board or drainage board the local authority shall before commencing to provide the boating pool consult with such river board or drainage board.

Parking places in parks etc.

79. For the purpose of providing a parking place under section 68 of the Public Health Act 1925 a local authority 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 V
—cont.

80.—(1) In the event of the council of an urban district establishing in pursuance of sections 19 and 20 of the Civil Aviation Act 1949 an aerodrome and any ancillary business in connection therewith (in this section referred to as “the aerodrome undertaking”) they may either—

Aerodrome
undertakings.

- (a) themselves manage the aerodrome undertaking making such reasonable charges in respect thereof as they think fit; or
- (b) subject to the provisions of subsection (6) of the said section 19 let it or any part thereof for such consideration and on such terms and conditions as they think fit:

Provided that nothing in this subsection shall authorise any variation of a scale of charges prescribed by the Minister of Transport and Civil Aviation in pursuance of powers conferred on him by or under the said Act.

(2) The council of the urban district may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Minister of Transport and Civil Aviation and subject to the like control by him under the Civil Aviation Act 1949 as if this Act had not been passed.

B. Movable dwellings camping grounds and fairs

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

- (a) that the amenities of any part of their district are prejudicially affected by the presence of or conditions arising from any movable dwelling or movable dwellings in their district; or
- (b) that annoyance is caused to the residents in or visitors to any part of their district by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any movable dwelling or movable dwellings in their district;

Court may
prohibit
movable
dwellings in
certain areas.

the local authority may make complaint to a magistrates' court and the court may by order—

- (i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the movable dwelling or of all or any particular one or more of the movable dwellings to which the complaint relates; and

PART V
—cont.

(ii) prohibit any movable dwelling being placed on or limit the number or define the class of movable dwellings to be at any one time situate within the whole or some part of an area to be specified in the order.

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

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

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

(5) (a) Any occupier of a movable dwelling who fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made

may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

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

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

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

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the local authority or local authorities of the district or districts within which the area specified in the order is situate in one or more local newspapers circulating in their district or districts and the local authority or local authorities shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (4) of this section.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Act of 1947 has already been granted otherwise than by a development order but without prejudice to the power of the court by order to require the removal of any particular one or more movable dwellings with respect to which the local authority have complained on any of the grounds mentioned under paragraph (b) of subsection (1) of this section.

82.—(1) A local authority for the purpose of securing the amenities of their district in relation to the use of camping grounds and movable dwellings situate thereon may make byelaws with respect to any camping grounds within their district whether provided by the local authority or not—

- (a) for preventing the amenities of their district being prejudicially affected by the state or condition of any such camping ground;
- (b) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the movable dwellings situate thereon;

PART V
—cont.

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

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

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

Saving from
last two
foregoing
sections.

83. The last two foregoing sections of this Act shall not apply to—

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

(b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter ;

(c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;

(d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;

(e) any movable dwelling which is used by a member of any duly constituted society or organisation which by their rules undertake the responsibility for the good conduct of their members when in camp and for their proper use of movable dwellings ; or

(f) any movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger), and which is regularly used by him in the course of travelling for the purpose of his business :

Provided that—

(i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society association or

organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground ;

- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of movable dwellings ;
- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ; and
- (v) if any society association or organisation referred to in the said paragraphs (a) and (b) are using any camping ground provided by a local authority or if any person being a member of any such society association or organisation or a person referred to in the said paragraph (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society association or organisation or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the local authority under this Part of this Act respecting that camping ground.

84.—(1) A local authority may subject to the approval of the Minister by agreement purchase or take on lease land within their district and use the same or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of movable dwellings as may be prescribed from time to time by the local authority.

Provision
of camping
grounds
by local
authorities.

PART V
—cont.

(2) The local authority before applying for the approval of the Minister of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in their district and in such other manner (if any) as the Minister may direct.

The said notice shall state the matters mentioned in paragraph (d) of subsection (3) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the clerk of the local authority.

(3) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider any representations on the proposal of the local authority which may be duly made with respect to any relevant circumstances and particularly as to—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties ;
- (b) the ability of the occupiers of movable dwellings to comply with any byelaws respecting the use of camping grounds made by the Council under this Part of this Act ;
- (c) the distance between and area of camping grounds in the neighbourhood whether provided by the local authority under this section or not ; and
- (d) the area and situation of the proposed camping ground and the arrangements for providing a supply of water sanitation and other services with respect thereto ;

and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(4) Before signifying such approval the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held and subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry.

(5) The local authority shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

(6) Where a local authority have provided under this section a camping ground the occupier of any movable dwelling may (subject to any limitation on the number or definition of the class of movable dwellings which may have been prescribed by the local authority with respect to the use of that camping ground for movable dwellings) encamp upon that camping ground on payment of such fee as may be prescribed by the local authority.

85.—(1) A local authority may make byelaws—

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

Byelaws as to pleasure fairs and roller-skating rinks.

(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—

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or

PART V
—cont.

- (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 local authority shall—
- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws ; and
 - (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the local authority in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

(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 local authority to enforce.

*C. Miscellaneous*Provision
of bins for
litter.

86.—(1) The Council or a parish council may provide and place and maintain on any road or roadside waste adjacent thereto or on any open space park or recreation ground belonging to or maintained by the Council or the parish council and on any other land within the county to which the public have access bins or other receptacles for the reception or deposit of litter and may from time to time empty and cleanse any such bins or receptacles :

Provided that the powers of this section shall not be exercised—

- (a) as respects a road without the consent of the highway authority ;
- (b) as respects an open space park or recreation ground without the consent of the Council local authority or parish council to whom the open space park or recreation ground belongs or by whom it is maintained ;
- (c) as respects other land to which the public have access without the consent of the owner thereof.

(2) The Council may contribute towards the expenses incurred by a parish council in exercising the powers of this section and to those of a local authority exercising the powers of section 76 of the Act of 1936.

PART V
—cont.

PART VI

PUBLIC ENTERTAINMENTS ORDER AND SAFETY

87.—(1) In this section “boxing entertainment” and “wrestling entertainment” mean any public contest exhibition or display of boxing or wrestling (as the case may be) but do not include boxing or wrestling entertainments which are provided—

Boxing and
wrestling
licences.

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

and the expression “wrestling” includes all-in wrestling.

(2) As from the appointed day in any district a boxing or wrestling entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of this section.

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

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

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

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

PART VI
—cont.

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

(b) An applicant for an occasional licence or for the renewal thereof shall give to the local authority twenty-eight days' notice of his intention to make such application.

(c) An applicant for the renewal of a licence (other than an occasional licence) shall give to the local authority twenty-eight days' notice of his intention to make such application.

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

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

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

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

Penalties.

88. Any person who—

- (a) provides an entertainment to which the last foregoing section applies without a licence appropriate for such entertainment under that section ; or
- (b) being the occupier or rated as occupier of any premises keeps or uses those premises or allows them to be kept

or used for any such entertainment without a licence appropriate for such entertainment under the said section ; or

- (c) being a person to whom a licence has been granted or transferred under the said section in respect of any premises keeps or uses those premises or allows them to be kept or used in contravention of the terms conditions or restrictions on or subject to which the licence was granted or transferred ;

shall be liable—

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

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

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

89. In the event of death of the holder of a licence under section 87 (Boxing and wrestling licences) of this Act then until a legal personal representative of such deceased holder has been duly constituted the person carrying on at the premises the functions in respect of which the licence was granted shall be deemed to be the holder of the licence unless in the meantime it has been transferred to some other person. Transmission in case of death.

90. The local authority may upon receiving from the holder of a licence under section 87 (Boxing and wrestling licences) of this Act for the time being in force a written request in that behalf accompanied by the licence cancel the licence. Cancellation of licences.

91. Except in the case of an occasional licence under section 87 (Boxing and wrestling licences) of this Act there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under that section an inscription so as to be easily legible in the following terms:— Notice to be affixed.

“ Licensed in pursuance of Act of Parliament for ”
with the addition of words showing the purpose or purposes for which the same are licensed.

92.—(1) A police officer or any person appointed for the purpose by the local authority may at all reasonable times enter any premises licensed under section 87 (Boxing and wrestling licences) of this Act in which there is reason to believe that an entertainment to which the provisions of that section apply is being or is about to be given with a view to seeing whether the provisions of the said section applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under the said section has been granted are complied with. Powers of entry and inspection.

PART VI
—cont.

(2) A police officer or any person appointed for the purpose by the local authority may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which there is reason to suspect that an offence under the said section 87 is being committed.

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

Power to
revoke
licences.

93. If the holder of a licence granted renewed or transferred under section 87 (Boxing and wrestling licences) of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the local authority.

Initial appeals
under Part VI.

94. Any person aggrieved by the refusal of the local authority to grant renew or transfer a licence under section 87 (Boxing and wrestling licences) of this Act or by the revocation by the local authority of a licence or by any terms conditions or restrictions attached to such licence may appeal to a magistrates' court.

Notice of
street
processions.

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

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

(3) In this section the expression "procession" means any public or ceremonial procession 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.

Police
telephone
call boxes
and shelters.

96.—(1) Subject to the provisions of this section the standing joint committee may provide—

(a) such police telephone call boxes and installations; and
(b) such shelters or boxes for the use of police constables;
in such positions in any street park or public place in the county as they think fit.

(2) Nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(3) The standing joint committee shall not exercise the powers of this section—

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

(b) without the consent of the local authority in any park or public place belonging to such local authority ; or

(c) without the consent of the undertakers concerned—

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

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

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

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

(4) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the standing joint committee shall remove any box or shelter either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(5) Any question whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any box or shelter has been unreasonably required shall—

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

(b) in the case of any consent relating to a park be referred to and determined by the Minister ;

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

PART VI
—cont.

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

Offences in respect of telephone boxes fire hydrants etc.

97.—(1) If any person wilfully and without the consent of the standing joint committee or of the Council (as the case may require)—

- (a) obstructs the access to any police telephone call box or installation provided by the standing joint committee or any shelter or box so provided for the use of police constables ; or
- (b) removes obliterates alters defaces or obscures any plate or mark provided by the standing joint committee or by the Council (as the case may be) for indicating the position of any such call box installation shelter or box or the position of any fire hydrant ; or
- (c) interferes with the equipment in any such call box installation shelter or box ;

he shall be liable to a penalty not exceeding five pounds and the standing joint committee or the Council (as the case may require) may recover from him the expenses of removing the obstruction or replacing or making good the plate mark or equipment.

(2) If any person—

- (a) telephones or causes to be telephoned from any such call box any statement which he knows to be false ; or
- (b) for the purpose of requiring the services of the police or an ambulance telephones or causes to be telephoned any such statement from a telephone call box provided in the county by the Postmaster-General ;

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

Interference with refuse bins etc.

98. Any person who shall wilfully remove or otherwise interfere with any dustbin refuse bin or street orderly bin or other receptacle for the temporary deposit or collection of refuse dust ashes or rubbish or any street sand bin belonging to the Council or a local authority shall be liable to a penalty not exceeding forty shillings and the Council or the local authority (as the case may be) may recover the expenses of replacement and making good from such person.

Prohibition on solicitation of school children to sell or exchange articles etc. at schools.

99.—(1) While any child is entering or leaving any school provided or maintained by the Council as the local education authority or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child—

- (a) to sell to such person any article or thing ; or
- (b) to exchange with such person any article or thing for any other article or thing.

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

PART VI
—cont.

(3) In this section the expression "child" has the meaning assigned to it by section 114 of the Education Act 1944 and the expression "article or thing" includes any animal fish bird or other living thing.

100. Section 154 of the Act of 1936 shall in its application to the county 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.

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

Derelict
petrol tanks.

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

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

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

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928.

102. The provisions of the Town Police Clauses Act 1847 shall extend to empower the council of an urban district to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of such council 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:

Provisions
as to motor
vehicles let
for hire.

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire

PART VI
—cont.

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 :

Provided also that nothing in this section shall empower the council of an urban district 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.

Control of
sirens etc.
used in
factories etc.

103. As from the appointed day in any district section 2 of the Steam Whistles Act 1872 shall in its application to the district be read and have effect as if the words "mechanically operated whistle trumpet siren or hooter" were therein substituted for the words "steam whistle or steam trumpet".

PART VII

PUBLIC HEALTH

Interpretation
of Part VII.

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

"child" has the same meaning as is assigned thereto by the Education Act 1944 ;

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

"flat" has the same meaning as is assigned thereto by section 188 of the Housing Act 1936 ;

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

"notifiable disease" means—

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

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

"river or stream" for the purposes of section 162 (For preventing obstruction to streams by culverts &c.) section 163 (Cleansing of rivers and streams) and section 164 (Entry for purposes of last two foregoing sections) of this Act means any watercourse within the meaning of that expression in the Land Drainage Act

1930 but shall not include the river Thames and the watercourses which are respectively to be treated as and deemed to be the main river and parts thereof and are shown by distinctive colours on the map of the river Thames (above Teddington Lock) catchment area prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force ;

PART VII
—cont.

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

105.—(1) Subject to the provisions of this section and of section 5 (Certain provisions of Act not to operate in rural districts until adopted or applied) section 6 (Adoption by rural district councils of certain provisions of Act) and section 7 (Application of certain provisions of Act to rural districts) of this Act this Part of this Act shall come into operation on the first day of October nineteen hundred and fifty-six or in the case of the provisions to which section 8 (The appointed day) of this Act applies on such later date as may be determined under subsection (3) of that section.

Application of
Part VII in
urban districts.

(2) At any time before the first day of July nineteen hundred and fifty-six a poll may be demanded with respect to the question whether this Part of this Act or any sections therein shall come into operation in any urban district by the council thereof or by a requisition in writing signed by not less than one hundred persons registered in accordance with the provisions of the Representation of the People Acts as local government electors in the district and delivered to the mayor in the case of a borough or the chairman of the council in the case of an urban district.

(3) If a poll is demanded in any district in pursuance of this section the mayor in the case of a borough or the chairman of the council in the case of an urban district shall proceed by poll to take the opinion of the electors upon the question upon which the poll is demanded unless the demand is withdrawn.

(4) The provisions contained in subsection (3) of section 255 of the Act of 1933 and in paragraphs 12 to 19 of the Ninth Schedule to that Act and the regulations made and the forms prescribed under those provisions shall so far as applicable apply to and in respect of the taking of a poll under this section.

(5) If the result of a poll taken in any district under this section is against this Part of this Act or any sections therein coming into operation in the district that part or those sections shall not come into operation therein except as provided in the next succeeding subsection.

PART VII
—cont.

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

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

(8) A certificate purporting to be signed by the clerk stating—
 (a) the result of a poll demanded under this section in respect of his district ;
 (b) that no such poll has been demanded ; or
 (c) that no such poll has been demanded except in reference to the sections mentioned in the certificate ;
 shall be evidence of the statement contained therein.

A. Sewers and drains

Recovery of
expenses
of sewerage
public
highway.

106.—(1) Where the local authority—

- (a) resolve to construct a sewer in a street or part of a street in their district being a street or part which is repairable by the inhabitants at large and has not been previously sewerage; and
- (b) include in the resolution a declaration that the construction of the sewer will in their opinion increase the value of premises fronting adjoining or abutting on the street or that part thereof ;

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

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

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

(3) Either—

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

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

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

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

108.—(1) If on a complaint by a local authority 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 in their district (hereafter in this section referred to as "the severed part")—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which section 106 (Recovery of expenses of sewerage public highway) of this Act applies ; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which section 107 (Recovery of expenses of sewerage prospective street) of this Act applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

(b) that the transfer was intended for the purpose of evading liability under the Fourth Schedule to this Act imposed by the said section 106 or section 107 (as the case may be) ;

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

(2) Any such order may direct—

(a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at

PART VII
--cont.

the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;

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

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

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

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

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

Recovery
of cost of
maintaining
public sewers.

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

"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."

Separate
sewers for
foul water
and surface
water.

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

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

PART VII
—cont.
Delegation
of power to
examine and
test drains etc.

(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 local authority shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

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

Summary
power to
remedy
stopped-up
drains etc.

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

Provided that where the said expenses do not exceed forty shillings the local authority 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 local authority was reasonable ; and
- (b) whether the expenses incurred by the local authority in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served ;

PART VII
—cont.

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.

Power to
repair drains
and private
sewers.

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

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

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

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

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

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

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

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

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

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

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

Abandoned
drains to be
cut off.

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

(a) reconstruct any drain which communicates with any sewer or other drain ; or

(b) lay such drain in a new position ; or

(c) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain ;

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

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

115. A local authority may on the application of the owner or occupier of any premises in their district 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. Power to
cleanse drains
etc.

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

(a) the shoring up of adjacent buildings ; and

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

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

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

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

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

PART VII
—cont.

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

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

(6) This section shall not apply to—

- (a) any poultry-house greenhouse coal-shed or cycle-shed or other similar structure ; or
- (b) any building belonging to the commission and held by them for the purposes of their undertaking ; or
- (c) any building (other than offices or showrooms) belonging to any statutory undertakers and held by them for the purposes of their undertaking.

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

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

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

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

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

117.—(1) Within six weeks from the receipt of a notice under the last preceding section the local authority may if it is reasonable so to do having regard to all the circumstances of

Dealing with
drains and
sewers before
demolition of
premises.

the case by counter-notice require the person giving such notice either—

PART VII
—cont.

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

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

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

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

118. Any person who otherwise than in the exercise of any statutory power stops up damages injures or removes any surface water drain or land drain in a district by means of which water is conveyed from lands which do not belong to that person shall unless—

Penalty for damage to surface water drains.

(a) before stopping up damaging injuring or removing such drain he shall have provided a proper substitute to the satisfaction of the local authority ; or

(b) he shows to the satisfaction of a magistrates' court that no material detriment is caused to such lands by stopping up damaging injuring or removing such drain ;

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

B. Conveniences

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

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

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

PART VII
—cont.

brought before the court at the time appointed for the hearing of the charge and—

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

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

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

Sanitary conveniences for persons employed on construction work.

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

- (a) to provide in connection therewith sufficient and satisfactory accommodation in the way of sanitary conveniences for the accommodation of the workpeople employed thereon ; and
- (b) where persons of both sexes are employed in or in connection with the operations or works to provide separate accommodation as aforesaid for persons of each sex ;

if it is reasonably practicable so to do :

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

Loan of temporary sanitary conveniences.

121.—(1) A local authority may at the request of the occupier of any premises connected with a sewer or drain on which the local authority propose to carry out any work of maintenance improvement or repair which necessitates the

disconnection of the water-closets or other sanitary conveniences provided for or in connection with the premises supply on loan temporary sanitary conveniences in substitution for any water-closets or other sanitary conveniences so disconnected.

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

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

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

C. Refuse

122.—(1) A local authority may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof. Tipping of spoil and refuse.

(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—

(a) regulate or control the tipping of spoil or refuse by railway canal or inland navigation undertakers for the purpose of constructing widening altering or maintaining any railway canal inland navigation dock or wharf works ; or

PART VII
—cont.

- (b) regulate or control the tipping of spoil or refuse by statutory undertakers on any lands used by them in connection with their undertaking ; or
- (c) regulate or control the tipping of spoil or refuse by the conservators of the river Thames in the exercise of their statutory powers as an inland navigation and land drainage authority ; or
- (d) regulate or control the tipping of spoil or refuse by a river board for the purpose of land drainage or flood alleviation.

Cost of provision maintenance and renewal of dustbins.

123. The cost of providing maintaining and renewing dustbins for the reception of house refuse which a local authority have undertaken as respects their district or any part thereof to provide and maintain under section 75 of the Act of 1936 may be paid out of the general rate fund as part of the expenses of the general rate and nothing in subsection (2) or subsection (3) of the said section 75 shall prohibit a local authority from remitting the expenses or charges recoverable by them under the said section.

D. Verminous premises etc.

Cleansing of filthy or verminous premises.

124. Section 83 of the Act of 1936 shall in its application to a district have effect as if the following 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—

- (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.”

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

PART VII
—cont.

Power to
require
vacation of
premises
during
fumigation.

(a) the notice to the occupier may also require that the premises shall as from such date as may be specified in the notice be vacated until the local authority give the occupier further notice that the premises can safely be reoccupied ; and

(b) the local authority may also serve notice on the occupiers of any other premises having any floor wall or ceiling contiguous with the first-mentioned premises or into which there is reason to apprehend that the gas may penetrate requiring that those other premises shall be vacated as aforesaid.

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

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

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

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

126.—(1) No dealer shall in a district—

(a) prepare for sale ;

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

(c) deposit for sale or preparation for sale ;

Prohibition
of sale of
verminous
articles.

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

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

(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 ;

PART VII
—cont.

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

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

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

(5) 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 disinfestation.

E. Buildings and structures

Ruinous and dilapidated buildings and neglected sites.

127.—(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 a district and the following provisions of this section shall have effect in lieu thereof.

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

- (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 district 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 local authority 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 local authority 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 local authority under this section.

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

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

(a) any house in their district is in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance; and

As to
defective
houses.

(b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to that house the procedure prescribed by sections 93 to 95 of the Act of 1936;

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

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

PART VII
—cont.

works and the taking of such steps the local authority shall not take action under subsection (3) of this section in respect of such house.

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

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

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

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

- (i) to order that such expenses as aforesaid may be recovered from that other person ; or
- (ii) to apportion the expenses between persons by whose defaults acts or sufferances the defective state of the house 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.

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

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

129.—(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 a local authority and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the local authority shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

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

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

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

(4) For the removal of doubts it is hereby declared that this section does not apply to a chimney of any works of a specified area gas board for the manufacture of gas.

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

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

New building
overreaching
adjoining
chimneys.

PART VII
—cont.

the local authority may by notice—

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

Provided that if the said owner or occupier within fourteen days of the service of the notice on him serves on the first-mentioned person and on the local authority a notice (in this section referred to as a " counter-notice ") that he elects to carry out the work himself the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and recover the cost of doing so from that person.

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

(3) If—

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

he shall be liable to a penalty not exceeding twenty pounds and the local authority may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (i) and recover the expenses of so doing from the person on whom that notice was served.

Power to order alteration of domestic chimneys.

131.—(1) If a magistrates' court is satisfied upon a complaint by a local authority that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in their district is prejudicial to the health of any of the inhabitants of the district or a nuisance

the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

PART VII
—cont.

- (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.

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

Cellars and rooms below subsoil water level.

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

(3) Any person aggrieved by the refusal of the local authority to give their consent under this section or by any conditions attached to such consent may appeal to a 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 local authority may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the local authority may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

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

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

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—cont.

(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.

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

(2) If the local authority reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been rejected on account of such non-conformity.

Further
provisions
as to means
of escape
from fire in
case of certain
buildings.

134.—(1) Section 60 of the Act of 1936 shall in its application to a district have effect as if the following were substituted for subsection (4) thereof:—

“(4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

- (a) is let in flats or tenement dwellings ; or
- (b) is used as an inn hotel boarding-house hospital nursing home boarding school children's home aged persons' home or similar institution or as a restaurant shop store office or warehouse.”

(2) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under subsection (1) of section 60 of the Act of 1936 in relation to—

- (a) any building let in flats or tenement dwellings ; or
- (b) premises referred to in paragraph (b) of subsection (4) of the said section 60 as amended by this section ;

not being a building or premises in respect of which a notice could have been given under the said section before the coming into operation of this section the following provisions shall apply and have effect—

- (i) in the case of expenditure incurred in relation to any such building as aforesaid let in flats or tenements such expenditure shall for the purpose of paragraph (a) of subsection (1) of section 2 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 be deemed to be expenditure on the improvement of the dwelling-houses within such building and the owner of the building may apply to the county court for an order apportioning such expenditure between the several

dwelling-houses comprised in such building and the court may on such application make such order as may be just and equitable in all the circumstances ;

- (ii) in the case of expenditure incurred in relation to any such premises as aforesaid if the owner thereof alleges that any tenant of the premises should meet or contribute to meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of section 60 of the Act of 1936) apply to the county court for an order making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expense incurred in executing the works and to other relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances.

(3) The said section 60 of the Act of 1936 as amended by this section shall not apply to any building or premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

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

Further provision for public and other buildings.

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

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

Provided that—

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

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

PART VII
—cont.Provisions
as to tents
vans etc.

136.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the county be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the local authority to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access.

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

Power to use
ladders etc.
for entry or
inspection.

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

(2) If the builder of or contractor for any such building or works or any person employed by him in or about the building or works—

(a) refuses to give 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.

Safety of
stands.

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

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

(a) such modifications of the plan section and particulars submitted to them ; and

(b) compliance with such requirements as to maintenance and otherwise ;

as may be specified in the notice being modifications and requirements which appear to the local authority to be necessary for

securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

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—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 local authority shall have regard to that statement in considering what modifications and requirements shall be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the local authority may allow.

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

(5) Any person aggrieved by a requirement or other decision of the local authority under this section may appeal to a 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 local authority 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 VII
—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 local authority to enforce.

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

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

Byelaws
for lighting
staircases.

139. A local authority may make byelaws with respect to tenement houses and flats for the adequate artificial lighting of any common staircase in such premises.

Paving
of yards and
passages.

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

As to water
supply to
occupied
houses.

141. The proviso to subsection (3) of section 138 of the Act of 1936 (which empowers local authorities to require any occupied house to be provided with sufficient water supply) shall in its application to a district have effect as if in that proviso the word "forty" was substituted for the word "twenty".

F. Nuisances

Discharge
of steam and
waste gas.

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

- (a) any steam or waste gas ejected from any stationary engine or the boilers or condensers thereof; or
- (b) any condensing water above a temperature of one hundred and ten degrees fahrenheit so ejected; or
- (c) any spent or ejected steam arising or produced in the course of any trade or business.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings:

Provided that in any proceedings brought under this section it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the prejudice to health or the nuisance having regard to cost and to other relevant circumstances.

(3) Nothing in this section shall apply to steam gas or water discharged from a railway locomotive.

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

PART VII
—cont.

Silencers
for internal
combustion
engines..

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

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

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

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

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

Provided that in the exercise of the powers conferred by this subsection on any premises belonging to railway or dock undertakers and used by them for the purposes of their railway or dock 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.

144.—(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 :

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 ;

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—cont.

(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 canal or dock undertakers of statutory powers conferred in relation to their railway canal or dock undertaking.

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

Lighting
ventilation
and sanitation
of stables.

145.—(1) A local authority may make byelaws—

(a) for securing the proper lighting and ventilation of any building in their district erected before the date on which the byelaws come into operation and used for the time being for stabling horses ;

(b) for preventing insanitary conditions in or about or arising out of any building in their district so used whether erected before or after the said date.

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

(3) This section shall not apply in relation to a mine or quarry.

Smoke from
industrial
furnaces.

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

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

(a) that person after conviction of the contravention ; or

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

uses 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 local authority a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the local authority may within six weeks from the receipt of the plan

specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

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

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

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the local authority 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 local authority on considering a plan and specification and other information received under subsection (3) of this section ;

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

G. Infectious diseases

147.—(1) On the application of the medical officer the occupier of any building in a district which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Information to be furnished by occupier in case of notifiable disease.

(2) If any person required to furnish information under this section fails to furnish it or knowingly furnishes false information he shall be liable to a penalty not exceeding forty shillings.

(3) In this section—

(a) the expression “ occupier ” includes—

(i) a person having the charge management or control of the building or of the part of the building in which the person suffering from a notifiable disease is or has been ; and

(ii) in the case of a building the whole of which is ordinarily let out in separate tenements or in the case of a lodging-house the whole of which is ordinarily

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—cont.

let to lodgers the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person ;

(b) the expression “notifiable disease” includes food poisoning.

Restriction on attendance at public places etc.

148. Section 148 of the Act of 1936 shall in its application to a district 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.

149.—(1) With a view to preventing the spread of a notifiable disease a local authority on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in a district for a time specified in the notice.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by a local authority with a copy of a notice published under the foregoing subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a penalty not exceeding five pounds :

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression “prescribed age” in relation to any notice means such age not exceeding sixteen as may be prescribed by the notice.

Compensation for stopping employment to prevent spread of disease.

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

(a) a notifiable disease ; or

(b) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies ;

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

151.—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

Entry into premises in case of notifiable disease.

(a) that in any premises in a district there is a person who is or has been suffering from a notifiable disease; and

(b) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon:

Provided that no such warrant shall authorise the medical officer—

(i) to enter any premises except between the hours of seven in the morning and ten in the evening; or

(ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

152.—(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 a district 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;

Prohibition of tuberculous persons from handling food.

the medical officer or any other person authorised in that behalf by the local authority may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the local authority may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a magistrates' court may on the application of the local authority order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the local authority.

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ont.

(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.

H. Food

Inedible fat.

153.—(1) If any person takes or causes to be taken any fat unfit for food into any premises in a district in which any food of which fat is an ingredient is manufactured or prepared for sale he shall be liable to a penalty not exceeding ten pounds or in the case of a second or subsequent offence to a penalty not exceeding fifty pounds:

Provided that in any proceedings under this section it shall be a defence to prove that the fat was not taken into the premises for the purpose of being used and has not been used as an ingredient in the manufacture or preparation of food.

(2) Where in any premises any process is carried on in the ordinary course of producing fat suitable for use as an ingredient of food any material taken into those premises for the purpose of being subjected to that process shall not be deemed to be unfit for food by reason only that it has not been subjected to that process.

Registration
of hawkers
of food and
their premises.

154.—(1) As from the appointed day in any district the following provisions shall have effect therein:—

- (a) No person shall sell or offer or expose for sale any food from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless he is registered by the local authority;
- (b) No premises shall be used as storage accommodation for food intended for sale from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless the premises are registered by the local authority:

Provided that nothing in this subsection shall apply—

- (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 II of the Food and Drugs Act 1955 or having effect by virtue of subsection (2) of section 136 of that Act as if they had been made under the said Part II 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 16 of the Food and Drugs Act 1955 ;
- (iv) to the sale or offer or exposure for sale of food by any person on premises owned or occupied by him or his employer or to the use by any person of any premises owned or occupied by him or his employer as storage accommodation for food intended for sale by him or his employer on those or any other such premises ;
- (v) to the sale or offer or exposure for sale of food by any person or to the use of any premises as storage accommodation for food intended for sale if the profits of the sale are devoted to a religious or charitable purpose ;
- (vi) to the sale or offer or exposure for sale of food by any person at any market or fair for which such person or his employer has paid a toll stallage or rent or to the use of any premises in any such market or fair as storage accommodation for food intended for sale by a person at such market or fair.

(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 local authority—

(a) that the public health is or is likely to be endangered by any act or default of a person who has applied to be or is registered under this section being an act or default in relation to the quality storage or distribution of food ; or

(b) that any premises in respect of which an application has been made for registration under this section or which are registered under this section do not satisfy the requirements of regulations made under section 13 of the Food and Drugs Act 1955 or are otherwise

PART VII
—cont.

unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

the local authority shall serve on that person or on the person applying for the registration of the premises or in the case of premises which are registered the occupier of the premises a notice—

- (i) stating the place and time (not being less than twenty-one days after the date of the service of the notice) at which it is proposed that a committee of the local authority shall take the matter into consideration ; and
- (ii) informing him that he may attend before the said committee with any witnesses whom he desires to call at the place and time mentioned to show cause why the local authority should not for reasons specified in the notice refuse to register him or the premises or revoke his or their registration (as the case may be).

(5) If a person on whom a notice is served under the last foregoing subsection fails to show cause to the satisfaction of the said committee the local authority may refuse to register him or the premises or revoke his or their registration (as the case may be) and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(6) Any person aggrieved by a decision of the local authority under the last foregoing subsection may appeal to a 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 local authority to enforce.

(8) For the purposes of this section the expression " food " does not include any substance contained in containers of such material and so closed as to exclude all risk of contamination.

Notification
of premises
for sale etc.
of food.

155.—(1) As from the appointed day in any district to which this section applies any person intending to use any premises for—

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

of any food (other than milk) intended for human consumption which were not so used immediately before the appointed day shall give not less than fourteen days' notice to the local authority of that district of his intention so to do.

(2) Any person who shall use any premises for any of the purposes mentioned in subsection (1) of this section shall—

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

be liable to a penalty not exceeding ten pounds.

(3) 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 or ice-cream or sugar confectionery ; or
- (b) premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises ; or
- (c) premises used exclusively for agricultural purposes within the meaning of the Act of 1947 ; or
- (d) premises required to be registered under section 16 of the Food and Drugs Act 1955 ; or
- (e) any railway station or any premises within the curtilage of such station.

I. *Animals and meat*

156.—(1) A local authority may make byelaws—

- (a) for regulating the construction and equipment of any premises at or from which animal feeding meat is—
 - (i) prepared for sale ;
 - (ii) sold or offered or exposed for sale ; or
 - (iii) deposited for the purpose of sale or preparation for sale ;
- (b) for regulating the cleanliness and sanitary conditions of such premises and the provision of suitable storage therein for animal feeding meat ;
- (c) for requiring the keeping of accurate records of—
 - (i) the description quantities and weights of all animal feeding meat delivered at or sold otherwise than by retail at or from any premises at which the sale or offer or exposure for sale of animal feeding meat is carried on ;
 - (ii) the dates at which such deliveries and sales take place ; and
 - (iii) the names and addresses of the persons from whom the articles so delivered are obtained and the persons to whom such sales are made ;

Byelaws as to sale etc. of animal feeding meat.

PART VII
—cont.

- (d) for prohibiting the sale or offer or exposure for sale of animal feeding meat unless such meat has been sterilised in such manner as may be prescribed by the byelaws ;
- (e) for empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid :

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is bona fide supplied to a zoological garden or to a menagerie for consumption by carnivorous animals and which has been examined and passed as fit for animal food by an authorised officer.

(2) Nothing in this section shall—

- (a) apply to any premises used as a knacker's yard or slaughterhouse ; or
- (b) affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of the Minister of Agriculture Fisheries and Food made granted or done thereunder or having effect by virtue of section 89 of the said Act.

Registration
of premises
used in
connection
with the sale
etc. of animal
feeding meat.

157.—(1) (a) As from the appointed day fixed for any district and subject to the provisions of this subsection no premises shall be used for the sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of animal feeding meat unless such premises are registered under this section for that purpose by the local authority and a person who uses any premises in contravention of the provisions of this subsection shall be liable in the case of a first offence to a penalty not exceeding ten pounds and in the case of a subsequent offence to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such a penalty and such imprisonment.

(b) Subject to the following provisions of this subsection the local authority shall on the application of the occupier of or of a person proposing to occupy any premises register those premises for the purposes of this subsection.

(c) If it appears to the local authority that any premises for the registration of which application has been made under this subsection or which are registered under this subsection do not satisfy the requirements of any byelaws made under subsection (1) of the last foregoing section or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used the local authority shall serve on the applicant for

registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time not being less than twenty-one days after the date of the service of the notice at which they propose to take the matter into consideration and informing him that he may attend before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the local authority should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.

(d) If a person on whom a notice is served under the last foregoing paragraph fails to show cause to the satisfaction of the local authority they may refuse the application or (as the case may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it is based.

(e) A person aggrieved by the decision of the local authority under this subsection either to refuse to register any premises or to cancel the registration of any premises may appeal to a magistrates' court.

(f) The provisions of sections 117 118 119 and 120 of the Food and Drugs Act 1955 shall apply in relation to any appeal to a magistrates' court and any order determination or other decision of a magistrates' court and any appeal and any decision of the local authority under this subsection in the same way as they apply in relation to the corresponding proceedings under that Act.

(g) Upon any change in the occupation of premises registered under this subsection the incoming occupier shall if he intends to use them for the purpose for which they are registered forthwith give notice of the change to the local authority who shall thereupon make any necessary alteration in their register. If a person required to give a notice under this paragraph fails to do so he shall be liable to a penalty not exceeding five pounds.

(2) An authorised officer of the local authority on production if so required of his authorisation shall have power at all reasonable times to enter and inspect premises registered under this section for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaws made under the last foregoing section and inspecting any records required by any such byelaws to be kept and also any other premises which there is reasonable cause to believe are being used for the sale or offer or exposure or preparation for sale of animal feeding meat.

(3) Nothing in any byelaw made under paragraph (a) or paragraph (b) of subsection (1) of the last foregoing section and

PART VII
—cont.

nothing in subsection (1) of this section shall extend or apply to any premises which are used for the sale or offer or exposure for sale of animal feeding meat—

- (i) contained in tins or other containers effectually sealed and bearing a clearly legible statement appearing prominently and conspicuously thereon or on a label securely attached thereto to the effect that the animal feeding meat is for animal consumption only;
- (ii) in the form of dog biscuits or other articles of a similar nature;

and are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

(4) Nothing in this section shall apply to any premises used as a knacker's yard or slaughterhouse.

(5) Nothing in this section or in the last foregoing section shall apply to any premises used for the purposes of an offensive trade as defined in section 107 of the Act of 1936 (or any statutory modification or re-enactment thereof for the time being in force) or to any animal feeding meat prepared on those premises so long as all animal feeding meat prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or preparation for sale on those premises is prepared solely from residuals resulting from primary processes in connection with such offensive trade as aforesaid.

Interpretation
of last two
foregoing
sections.

158. For the purposes of the last two foregoing sections the following expressions have the meanings hereby respectively assigned to them:—

“animal feeding meat” means any flesh of cattle horses asses mules swine sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance;

“authorised officer” means any officer who is by virtue of the Food and Drugs Act 1955 an authorised officer for the purpose of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption;

“flesh” includes any part of an animal;

“knacker's yard” and “slaughterhouse” have the same respective meanings as in section 135 of the Food and Drugs Act 1955.

159.—(1) As from the appointed day in any district the following provisions shall have effect with respect to the slaughter therein of any of the following animals namely horses cattle sheep goats or pigs where the animal owing to emaciation or disease is slaughtered otherwise than for sale for human consumption within the meaning of the Public Health (Meat) Regulations.

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—cont.
Slaughter
of animals
otherwise than
for human
consumption.

(2) The owner of any such animal shall comply with the following provisions:—

- (a) He shall not less than twenty-four hours before slaughtering the animal or causing it to be slaughtered give notice to an authorised officer of the intention to slaughter it unless by reason of accidental injury illness or exposure to infection it is necessary to slaughter it before the expiration of twenty-four hours from the giving of such notice or before such notice is given ;
- (b) Where it is necessary by reason aforesaid to slaughter the animal before the expiration of the said twenty-four hours he shall retain the carcase intact until the expiration of twenty-four hours from the time of slaughter or until its disposal is approved by an authorised officer whichever first occurs ;
- (c) Where it is necessary by reason aforesaid to slaughter the animal before such notice is given he shall give notice of the slaughter to an authorised officer as soon as practicable thereafter and shall retain the carcase intact until the expiration of twenty-four hours from the time when notice is given under this paragraph or until its disposal is approved by an authorised officer whichever first occurs ;
- (d) He shall on the application of an authorised officer made within two weeks from the date of the slaughter of the animal furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposition of the carcase or any part thereof.

(3) Nothing in paragraphs (b) and (c) of the foregoing subsection shall prevent a veterinary surgeon or veterinary practitioner at any time after the slaughter of an animal from—

- (a) sending with the consent of the owner the whole carcase or any specimens taken therefrom to a laboratory for examination ; or
- (b) retaining in his possession any such specimens with such consent :

PART VII
—cont.

Provided that a veterinary surgeon or veterinary practitioner taking action in pursuance of this subsection shall—

- (i) before the expiration of twenty-four hours notify an authorised officer of the action taken ; and
- (ii) be under the same duty to comply with paragraph (d) of the foregoing subsection as the owner of the animal slaughtered.

(4) Notwithstanding anything in paragraphs (b) and (c) of subsection (2) of this section contained it shall be competent to the owner or other person responsible for the slaughter of any animal in a knacker's yard within the meaning of subsection (1) of section 135 of the Food and Drugs Act 1955 or the slaughter of any animal whereof the carcase is immediately thereafter removed to such a knacker's yard to remove or cause to be removed from the carcase at any time after slaughter such parts or organs as in the opinion of such owner or other person it is necessary to remove in order to prevent or minimise the risk of nuisance or of deterioration of the said carcase and in any such case the expression "intact" in the said paragraphs (b) and (c) shall be construed accordingly :

Provided that—

- (a) all such parts or organs shall be retained for the same period as that for which the entire carcase may be required to be retained upon the premises in which removal thereof from the carcase is effected and in such manner as to identify the same with such carcase ; and
- (b) nothing in this subsection shall relieve the owner or other person responsible for the slaughter of an animal from the obligations imposed by subsection (2) of this section to give any notice.

(5) If any person—

- (a) fails to comply with any of the provisions of subsection (2) of this section ; or
- (b) furnishes in response to an application under paragraph (d) of that subsection information which he knows to be false ;

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

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of the Minister of Agriculture Fisheries and Food made granted or done thereunder or having effect by virtue of subsection (2) of section 89 thereof.

(7) In this section—

- (a) the expression "authorised officer" means any officer who is by virtue of the Food and Drugs Act 1955 an

- authorised officer for the purpose of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption ;
- (b) the expression "Public Health (Meat) Regulations" means the Public Health (Meat) Regulations 1924 to 1952 as continued in force and having effect by virtue of subsection (2) of section 136 of and the Twelfth Schedule to the Food and Drugs Act 1955 or any regulations for the time being in force made under section 13 of that Act amending or replacing the same.

160.—(1) As from the appointed day in any district where the slaughter of an animal intended for human consumption shall take place outside a slaughterhouse and the carcase of the animal shall be brought into a slaughterhouse within the district such carcase and all the organs thereof shall be retained and kept apart from any other meat intended for human consumption until such carcase and organs have been inspected or their removal has been authorised in accordance with the provisions of the Public Health (Meat) Regulations.

Animals
slaughtered
outside
slaughter-
houses.

(2) Where there is any contravention of the provisions of this section the occupier of the slaughterhouse and also the person by whom the carcase is prepared or dressed shall be liable to a penalty not exceeding five pounds.

(3) In this section—

- (a) the expression "Public Health (Meat) Regulations" means the Public Health (Meat) Regulations 1924 to 1952 as continued in force and having effect by virtue of subsection (2) of section 136 of and the Twelfth Schedule to the Food and Drugs Act 1955 or any regulations for the time being in force made under section 13 of that Act amending or replacing the same ;
- (b) "animal" "slaughterhouse" and "meat" have the same respective meanings as in the Public Health (Meat) Regulations.

161.—(1) A local authority may acquire and convert utilise treat or otherwise make merchantable any condemned meat and by-products not required by persons whose business is that of manufacturing working up processing producing selling or offering for sale by-products which may at any time be in any slaughterhouse or abattoir in their district.

Acquisition
of certain
residuals etc.
and disposal
thereof.

(2) Any condemned meat or by-product acquired or made merchantable under the powers of this section may be sold or otherwise disposed of by the local authority.

(3) For the purposes of this section "by-products" means any material produced from any part of an animal after slaughter whether in its natural state or after treatment.

PART VII

—cont.

For preventing
obstruction
to streams by
culverts etc.

J. Rivers and streams

162.—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work a local authority may within their district reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work.

(2) A local authority and any other local authority or person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

- (a) restrict the exercise by the local authority of their powers in relation to culverts channels or other works ; or
- (b) impose upon the local authority any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the local authority to execute any works in through or under or so as to affect any lands or works belonging to the commission 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) Nothing in this section shall authorise the local authority to execute any work in or in connection with any watercourse for the time being vested in or under the control of any internal drainage board without the consent in writing of that board which consent may be given subject to such reasonable terms and conditions as the said board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture Fisheries and Food.

Cleansing
of rivers and
streams.

163.—(1) If any river or stream or any part thereof within a district is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the local authority may by notice require the owner or occupier of any lands abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream :

Provided that the local authority shall not in pursuance of this section require any person to carry out any works in through or under any lands which are not owned or occupied by him without the consent of the owner and occupier thereof.

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

Provided that for the purposes of such application subsection (3) of the said section 290 shall have effect as if—

(i) in paragraph (e) thereof for the words “the occupier of the premises in question instead of on the owner or on the owner instead of on the occupier” there were substituted the words “some other person”; and

(ii) for paragraph (f) thereof there was substituted the following paragraph—

“ (f) that some other person ought to contribute towards the expenses of executing any works required ”.

(3) Nothing in this section shall authorise the local authority 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) The powers of this section shall not be exercised in relation to any river or stream for the time being vested in or under the control of any internal drainage board without the consent in writing of that board which consent may be given subject to such reasonable terms and conditions as the said board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether any such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture Fisheries and Food.

(5) (a) Nothing in this section shall authorise the local authority to require the National Coal Board to cleanse or put in proper order any river or stream or any part thereof the flow of water along which is obstructed or impeded by reason of any subsidence caused by the working of minerals by the said board.

(b) Any dispute as to whether the flow of water is obstructed or impeded as aforesaid shall be determined by arbitration.

PART VII

—cont.

Entry for
purposes
of last two
foregoing
sections.

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

- (a) inspecting any river or stream or any culvert channel or other work ; or
- (b) ascertaining whether or not circumstances exist which would authorise or require the local authority to take any action or execute any work under the last two foregoing sections ; or
- (c) taking any action or executing any work authorised or required by the last two foregoing sections to be taken or executed by the local authority :

Provided that 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) The provisions of this section shall not authorise any officer of the local authority to enter any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Complaint
by Council
to Minister
of default of
local authority.

165.—(1) If it appears to the Council that a local authority have made default in discharging any of their functions under section 162 (For preventing obstruction to streams by culverts etc.) or section 163 (Cleansing of rivers and streams) of this Act the Council may complain to the Minister.

(2) If the Minister is satisfied that there has been such default he may make an order declaring the local authority to be in default and transferring to the Council such of the functions of the local authority as may be specified in the order.

(3) Before making any such order as is referred to in this subsection the Minister shall give notice to the local authority and if the local authority object to the proposal to make the order the Minister shall (unless the Council satisfy him that the transfer of the functions of the local authority is urgently necessary in the public interest) cause a local inquiry to be held into the matter of the complaint.

*K. Miscellaneous*Hairdressers
and barbers.

166.—(1) As from the appointed day in any district no person shall carry on the business of a hairdresser's or barber's shop on any premises therein unless he and those premises are registered by the local authority of the district in which the premises are situate.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the local authority with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the local authority in a book kept for the purpose and on so registering any person the local authority shall issue to him a certificate of registration.

(3) The local authority may make byelaws for the purpose of securing—

(a) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein ; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) If any person carries on business in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (3) of this section he shall be liable—

(a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds ; and

(b) in the case of a contravention of a byelaw to a penalty not exceeding five pounds ;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

(a) he shall within seven days deliver up to the local authority his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings ; and

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

PART VII

—cont.

Medicated and
other baths.

167. A local authority may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water but excluding baths for use for therapeutic purposes) and they may demand and take reasonable charges for the use thereof.

PART VIII

WEIGHTS AND MEASURES

A. Sale of fuel

Interpretation
of Part VIII.

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

“the Act of 1889” means the Weights and Measures Act 1889;

“coke” includes any solid fuel derived from coal or of which coal or coke is a constituent;

“vehicle” has the meaning assigned to it by section 35 of the Act of 1889.

Application
and
amendment of
Act of 1889.

169.—(1) Section 4 of the Act of 1889 (which provides that persons convicted of offences shall be liable to imprisonment in cases of fraud) shall extend and apply to convictions under any of the sections of the Act of 1889 (other than section 28) referred to in subsection (2) of this section as extended to coke wood fuel or peat fuel and under any of the following sections of this Act:—

Section 172 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);

Section 173 (As to sale of coal etc. otherwise than in sacks from a vehicle);

Section 174 (As to sale in sacks of coal etc. in quantities exceeding two hundredweight).

(2) In their application within the county the provisions of sections 20 21 22 24 25 26 28 and 29 of the Act of 1889 and any byelaws made by the Council thereunder shall extend to coke and (except section 28 and the byelaws made thereunder) to wood fuel and peat fuel subject to and in accordance with the following provisions:—

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

- (b) The reference in section 24 to coal in any quantity not exceeding two hundredweight shall include a reference to coke in any quantity not exceeding two hundredweight and to wood fuel and peat fuel in any quantity exceeding fourteen pounds but not exceeding two hundredweight ;
- (c) Any other reference to coal in the said sections 20 21 22 24 25 26 28 and 29 and any byelaws made thereunder shall include a reference to coke and (except in section 28 and the byelaws made thereunder) to any quantity of wood fuel and peat fuel exceeding fourteen pounds.

PART VIII
—cont.

170. The Council may make byelaws—

- (a) regulating for the purposes of this Part of this Act and the Act of 1889 the sale of wood fuel and peat fuel in quantities of fourteen pounds or over but not exceeding two hundredweight ; and
- (b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Council to be carried with any vehicle in which wood fuel or peat fuel is carried for sale or delivery to a purchaser.

Byelaws
relating to
fuel.

171. If in the county any person wilfully makes any false statement as to the weight of any coal coke wood fuel or peat fuel which is being or has been sold delivered or offered or exposed or carried on a vehicle for sale in the county or as to the tare weight of a vehicle used for the delivery of coal coke wood fuel or peat fuel in the county or wilfully increases the weight of any such coal coke wood fuel or peat fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coal coke wood fuel or peat fuel is or may be defrauded not being a false statement or an act (as the case may be) to which section 178 (Penalties on persons committing frauds) of this Act applies he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Penalty on
fraudulent
sale of coal
coke etc.

172.—(1) Every vehicle carrying coal coke wood fuel or peat fuel for sale or for delivery on sale in the county shall have the seller's name and place of business clearly marked and visible on such vehicle in letters not less than one inch in height :

Requirements
as to vehicles
carrying coal
etc. for sale
or delivery
on sale.

Provided that vehicles belonging to or used by the National Coal Board or an area gas board shall sufficiently comply with the provisions of this section if the words "National Coal Board" are or the name of the area gas board concerned is clearly marked and visible as aforesaid on such vehicles.

PART VIII
—cont.

(2) The seller of any coal coke wood fuel or peat fuel carried on a vehicle in contravention of this section shall be liable to a penalty not exceeding five pounds.

As to sale
of coal etc.
otherwise than
in sacks from
a vehicle.

173.—(1) Any person selling or exposing for sale or carrying for sale or delivery on sale in the county coal coke wood fuel or peat fuel from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Council and stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal coke wood fuel or peat fuel on such vehicle and shall before leaving the place at which the coal coke wood fuel or peat fuel was loaded be furnished with a ticket or note stating the gross tare and net weight of such load and shall produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Council on demand and shall deliver such ticket or note to the purchaser or his servant before any part of the coal coke wood fuel or peat fuel is unloaded.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds.

(3) This section shall not apply where coal is supplied under arrangements made in the coal industry for the supply of coal to persons who are or who have been employed in the industry or to the dependants of such persons.

As to sale
in sacks of
coal etc. in
quantities
exceeding two
hundred-
weight.

174.—(1) Where in the county—

- (a) any quantity of coal coke wood fuel or peat fuel exceeding two hundredweight is carried by means of any one vehicle on any one journey for delivery to more than one purchaser ; or
- (b) any person sells or exposes or offers for sale or carries for sale or delivery on sale coal coke wood fuel or peat fuel from or on any vehicle in quantities exceeding two hundredweight ;

and such coal coke wood fuel or peat fuel is carried on such vehicle in sacks the net weight of coal coke wood fuel or peat fuel in any one sack shall be equal to one of the following weights :—

- two hundredweight ;
- one hundredweight ;
- one-half of a hundredweight ;
- one-quarter of a hundredweight ;

and each sack shall be legibly marked so as to show the net weight of coal coke wood fuel or peat fuel carried in such sack :

Provided that this section shall not apply when the complete load of a vehicle is delivered to one purchaser at one point of

delivery and there is stated on the ticket or note referred to in section 21 of and the Third Schedule to the Act of 1889 the number of sacks to which the ticket or note relates.

PART VIII
—cont.

(2) In addition to the matters which in accordance with section 21 of and the Third Schedule to the Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in all cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal coke wood fuel or peat fuel in each of such sacks and the said section 21 in its application to the county shall be read and have effect accordingly.

(3) If default is made in complying with any of the requirements of subsection (1) of this section the seller of the coal coke wood fuel or peat fuel and the person responsible for loading the coal coke wood fuel or peat fuel on such vehicle shall severally be liable to a penalty not exceeding five pounds and if the net weight of coal coke wood fuel or peat fuel in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in section 21 of the Act of 1889 the said persons and the person in charge of such vehicle shall severally be liable to the like penalty.

(4) A person against whom proceedings are brought in respect of an offence under this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and 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.

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

- (a) the prosecutor 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.

PART VIII
—cont.Notice of
Part VIII.

175.—(1) The foregoing provisions of this Part of this Act shall come into operation on the first day of July nineteen hundred and fifty-six.

(2) (a) The Council shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this Part of this Act by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think fit.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

*B. Weighing-machines*Drivers of
vehicles to
take them
to weighing-
machines on
request.

176.—(1) The driver of any vehicle in the county loaded with any goods (including coal coke wood fuel or peat fuel) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures of the Council or other officer appointed for the purpose by the Council take such vehicle with or without the loading thereof to be weighed or reweighed by the nearest suitable and available weighing-machine stamped by an inspector of weights and measures.

(2) If the nearest suitable and available weighing-machine to which such vehicle shall be required to go for weighing or reweighing is not on the regular course of the road by which it would otherwise be necessary for the vehicle to pass the owner of the vehicle shall be paid sixpence for every half-mile beyond the first half-mile of the extra distance which the vehicle is required to go under this section.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed or reweighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to such weighing-machine as hereinbefore is directed shall be liable to a penalty not exceeding ten pounds and the driver of any such vehicle who shall refuse to give all reasonable assistance in the weighing or reweighing of the same shall be liable to a penalty not exceeding five pounds.

(5) The provisions of this section shall not apply with respect to any vehicle of the commission other than a vehicle loaded

with goods to be sold as aforesaid and consigned for delivery within the county.

PART VIII
—cont.

(6) Section 27 of the Act of 1889 shall cease to apply to the county.

(7) For the purposes of this section the word "driver" includes the owner and any person in charge of any vehicle.

177. Any person keeping or who purports to act on behalf of a keeper of a weighing-machine in the county for the purpose of ascertaining the weight of any vehicle or the loading thereof who shall— Offences
by weighing-
machine
keepers and
others.

- (a) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning till six o'clock in the afternoon on weekdays other than Saturdays and from eight o'clock in the morning till half-past twelve in the afternoon on Saturdays) wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed ;
- (b) not fairly weigh any such vehicle with or without loading ;
- (c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading ;
- (d) give to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof ;
- (e) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein ;
- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively ;
- (g) fail to make immediately after the weight of any vehicle with or without loading has been ascertained a true record of the weight thereof and retain such record for a period of six months ; or
- (h) issue particulars of any vehicle with or without loading which he has not personally ascertained ;

PART VIII
—cont.

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence if the court is of the opinion that such offence was committed with intent to defraud the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding three months:

Provided that paragraphs (a) and (b) of this section shall not impose an obligation to weigh any vehicle or loading upon any person or body so far as the said paragraphs relate to a weighing-machine not ordinarily available for the public or of insufficient capacity or otherwise unsuitable or upon the keeper of any such weighing-machine.

Penalties
on persons
committing
frauds.

178.—(1) Any person who in regard to the weighing of any vehicle at any weighing-machine in the county—

- (a) at or before the time of weighing any such vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof;
- (b) shall alter any ticket denoting the weight of any such vehicle or of the loading of the same;
- (c) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly give a false statement to a weighing-machine keeper respecting the weight of any such vehicle or the loading thereof;
- (d) after the weighing of such vehicle with the loading of the same shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket;
- (e) after such vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or shall change the wheels of the vehicle which shall have been so weighed or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;
- (f) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required shall refuse to bring back the same without alteration to be weighed without the loading at the same machine; or
- (g) shall be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding three months.

PART VIII
—cont.

(2) Section 23 of the Act of 1889 shall cease to apply in the county.

179.—(1) Any person in the county who knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or acting as a keeper of a weighing-machine to denote the weight of a different vehicle or loading shall be liable to a penalty not exceeding ten pounds and in respect of any such subsequent offence to a penalty not exceeding fifty pounds.

Further offences in relation to weighing-machines.

(2) Any person in the county in charge of a vehicle who in regard to the weighing of such vehicle at any weighing-machine refuses after being requested so to do by any person keeping or who acts as a keeper of the weighing-machine to give his name and address or who wilfully gives an incorrect name or address shall be liable to a penalty not exceeding ten pounds.

180.—(1) The Council or any local authority may erect and maintain on any open space or public place on or adjoining any highway in the county or their district (as the case may be) such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

Power to erect weighbridges.

(2) The Council or the local authority may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing-machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing-machines erected by the Council or any local authority under the provisions of this section.

(4) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station wharf or depot of any railway canal or inland navigation undertakers.

(5) The Council or the local authority shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport and Civil Aviation.

181. A local authority may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof.

Local authority may provide weighing-machines.

PART VIII
—cont.
Personal
weighing-
machines.

182.—(1) In this section the expression “personal weighing-machine” means any weighing-machine in the county which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

- (a) for the use of which a charge is made or is proposed to be made ; or
- (b) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Council may make byelaws—

- (a) generally with respect to the examination on verification and to the inspection of personal weighing-machines and the distinguishing marks to be affixed to personal weighing-machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled ;
- (b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing-machines ;
- (c) for fixing the limits of error to be allowed on verification and inspection of any personal weighing-machine ;
- (d) for fixing the fees to be paid to the Council for the examination and marking of personal weighing-machines submitted for verification or for the examination of such personal weighing-machines as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person in charge of any personal weighing-machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) On and after the expiration of the said period a personal weighing-machine shall not be used or exposed for use unless such machine has been examined and approved by an inspector of weights and measures of the Council and has been marked with a distinguishing mark by such inspector or unless it has been stamped by an inspector of weights and measures in pursuance of the Weights and Measures Acts 1878 to 1936 and on or after the expiration of the said period the owner or the person having in his possession or in charge of any personal weighing-machine which is used or exposed for use and which is not so stamped or marked shall be liable to a penalty not

exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited:

PART VIII
—cont.

Provided that the provisions of this subsection shall not apply to a personal weighing-machine owned by a travelling showman and used or exposed for use by him at a pleasure fair if at any time within the three months preceding such use or exposure for use such weighing-machine has been examined and approved and marked by any inspector of weights and measures appointed under the Weights and Measures Acts 1878 to 1936.

(5) If any person forges counterfeits or (not being an inspector of weights and measures of the Council) removes any such stamp or distinguishing mark as is referred to in the last preceding subsection or unlawfully stamps or marks a machine with any such stamp or distinguishing mark or knowingly exposes for use any personal weighing-machine on which there is any such forged or counterfeit stamp or mark he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(6) (a) Any inspector of weights and measures of the Council may at all reasonable times examine inspect and test any personal weighing-machine and may seize and detain any personal weighing-machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes enter any premises or place where there is reason to believe that there is a personal weighing-machine which he is authorised to examine and inspect.

(b) Any person who neglects or refuses to produce for such examination inspection and testing any such personal weighing-machine in his possession or custody or on his premises or refuses to permit any such inspector of weights and measures to examine inspect or test the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or any subsequent offence ten pounds.

(7) For the purpose of this section a personal weighing-machine shall not be deemed to be stamped or marked with a distinguishing mark by reason of its bearing a cancelled stamp or distinguishing mark.

(8) A personal weighing-machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used or exposed for use under this section.

PART VIII
—cont.

(9) (a) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Council shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating in the county.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection as to public notice have been complied with.

PART IX

SUPERANNUATION PENSIONS ETC.

Payment of
pension etc.
of person of
unsound
mind.

183.—(1) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 the Council may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

(2) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is in the opinion of the Council through mental infirmity incapable of managing his affairs the Council may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

(3) This section applies to any sum payable by the Council to an employee or former employee or pensioner of the Council or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such employee former employee or pensioner shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Council shall give to the court of protection notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Council intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Council shall at the same time give notice to that person in a form approved by the court of protection:

Provided that the Council may with the approval of the court of protection exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

PART IX
—cont.

(5) If at any time the court of protection gives to the Council notice in writing that it objects to the exercise by the Council of the said power in relation to any person the said power shall as from the date of the receipt by the Council of the notice cease to be exercisable by the Council in relation to that person unless and until the court of protection withdraws the notice.

(6) The Council shall be discharged from all liability in respect of any payment or application of money effected by them in the exercise of the said power.

184. Notwithstanding anything in the Local Government Superannuation Acts 1937 to 1953 the Council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts 1944 1947 and 1952 or any other superannuation pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Council in such manner and at such times as they may from time to time require of the continued existence of such person. As to proof of continued existence of pensioners.

185. A local authority may exercise the powers contained in the provisions of this Part of this Act and those provisions shall accordingly have effect with any necessary modifications including the substitution of "a local authority" for "the Council". Application of certain sections of Part IX to local authorities.

PART X

FINANCE

A. Financial provisions relating to funds of the Council

186.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow— Power to borrow.

- (a) such sums as may be necessary for any of the purposes of this Act ;
- (b) without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses of this Act ;
- (c) such sums as may be requisite for the purpose of lending to a local authority under section 189 (Power to Council to lend money to local authorities) of this Act.

PART X
—cont.

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed under this section for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Consolidated
loans fund.

187.—(1) Notwithstanding anything contained in any other enactment the Council may establish a fund to be called “the consolidated loans fund” to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

- (a) all moneys borrowed by the Council by the issue of any authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are paid into any capital fund established by the Council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 or are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And except as aforesaid there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

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

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

(c) in lending money to any local authority in accordance with section 189 (Power to Council to lend money to local authorities) of this Act:

And the moneys of the consolidated loans fund not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of those sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal and repairs depreciation contingency insurance superannuation or other similar fund (in this section respectively referred to as "the lending fund") and not for the time being required for the purposes for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) the moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and

(b) there shall be paid out of the consolidated loans fund to the county fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings and in the accounts of the county fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

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

(6) (a) The powers conferred by this section shall not be exercised by the Council except in accordance with a scheme made by the Council and approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

PART X
—cont.

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

General
insurance
fund.

188.—(1) The Council may establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the Council (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring in one or more insurance office against the whole or any part of all or any of the specified risks.

(3) In each year after the establishment of the insurance fund the Council shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured in some insurance office of good repute against the specified risks ; or

(b) if the Council insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Council may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Council shall provide the yearly payments aforesaid by contributions from the revenue moneys of the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Council which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in respect of the specified risks all moneys for the time being standing in the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities

and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund.

PART X
—cont.

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

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in respect of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings departments or services of the Council and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

(8) In this section—

(a) the expression “insurance office” includes an underwriter being a member of an association of underwriters; and

(b) the expression “prescribed amount” means such sum as may from time to time be prescribed by the Council.

B. General

189.—(1) The Council may lend to any local authority and the local authority may borrow from the Council such money as the Council think fit to lend and as the local authority are

Power to
Council to
lend money
to local
authorities.

PART X
—cont.

authorised to borrow for the purpose for which such money is proposed to be borrowed.

(2) The provisions of the County Councils (Advances to Parish Councils) Order 1934 or any other order made by the Minister for the time being in force under section 201 of the Act of 1933 shall apply to any money lent under the powers of this section as if any local authority were a parish council.

(3) For the purposes of this section the expression "local authority" means the council of any county or county district and any authority being a local authority as defined by section 34 of the Local Loans Act 1875 and includes any river board or drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid.

Closing of
registers.

190.—(1) The Council 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.

(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.

Power to
issue bonds.

191.—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds (in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) Where the Council raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

Section 209 (Notice of trusts);

Section 210 (Receipts on behalf of joint holders and infants);

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

(3) The provisions set out in the Fifth Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899.

(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.

PART X
—cont.

192. The Council may make reasonable payments for or in connection with—

Expenses
of public
entertainment.

- (a) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the county and persons representative of or connected with local government services and the supply of information to any such persons ;
- (b) refreshments for representatives of the Council local authorities or other bodies or for other persons attending conferences or meetings convened by the Council ;
- (c) visits by way of official courtesy by or on behalf of the Council ; and
- (d) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the Council.

193.—(1) The Council may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest 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 Council of such objection the Council may from time to time send orders for the payment of interest or warrants by post to the address of such person appearing in the register :

Interest
warrants
by post.

Provided that if such person gives notice to the Council that he desires such orders or warrants to be sent to another person at a given address the Council 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 Council by any other of them.

(3) The posting by the Council of an order for the payment of interest or a warrant in pursuance of this section shall as respects the liability of the Council 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 Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

PART X
—cont.Receipts in
case of
minors.

194. If any money is payable by the Council to any employee (other than wages or salary) or creditor or the holder of any authorised security and the person entitled to such payment is a minor the receipt of the guardian shall be a sufficient discharge to the Council.

As to recovery
of rates from
tenants and
lodgers.

195. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the county shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

*C. Financial provisions relating to local authorities*Consolidated
loans fund
of local
authorities.

196. The provisions of section 187 (Consolidated loans fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ; and
- (c) paragraph (c) of subsection (2) were omitted from that subsection.

General
insurance
fund of local
authorities.

197.—(1) The provisions of section 188 (General insurance fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund.

(2) Two or more local authorities having power to exercise the provisions of the said section may with the consent of the Minister exercise that power jointly in accordance with a scheme made by such local authorities and approved by the Minister who may prescribe such modifications as appear to him desirable when giving his consent.

(3) Any moneys standing to the credit of any existing insurance fund of a local authority shall be carried to the credit of the insurance fund of such local authority authorised by this section.

Reserve fund
of local
authorities.

198.—(1) A local authority may establish a reserve fund in respect of any undertaking of the local authority from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund so provided amounts to the maximum reserve fund for the time being prescribed.

(2) A local authority may subject to the approval of the Minister determine the sum which for the purposes of this section shall be the maximum prescribed.

(3) The reserve fund provided under this section may be applied—

(a) in making good any deficiency at any time happening in the income of the local authority from the undertaking in connection with which it is formed ; or

(b) in meeting any extraordinary claim or demand at any time arising against the local authority in respect of that undertaking ; or

(c) in or towards the payment of the cost of renewing improving or extending any works buildings machinery plant or conveniences forming part of the undertaking or otherwise for the benefit thereof ;

and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to the reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) If and when the local authority establish a reserve fund under this section in respect of any such undertaking as aforesaid any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the local authority in respect of that undertaking and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking.

199. 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 council of a borough in the county and the alteration enlargement improvement extension reconstruction or rebuilding of any existing building thereon shall be purposes for which such council may borrow or may expend money out of their general rate fund. Power to borough councils to borrow etc. for reconstruction of corporate land.

200. With the consent of the Minister the provisions of section 191 (Power to issue bonds) of this Act shall extend and apply to a local authority as if— Power to local authorities to issue bonds.

(a) the local authority were therein referred to in lieu of the Council ; and

(b) the financial officer were referred to in lieu of the treasurer in paragraph 4 of the Fifth Schedule to this Act.

PART X
—cont.

Application
of general rate
fund for
certain
purposes.

201. If in respect of any financial year the moneys received by a local authority on account of the revenue of any of their undertakings (including the interest and other annual proceeds received by the local authority in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the local authority in respect of that undertaking properly chargeable to revenue the local authority may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in the reduction of capital moneys borrowed for the purpose of the undertaking; or
- (b) in the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking; or
- (c) towards the provision of any reserve fund in respect of the undertaking which the local authority are authorised to provide.

Expenses
of public
entertainment
of local
authorities.

202.—(1) The provisions of section 192 (Expenses of public entertainment) of this Act shall extend and apply to a local authority as if the words “local authority” and “district” were therein referred to respectively in lieu of “Council” and “county”.

(2) A local authority which is the council of a borough may pay reasonable expenses in connection with the presentation of the freedom of the borough to persons whom the local authority may resolve to admit as honorary freemen.

Recovery of
rate etc.
from persons
removing.

203.—(1) If a justice is satisfied on complaint by any officer of a local authority duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate water rate or water charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the local authority and to detain them until the complaint is determined upon the return of the summons.

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

Recovery of
rates from
certain
owners.

204.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the local authority so much of any payment in respect of rent received by him from the occupier as shall represent the

proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the local authority from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

The remedy of the local authority under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the local authority.

205. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of a local authority.

Service of demand notes.

206.—(1) A local authority may exercise the powers contained in the provisions of this Act hereinafter mentioned and those provisions shall accordingly have effect with any necessary modifications including the substitution of "a local authority" for "the Council".

Application of certain sections of Part X to local authorities.

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

- Section 190 (Closing of registers) ;
- Section 193 (Interest warrants by post) ;
- Section 194 (Receipt in case of minors).

PART XI

LECTURES CULTURAL ACTIVITIES RECORDS ETC.

207. A local authority may on a conspicuous external part of any house building or place in their district cause to be put up with the consent of the owner of such house building or place commemorative plaques indicating events of public interest in connection with such house building or place or the site thereof and may thereafter with the like consent maintain any such plaque or any plaque put up by any other person or body.

Commemorative plaques.

208.—(1) It shall be lawful for the Council—

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council think fit and to let such rooms and to make reasonable charges for admission to such lectures ; and

Provision of lectures etc.

PART XI
—cont.

(b) to provide suitable rooms for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that—

(i) the sum to be expended by the Council in any one financial year on the provision of lectures; and

(ii) the sum to be expended by the Council in any one financial year on the provision of art exhibitions;

shall not in either case exceed the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 in addition to any moneys received by the Council under the provisions of this section.

(2) The Council or a local authority may use or allow to be used or let any part of any public library provided by them and not at the time required for the purpose of a library for public and other meetings and for lectures exhibitions and performances for or in connection with the advancement of art education drama science music or literature.

(3) The Council may provide and sell or authorise the provision and sale of programmes of any lectures or exhibitions given in pursuance of this section.

(4) Nothing in this section shall be taken to dispense with the consent of the Minister of Education to any appropriation lease or other disposition of any lands of the Council in any case in which such consent would have been required if this section had not been enacted.

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

Power
to publish
bulletins etc.

209. In connection with their powers under section 208 (Provision of lectures etc.) of this Act and under the Public Libraries Acts 1892 to 1919 the Council may publish and sell or dispose of bulletins journals periodicals and leaflets and documents of historical or literary interest having a local connection.

Contributions
to cultural
bodies.

210.—(1) A local authority may upon and subject to such terms and conditions (if any) as may be agreed between them and any body rendering public service to the inhabitants of their district by means of cultural activities carried on either wholly or partly within the district contribute such sum or sums as they

may from time to time determine in the circumstances of the case to be reasonable towards the funds or towards the expenses of such body.

PART XI
—cont.

(2) Nothing in this section shall affect or derogate from the provisions of any other enactment (including an enactment in this Act) enabling the local authority to provide or contribute towards the provision of music or any entertainment:

Provided that the amount of any sum or sums contributed by the local authority under this section for the purpose of or in connection with the provision of any entertainment when added to the net amount of any expenditure incurred by the local authority under section 132 (Provision of entertainments) of the Local Government Act 1948 shall not in any one year exceed the net amount of the expenditure which the local authority may incur in any year under the said section 132.

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

“body” includes an association institution society or similar organisation and a company howsoever constituted;

“cultural activities” includes the provision of public entertainment having cultural value.

211. A local authority may pay reasonable subscriptions (whether annually or otherwise) to the funds of any scientific or other society or body (not carrying on business for profit) which is or the members of which are engaged in investigations or the keeping of records of use or value to the local authority and any reasonable expenses of the attendance of any members or officers of the local authority at or of persons nominated by the local authority to attend conferences or meetings of such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Subscriptions to scientific bodies and other expenses.

Provided that the payments to be made by the local authority under this section shall not in any financial year exceed the equivalent of one-tenth of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

212.—(1) The Council may acquire by agreement any picture or sculpture and may erect and maintain or contribute towards the provision erection and maintenance of any picture or sculpture in any place provided by or vested in the Council under section 125 of the Act of 1933 and may from time to time enter into and carry into effect a contract for the production of a picture or sculpture and for the purchase thereof by the Council when completed.

Acquisition of pictures, etc.

PART XI
—cont.

(2) For the purpose of providing for the accommodation exhibition and preservation of pictures or sculptures or objects of historical antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of this section or of any gift loan or discovery the Council may adapt furnish and maintain any premises given to and for the time being vested in the Council for the purposes of this section.

(3) The Council may let any building vested in them as aforesaid on such terms and conditions as to payment or otherwise as they think fit and may make charges for admission to any such building which may for the time being be under their management and control.

Preservation
and
publication
of records.

213.—(1) The Council may preserve arrange index classify and publish such records deeds and other documents of the county and of the Council or such extracts from them or reference to their contents as the Council may consider to be of public interest.

(2) A local authority may publish such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933 or such extracts from them or reference to their contents as they may consider to be of public interest.

PART XII

MISCELLANEOUS

Evidence of
appointments
authority etc.

214.—(1) In any proceedings under any enactment—

- (a) a document purporting to be certified by the clerk of the Council as a copy of a resolution order or report passed or made by the Council or by any committee thereof on a specified date shall be evidence that that resolution order or report was duly passed or made by the Council or that committee on the said date ;
- (b) a document purporting to be so certified as a copy of a minute duly drawn up entered and signed in accordance with paragraph 3 of Part V of the Third Schedule to the Act of 1933 of the proceedings of a meeting of the Council or of any committee thereof on a specified date shall be evidence to the same extent as the original minute ;
- (c) a document purporting to be so certified as a copy of the appointment of or of any authority given to an officer of the Council or any committee thereof on a specified date shall be evidence that that appointment or authority was duly made or given by the Council or that committee on the said date.

(2) In this section the expression "officer" includes a servant solicitor or agent.

PART XII
—cont.

(3) Section 286 of the Act of 1936 shall cease to apply to the Council.

215. A resolution of the Council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

Authorisation of appearance of Council's officers in legal proceedings.

216. Notwithstanding anything contained in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the Council or of any committee thereof may be recorded on loose leaves consecutively numbered 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.

As to minutes of Council meetings etc.

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

As to warning posts and signs.

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

(3) Nothing in this section shall be in derogation of any order or regulation made by the Minister of Transport and Civil Aviation in respect of traffic signs or any general or special directions given by him in pursuance of the Road Traffic Acts 1930 to 1947.

218.—(1) For the purpose of preventing or reducing loss of life and property resulting from and alleviating distress caused by the flooding of lands and buildings by the overflowing of the rivers Avon Severn Thames or Wye or any of their tributaries a local authority may provide boathouses garages drying rooms storerooms hostels and other premises and may employ and pay such number of persons as they may think fit for the purpose.

Flood precautions and provision of life-saving apparatus.

(2) For the purposes mentioned in subsection (1) of this section and for the purpose of saving life on any river lake or water in their district to which the public have access a local authority may provide equip and maintain boats vehicles and

PART XII
—cont.

other appliances and may employ and pay such number of persons as they may think fit:

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

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

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

Agreements
to maintain
graves and
tombstones.

219.—(1) Any burial authority in the county may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a burial ground or crematorium provided by the burial authority and the following provisions shall apply in relation to any such agreement:—

(a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities;

(b) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;

(c) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the burial authority may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment;

(d) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the burial authority relating to the 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.

220.—(1) The powers of a burial authority in the county 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 burial authority 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 their area 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 burial authority'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 burial authority 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 burial authority 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 as required by paragraph (a) of subsection (2) of this section any tombstones memorials or railings removed under this section are claimed the burial authority may put them to such use as they think appropriate or destroy them.

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

(7) The burial authority 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 Gloucester and where a licence

PART XII
—cont.

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.

Power for
Council
to provide
parking places
for vehicles.

221. Section 68 of the Public Health Act 1925 (except paragraph (c) of subsection (1) of that section) shall have effect as if the expression “local authority” included the Council and as if in the application of that section to the Council the word “county” had been inserted therein in lieu of the word “district”.

Charges
for special
readings of
water meters.

222. A local authority supplying water may levy and recover such charges as they think fit for taking at the request and for the convenience of any consumer supplied by them at a time other than that of the periodical meter readings the reading of any water meter fixed in any premises:

Provided that such charges shall not exceed the sum of—

(a) one shilling in the case of premises in the district of the local authority; and

(b) two shillings in the case of premises outside such district;

for each reading.

Transmission
of entertain-
ments etc.

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

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

(a) any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line; or

(b) the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways.

(2) The local authority shall not under the powers of this section without the consent of the transport undertakers concerned execute any works—

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

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

In this subsection the expression “ transport undertakers ” means any railway dock canal inland navigation or passenger road transport undertakers.

224.—(1) Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of a library authority under those Acts in relation to any library provided by them under those Acts within the county shall include—

Return of
library books.

- (a) the power to recover from any person who fails within the prescribed period to return to the said library any book or specimen of art borrowed such reasonable sum not exceeding sixpence as the library authority may prescribe in respect of each week or portion of a week in which he so fails to return the book or specimen of art together with any expenses incurred by the library authority in sending to such person notices in respect of the book or specimen of art ;
- (b) the power to prohibit any such person from borrowing any other book or specimen of art from the said library or from any other library provided by the library authority under the said Acts until such person has paid any such sum as is due to the library authority under paragraph (a) of this subsection.

(2) In this section the expression “ prescribed period ” means the period being not less than fourteen days prescribed by regulations made under section 15 of the Public Libraries Act 1892 within which any book or specimen of art borrowed from a library must be returned thereto.

PART XII

—cont.

Restrictions
on use of
loudspeakers
in streets.

225.—(1) No person shall for the purpose of advertising any 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 county.

(2) No person shall operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in a district unless he shall have given notice to the superintendent of police of the appropriate division at least forty-eight hours before such loudspeaker is operated.

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

(4) This section shall not apply to the use of a loudspeaker—

(a) by the Council or a local authority or the police or a fire brigade in the execution of their duty or in case of emergency ;

(b) by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission or 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 or for communications between their staff ;

(c) by a travelling showman in any part of a street while such part thereof is being used as a pleasure fair and such fair is open to the public ; or

(d) by statutory undertakers for the purpose of announcements in case of emergency affecting their undertaking.

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

(i) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words) ;

(ii) 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 such commodity conveyed by the vehicle ;

(iii) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this subsection “ice-cream” includes any similar commodity and the commodity known as “water ice”.

(6) Nothing in this section shall apply to the use within a motor vehicle of a wireless receiving set used solely for the private purposes of the occupants of the said vehicle.

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

226. A local authority may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sum as they may think fit not exceeding in any one year the sum of one hundred pounds.

PART XII
—cont.

Prizes for
garden
competitions.

227.—(1) Any agreement entered into by or on behalf of the Council with the parent or guardian of a pupil or intended pupil at any secondary school may make provision for the payment by such parent or guardian to the Council of any sum not exceeding ten pounds in the event of the pupil ceasing without the consent of the Council to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Council shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case.

School
agreements.

(2) In this section the expression "secondary school" includes—

- (a) a secondary school as defined by section 114 of the Education Act 1944 ;
- (b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of the Act is provided ; and
- (c) an independent grammar school as defined by the said section 114 in which secondary education as defined by section 8 of the said Act is provided.

228. There may be included by a local authority—

- (a) in one and the same demand or in any schedule thereto any general rate and any water rate or charge ; and
- (b) in one and the same complaint information or summons or in any schedule thereto any water rate or charge :

Demand
complaint
information
or summons
may contain
several sums.

Provided that the rates or charges are due and payable to the local authority from the same person whether under the same or different enactments from time to time in force in the district.

229. If a local authority commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the local authority in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of water or the provision of materials and work in connection therewith or the

As to recovery
summarily of
sums due for
fittings.

PART XII
—cont.

fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not in the aggregate exceed twenty pounds.

Robes of
office.

230.—(1) Either of the corporations to which this section applies may provide and maintain robes of office and head-dresses for the use of the mayor aldermen and councillors for the time being of their respective boroughs:

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

(2) The corporations to which this section applies are the Cheltenham Corporation and the Tewkesbury Corporation.

Delegation
of powers to
sub-
committees.

231.—(1) A committee lawfully authorised by the Council to exercise any powers of the Council under any enactment may subject to any direction of the Council appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the Council.

(3) The powers of this section shall be in addition to the powers of any committee of the Council to appoint sub-committees under any other enactment.

Maintenance
of buildings of
architectural
interest.

232.—(1) Where a building preservation order is in force as respects any building in a district and it appears to the local authority that reasonable steps are not being taken for properly preserving the building the local authority may with the consent of the Minister make such contribution as they may think fit towards the cost of the maintenance of such building.

(2) In this section the expression "building preservation order" has the meaning assigned to it by section 29 of the Act of 1947.

Power to
require
removal etc.
of dangerous
trees.

233.—(1) Where in any district any tree is in such a condition that it endangers or is likely to endanger the life or property including any building or other structure of any person or of persons generally not being the owner or occupier of the premises on which such tree is growing or situated a local authority may serve notice on such owner or occupier requiring him within twenty-one days to remove cut or fell the tree or execute such other works as the local authority consider necessary to obviate the danger.

(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.

(4) A local authority shall not (except in case of emergency) serve any notice under this section except after consultation with the river board and internal drainage board concerned where the removal or cutting down of or the execution of works in relation to any tree—

- (a) will interfere with the exercise by such river board or internal drainage board of any of their functions ; or
- (b) will cause injury or damage to or otherwise interfere with any drainage work.

234. If any person for the purpose of obtaining for himself or any other person the occupation of or a rebate in the rent of any house belonging to a local authority or a reduction in the amount of any payment due to the Council under the Education Acts 1944 to 1953 or to the Council under the Children Act 1948 or any regulations made under those Acts or for the purpose of obtaining any advance from a local authority or the Council by way of mortgage under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing Acts 1936 to 1952—

False statements to obtain rent rebate etc.

- (a) knowingly makes to the local authority or the Council or any of their employees a false statement or false representation relating to his or that other person's ability to pay the rent or make the payment or relating to the application for the advance ;
- (b) produces or furnishes or knowingly allows to be produced or furnished to the local authority or the Council or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular ;

he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

235.—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and shall have effect with any necessary modifications including the substitution of the expression "local authority" for "Council".

Application of certain provisions of Part XII to local authorities.

PART XII
—cont.

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

- Section 214 (Evidence of appointments authority etc.) ;
 Section 215 (Authorisation of appearance of Council's officers in legal proceedings) ;
 Section 216 (As to minutes of Council meetings etc.) ;
 Section 231 (Delegation of powers to sub-committees).

PART XIII

PROTECTIVE PROVISIONS

Crown rights.

236. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council or any local authority to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for trusts etc.

237. Except as otherwise expressly provided nothing in this Act shall authorise the Council or a local authority to exercise any power conferred upon them by or under this Act to use for any purpose any land or building held managed or controlled by them in such a manner—

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

Works below high-water mark.

238. Nothing in this Act shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and Civil Aviation and subject to such conditions and restrictions as the Minister of Transport and Civil Aviation may prescribe before such work is begun.

239.—(1) Where pursuant to section 36 (Adjustment of boundaries of county roads) of this Act the Council or a local authority enter into an agreement with a person having a legal interest in land adjoining any road for the conveyance to that person of the site of any part of the road and immediately before the date on which the site ceases to be part of the road 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 road but nothing in Part I of the Act of 1950 shall have effect in relation to those powers:

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

(2) As between the Council or a local authority and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Act of 1950 or the rights of the Postmaster-General and the Council or local authority thereunder.

(3) Where any highway or any part of a highway is stopped up in pursuance of an order made under section 40 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the highway authority and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

(a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (4) of this section unless before the expiration of that period the Postmaster-General has given notice to the highway authority of his intention to remove the line or that part thereof as the case may be:

(b) The Postmaster-General may by notice to the highway authority in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he had removed it or given notice of his intention to remove it:

PART XIII
—cont.

(c) The Postmaster-General shall be entitled to recover from the highway authority the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require:

(d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the highway authority 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 highway authority shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (3) of this section shall commence to run from the date on which such notice is sent.

(5) In this section the expressions "alter" "alteration" and "telegraphic line" have the same meanings as in the Telegraph Act 1878.

For protection
of certain
statutory
undertakers.

240. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the appropriate authority and the undertakers concerned apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

"apparatus" means—

(a) in relation to the Midlands Electricity Board the Southern Electricity Board the South Western Electricity Board or the Central Electricity Authority electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by any of such undertakers;

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

(c) in relation to such of the undertakers as are statutory water undertakers mains pipes or other apparatus belonging to or maintained by any of such undertakers;

and includes any works constructed for the lodging therein of apparatus;

“appropriate authority” means the Council the highway authority the local authority the parish council or the standing joint committee as the case may be ;

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

“position” includes depth ;

“undertakers” means—

the Midlands Electricity Board ;
the Southern Electricity Board ;
the South Western Electricity Board ;
the Central Electricity Authority ;
a specified area gas board ; and

the statutory water undertakers whose undertakings or part of whose undertakings are situate in the county :

- (2) For the purposes of section 27 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land :
- (3) Nothing in the said section 27 or in section 28 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including an electricity sub-station a feeder pillar a pressure governor or meter house) on land abutting on any new street before in the case of the said section 27 such new street is defined or in the case of the said section 28 such new street is constructed or sewered in accordance with street byelaws :
- (4) Notwithstanding anything in section 31 (Adjustment of boundaries of estates in connection with streets) of this Act the undertakers shall not under the provisions of that section be required to exchange any operational land within the meaning of the Act of 1947 except with their consent which shall not be unreasonably withheld :
- (5) Nothing in section 32 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus in any grass verge or garden) :

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

PART XIII
—cont.

- (6) Nothing in the following sections of this Act shall relieve the appropriate authority from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the appropriate authority shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—
- Section 32 (Trees grass verges and gardens);
 - Section 44 (Public seats in roads);
 - Section 50 (Barriers in streets);
 - Section 73 (Decorations in streets);
 - Section 96 (Police telephone call boxes and shelters);
 - Section 180 (Power to erect weighbridges);
 - Section 223 (Transmission of entertainments etc.):
- (7) Whenever the appropriate authority in the exercise of the powers of section 36 (Adjustment of boundaries of county roads) of this Act shall give up land forming part of a road in exchange for other land and there is in such first-mentioned land any apparatus the appropriate authority shall give notice in writing to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the road 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 road as if such land had continued to be part of the road or the undertakers may and if reasonably so required by the appropriate authority shall alter the position of such apparatus to or provide and lay or place new apparatus in such other position in the road as altered under the said powers as may be reasonable:
- (8) Whenever by virtue of the provisions of section 40 (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 or 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 or diverted as if it had remained a highway or may and if reasonably so required by the appropriate authority 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 :

(9) The appropriate authority shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with—

(a) the alteration of the position of any apparatus or the provision laying or placing of new apparatus under paragraph (7) of this section ; or

(b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (8) of this section ;

and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus ; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph :

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the appropriate authority under sub-paragraph (a) or (b) of this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under section 240 (For protection of certain statutory undertakers) of the Gloucestershire County Council Act 1956 " :

(10) Notwithstanding the stopping up temporarily of any street under the powers of section 41 (Temporary stoppage of streets) of this Act the undertakers their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under any such street as may be necessary for inspecting repairing maintaining renewing or removing any apparatus :

PART XIII
—cont.

- (11) Before the appropriate authority give any consent pursuant to section 51 (Pavement lights and ventilators) or section 57 (Restriction on buildings under footways) of this Act they shall give at least twenty-eight days' notice to the undertakers concerned of their intention to do so and any such consent shall contain such conditions as may be required to secure that the owner or occupier of premises to whom consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus:
- (12) Before entering in exercise of the powers of section 143 (Silencers for internal combustion engines) of this Act upon any premises occupied or used by the undertakers in connection with the generation manufacture pumping or storage or supply of electricity gas or water an authorised officer of the appropriate authority shall give reasonable notice of his intended entry and in the exercise of such powers in relation to such premises shall observe any precautions reasonably required by the undertakers in the interests of safety and for preventing interference with the supply of electricity gas or water:
- (13) Nothing in the following sections of this Act:—
- Section 113 (Power to repair drains and private sewers);
 - Section 127 (Ruinous and dilapidated buildings and neglected sites);
 - Section 162 (For preventing obstruction to streams by culverts etc.);
 - Section 163 (Cleansing of rivers and streams);
 - Section 164 (Entry for purposes of last two foregoing sections);
- shall authorise the appropriate authority to execute any works in under over across along or upon any operational lands within the meaning of the Act of 1947 of the undertakers without the consent of the undertakers concerned but such consent shall not be unreasonably withheld:
- (14) (a) Any difference which may arise between the appropriate authority and the undertakers under this section shall be referred to arbitration:
- (b) In settling any difference under this section the arbitrator may if he thinks fit require the appropriate authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

241. The powers conferred upon a local authority by section 162 (For preventing obstruction to streams by culverts etc.) and section 163 (Cleansing of rivers and streams) of this Act shall not be exercised in respect of any culvert or stream for the time being forming part of the main river of a river board or forming part of any watercourse over which any internal drainage board has jurisdiction or in respect of any part of any tributary brook channel culvert or watercourse flowing directly or indirectly into any such main river or watercourse without the consent in writing of the river board or drainage board concerned which consent may be given subject to such reasonable terms and conditions as the river board or (as the case may be) the drainage board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not reasonably withheld or whether such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture Fisheries and Food.

PART XIII
—cont.
For protection
of river boards
etc.

242. For the protection of the Bristol Aeroplane Company Limited and the Gloster Aircraft Company Limited and any of their subsidiary or associated companies (all of which companies are hereafter in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Council and the company apply and have effect:—

For protection
of Bristol
Aeroplane
Company
Limited
and Gloster
Aircraft
Company
Limited.

The provisions of section 143 (Silencers for internal combustion engines) and section 144 (Noise nuisance) of this Act shall not extend or apply to or in relation to any noise occasioned on any land belonging to or occupied by the Company and used by them for or in connection with the manufacture of supplies for the use of Her Majesty's armed forces or the manufacture of aircraft or guided missiles.

243.—(1) Section 19 (Undertakings and agreements binding successive owners) of this Act shall not apply to the Cheltenham Corporation.

Provisions
applicable to
borough of
Cheltenham.

(2) The following sections of this Act shall not apply within the borough of Cheltenham:—

Section 40 (Stopping up and diversion of highways);

Section 110 (Separate sewers for foul water and surface water).

(3) The following sections of the undermentioned Acts are hereby repealed:—

The Cheltenham Improvement Act 1889—

Section 36 (No buildings allowed until street formed etc.);

PART XIII
—cont.Section 41 (Crossings for horses or vehicles over
footways);The Cheltenham and Gloucester Joint Water Board etc.
Act 1936—

Section 124 (As to defective drains etc.).

(4) Section 76 (Power to let parks etc. for games) of this Act shall in its application to the Cheltenham Corporation have effect as if after the words "section 76 of the Public Health Acts Amendment Act 1907" there were inserted the words "or section 57 (Power to set apart space for games) of the Cheltenham Improvement Act 1889".

(5) Section 112 (Summary power to remedy stopped-up drains etc.) of this Act shall in its application to the borough of Cheltenham have effect as if in subsection (1) thereof for the words "forty-eight" there were substituted the words "twenty-four".

For protection
of National
Coal Board.

244. 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 Council or a local authority as the case may be and the board apply and have effect:—

- (1) The powers of section 41 (Temporary stoppage of streets) and section 180 (Power to erect weighbridges) of this Act shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any colliery or coke oven works of the board without the consent of the board which shall not be unreasonably withheld:
- (2) Notwithstanding anything in section 69 (Control of dumping of coal etc. in streets) of this Act it shall be a defence in any proceedings under that section against the board or contractors employed by them for the board or such contractors (as the case may be) to prove that they were unable on account of the labour position for the time being obtaining in the locality in which the alleged offence took place to employ on reasonable terms and conditions a suitable and sufficient labour force to undertake the delivery of the coal required to be delivered by the board in the normal course of their business to their customers and to any other persons entitled thereto in the said locality otherwise than by depositing the same in streets or the footpaths thereof:
- (3) Before entering in exercise of the powers of section 143 (Silencers for internal combustion engines) of this Act upon any mine of the board an authorised officer of a local authority shall give reasonable notice of his intended entry and in the exercise of such powers in

relation to such land shall observe any precautions reasonably required by the board in the interests of safety:

PART XIII
—cont.

- (4) Nothing in section 162 (For preventing obstruction to streams by culverts etc.) of this Act shall authorise a local authority to reconstruct improve repair or remove any existing culvert channel or other work or to construct or maintain any new culvert channel or other work in through or under or so as to affect any mine of the board without the consent of the board which shall not be unreasonably withheld:
- (5) Nothing in section 164 (Entry for purposes of last two foregoing sections) of this Act shall authorise any officer of a local authority to enter any mine of the board without the consent of the board which shall not be unreasonably withheld:
- (6) Any difference which may arise between a local authority and the board under this section shall be referred to arbitration.

PART XIV

GENERAL

245. Section 265 of the Public Health Act 1875 shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act.

Protection of members and officers from personal liability.

246.—(1) Where under any enactment—

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

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

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

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

(i) the Council 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 taking of the action; and

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

PART XIV
—cont.

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

Breach of conditions of consent.

247. Where in pursuance of this Act the Council or a local authority give their approval or consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required approval or consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by any highway authority under any provision of this Act.

Restriction on right to prosecute.

248. Proceedings in respect of an offence created by or under this Act (except section 102 (Provisions as to motor vehicles let for hire) and Part VIII (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 Council or the local authority as the case may be.

Apportionment of expenses in case of joint owners.

249. Where under the provisions of any enactment the Council shall execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those enactments or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the Council or in case of dispute by a magistrates' court.

Damages and charges to be settled by court.

250. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Compensation how to be determined.

251. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Confirming authority for byelaws.

252. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table

the confirming authority shall be the authority respectively mentioned in the second column of that table:—

PART XIV
—cont.

1	2
Section 77 (Boating pools)	Secretary of State.
Section 80 (Aerodrome undertakings) ...	Minister of Transport and Civil Aviation.
Section 85 (Byelaws as to pleasure fairs and roller-skating rinks)	Secretary of State.
Section 102 (Provisions as to motor vehicles let for hire)	Secretary of State.
Section 156 (Byelaws as to sale etc. of animal feeding meat)	Minister of Agriculture Fisheries and Food.
Section 170 (Byelaws relating to fuel)	Board of Trade.
Section 182 (Personal weighing machines) ...	Board of Trade.

253.—(1) Unless otherwise expressly provided section 300 of Appeals. 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.

(2) Where any requirement refusal or other decision of the Council or a highway authority or local authority against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action ; or
- (b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time ;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Council or highway authority or local authority themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

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

(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.

PART XIV
—cont.

(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.

Application of provisions of Act of 1936.

255. The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto and as if the expressions "local authority" and "council" included the Council and any local authority:—

- Section 271 (Interpretation of "provide");
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments);
- Section 293 (Recovery of expenses &c.);
- Section 294 (Limitation of liability of certain owners);
- Section 295 (Power of local authority to grant charging orders);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that—

- (a) the said sections 277 and 287 shall only apply to the provisions contained in Part IV (Highways) Part V (Open spaces camps and pleasure grounds etc.) Part VI (Public entertainments order and safety) and Part VII (Public health) of this Act;

- (b) the said sections 275 276 288 289 291 294 295 and 329 shall only apply to the provisions contained in Part IV (Highways) and Part VII (Public health) of this Act ;
- (c) the said section 293 shall not apply to the sections of this Act hereinafter referred to namely :—

PART XIV
—cont.

- Section 167 (Medicated and other baths) ;
Section 180 (Power to erect weighbridges) ;
Section 181 (Local authority may provide weighing-machines) ; and
Section 224 (Return of library books).

256. Whenever under any enactment (other than the Act of 1936) the Council on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Council may include in and recover as part of such cost such additional sum as they think fit not exceeding five per centum of the cost of the works in respect of their establishment charges.

Power to charge in respect of establishment expenses.

257. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be subject to the provisions of the Arbitration Act 1950 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the Minister :

Application of Arbitration Act.

Provided that if the said question or dispute arises in connection with the provisions of section 40 (Stopping up and diversion of highways) of this Act the arbitrator shall in such case be appointed by the Minister of Transport and Civil Aviation or if the said question or dispute arises in connection with the provisions of section 162 (For preventing obstruction to streams by culverts etc.) subsection (3) of section 163 (Cleansing of rivers and streams) or section 164 (Entry for purposes of last two foregoing sections) of this Act the arbitrator shall in such case be appointed by the Minister of Agriculture Fisheries and Food or if the said question or dispute arises in connection with the provisions of subsection (5) of the said section 163 or section 244 (For protection of National Coal Board) of this Act the arbitrator shall in such case be appointed by the President of the Institution of Civil Engineers.

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

Application of certain provisions of Part XIV to local authorities.

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

PART XIV
—cont.

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

Section 246 (Liability of Council for work done in default or by request);

Section 249 (Apportionment of expenses in case of joint owners);

Section 256 (Power to charge in respect of establishment expenses).

Saving for powers of Treasury.

259. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for town and country planning.

260. 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.

261. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

SCHEDULES

FIRST SCHEDULE

EXTRACTS FROM THE ACT OF 1814

And be it further enacted, That when the said Courts, Shire-hall, Offices, and Buildings, shall be completely finished and fitted up, the same, and the Ground thereof, and all other the Lands, Hereditaments, and Premises whatsoever, which shall be respectively purchased by virtue of this Act, shall, from thenceforth, be vested in, and the same are hereby from thenceforth vested in the Justices of the Peace for the Time being, for the said County of Gloucester, upon Trust, and to the End, Intent, and Purpose, that the said Justices of the Peace shall and will, from time to time, and at all Times hereafter, appropriate such Part or Parts of the said Buildings as they shall think proper, for the sole Purpose of an Office or Offices for the Use of the Clerk of the Peace for the Time being, of the said County of Gloucester, and his Deputy, and for the safe keeping of the Rolls, Records, and Papers of the said County, and peaceably, quietly, and freely permit and suffer all the Courts of the Justices of Assize, and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, or special Commissions for the said County of Gloucester, and for the said City of Gloucester, and County of the same City, and the General Quarter Sessions of the Peace for the said County of Gloucester, and for the said County of the said City of Gloucester, and the County Courts of the said County of Gloucester, whether for the Purpose of Elections to be held therein, or for ordinary judicial Proceedings, and the County Courts for the County of the said City of Gloucester, and all Inquisitions and Writs of Enquiry, of or for the said County of Gloucester, and of or for the said City of Gloucester and County of the same City, and the Hundred Courts, Courts Leet, and other Courts of the said County of the said City of Gloucester, to be holden in the said Courts of Justice, or One of them, or in the said Shire-hall, as the Occasion may require, and also permit and suffer the said other Buildings, Premises, and Appurtenances to be had and used at all such Times, for the respective Purposes for which they may be designed and adapted, and also peaceably, quietly, and freely permit and suffer the Sheriff and Freeholders, for the Time being, of the said County of Gloucester, to meet and to hold all public Meetings of such County, in the said Shire-hall, when and as often as they shall be there legally convened by the said Sheriff, and also peaceably, quietly, and freely permit and suffer the said Courts of Justice, Shire-hall, and other Buildings and Premises, to be had, used, and enjoyed, for such other public Uses and Purposes as the Justices of the Peace for the Time being for the said County of Gloucester, at the general Quarter Sessions of the Peace for the said County, or the major Part of them shall, from time to time, direct, order, or appoint, with free Liberty for all Persons whom it may concern, to act and officiate in, and to resort to, and attend upon the said Courts and Meetings, as they shall have Occasion; and also from time to time, and at all Times, when the said Shire-hall, shall not be in Use for any of the Purposes aforesaid, and also when the other Buildings, except the said Courts of Justice, and Office or Offices of the said Clerk of the Peace shall not be in

Courts, Shire-hall &c. vested in the Justices of the County for public purposes.

1ST SCH.
—cont.

the Use of, or otherwise appropriated by the said Justices of the said County of Gloucester, peaceably, quietly, and freely permit and suffer the inhabitants of the said City of Gloucester, and County of the same City, to hold their public Meetings in the said Shire-hall and other Buildings, but the said Courts and Proceedings of or for the said City of Gloucester, and County of the same City, and the said Meetings of the Inhabitants of the said City, and County of the same City, shall not be holden or used, so as to delay, obstruct, or interfere with the Courts, Meetings, or public Business of or for the said County of Gloucester; and when and as soon as the said Courts, Shire-hall, and other Buildings and Premises shall have been completed, and shall be fit for the Purpose for which the same are hereby directed to be made, the present Shire-hall, called the Booth-hall with the Rooms, Buildings, and Appurtenances thereto belonging, shall from thenceforth be discharged of and from all Claims, Rights and Privileges thereto, or therein, which have heretofore existed, or been claimed, or exercised, for or on account of any of the Purposes or Occasions of the said County of Gloucester; and the said County of Gloucester shall for ever thereafter be wholly exonerated and discharged from any Liability to maintain or repair the said present Shire-hall, Rooms, and Buildings, with the Appurtenances.

Jurisdiction
given to the
Courts, &c.

And be it further enacted, That when and as soon as the said Courts of Justice, Shire-hall, and other Buildings and Premises, to be provided and erected under the Powers and Authorities of this Act, shall have been erected and completed as aforesaid, or made fit for transacting Business, then, and from thenceforth, the Justices of Assize, and Nisi Prius, Oyer and Terminer, and General Gaol Delivery for the said County of Gloucester; and also the Justices of the Peace for the said County of Gloucester, at their General Quarter Sessions, and at all other Times, and the Sheriff of the County of Gloucester for the Time being, as well for the ordinary purposes of Jurisdiction, as for electing Knights of the Shire to serve in Parliament, for the said County of Gloucester, and for electing Coroners for the said County of Gloucester, and for electing Verderors for the Forest of Dean, in the said County of Gloucester, and for executing all Writs of Enquiry for the said County of Gloucester, and all Juries, Officers, Witnesses, and others, of, or acting for the said County of Gloucester, shall and may sit, execute, and discharge their several Functions, Commissions, Processes, Duties, and Services in the said Courts of Justice, Shire-hall, and other Buildings, and Premises so as aforesaid authorized to be erected, made, or acquired by this Act; and that for removing all Doubts and Difficulties which might otherwise arise as to Jurisdiction in or upon the said Courts of Justice, Shire-hall, and other Buildings and Premises, to be erected and built, made or acquired, by virtue of this Act, all such Courts of Justice, Shire-hall, and other Buildings and the Scite thereof respectively, and all other the Hereditaments and Premises whatsoever, which shall be respectively purchased or acquired by virtue of this Act, shall, for the Purpose of executing the Commissions of Assize, and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, and for the Purpose of all judicial Proceedings, and also for executing or issuing all and every Commission, Process, or Proceeding whatsoever: and also with reference to any Felony, Perjury, Misdemeanour, Offence, or Trespass whatsoever, committed therein or thereon or any Part

thereof, and also for every other Purpose whatsoever, be deemed and considered to be, and the same and every Part thereof, is and are hereby declared to be, as well in the said County of Gloucester as in the said City of Gloucester, and County of the same City, any Law, Statute, Charter, Usage, or Practice to the contrary thereof in any-wise notwithstanding.

1st SCH.
—cont.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously break, pull down, or in any Manner destroy the said Courts, Shire-hall, Offices, Buildings, and Premises, so to be erected and built, or any of them, or any Part or Parts thereof respectively, or any of the Appurtenances thereunto belonging, such Person or Persons, being lawfully convicted thereof, shall be adjudged guilty of Felony . . .

Punishing
Persons
destroying
Courts, Shire-
hall &c.

And be it further enacted, That when the said Courts, Shire-hall, Offices, Buildings and Premises shall be completed, finished, and fitted up, the same shall be for ever thereafter insured, supported, and maintained, and provided with proper Accommodations and Furniture, from time to time, as Occasion shall require, at the Expense and Charge of the said County of Gloucester; and that it shall and may be lawful for the Justices of the Peace for the said County, at any General Quarter Sessions of the said County, or the major Part of them then assembled, from time to time, to order the said Courts, Shire-hall, Offices, Buildings, and Premises, to be insured, supported, and maintained, and provided with proper Accommodations and Furniture, and to be repaired and altered in such Manner as they shall think fit . . .

The Hall to
be insured and
supported at the
Expense of
the County.

SECOND SCHEDULE

PART I

SECTIONS OF THIS ACT WHICH MAY BE ADOPTED BY A RURAL DISTRICT COUNCIL IN RESPECT OF THEIR DISTRICT OR A PART THEREOF

Part	Section and marginal note
Part III (Lands) ...	Section 24 (Acquisition of land in advance of requirements).
	Section 25 (Loans for erection etc. of buildings).
Part IV (Highways)	Section 27 (Prohibition of building until street defined).
	Section 28 (Prohibition of building until street formed and sewered).
	Section 29 (Termination of new streets).
	Section 30 (Rounding or splaying off corners at street junctions).
	Section 31 (Adjustment of boundaries of estates in connection with streets).
	Section 42 (Maintenance of forecourts to which public have access).
	Section 47 (Illumination of street names).
Section 48 (Attachment of street lamps brackets etc.).	

2ND SCH.
—cont.

Part	Section and marginal note	
Part IV (Highways) —continued	Section 50	(Barriers in streets).
	Section 51	(Pavement lights and ventilators).
	Section 54	(Application of building line to walls etc.).
	Section 57	(Restriction on buildings under footways).
	Section 58	(Means of access to buildings).
	Section 60	(Urgent repairs of private streets).
Part V (Open spaces camps and pleasure grounds etc.)	Section 79	(Parking places in parks etc.).
Part VII (Public health)	Section 114	(Abandoned drains to be cut off).
	Section 118	(Penalty for damage to surface water drains).
	Section 120	(Sanitary conveniences for persons employed on construction work).
	Section 121	(Loan of temporary sanitary conveniences).
	Section 122	(Tipping of spoil and refuse).
	Section 123	(Cost of provision maintenance and renewal of dustbins).
	Section 124	(Cleansing of filthy or verminous premises).
	Section 125	(Power to require vacation of premises during fumigation).
	Section 126	(Prohibition of sale of verminous articles).
	Section 127	(Ruinous and dilapidated buildings and neglected sites).
	Section 128	(As to defective houses).
	Section 129	(Height of new chimneys).
	Section 130	(New building overreaching adjoining chimneys).
	Section 131	(Power to order alteration of domestic chimneys).
	Section 133	(Provision of bathrooms).
	Section 134	(Further provisions as to means of escape from fire in case of certain buildings).
	Section 135	(Further provision for public and other buildings).
	Section 136	(Provisions as to tents vans etc.).
Section 139	(Byelaws for lighting staircases).	
Section 140	(Paving of yards and passages).	
Section 141	(As to water supply to occupied houses).	
Section 142	(Discharge of steam and waste gas).	
Section 143	(Silencers for internal combustion engines).	
Section 144	(Noise nuisance).	
Section 147	(Information to be furnished by occupier in case of notifiable disease).	

Part	Section and marginal note
Part VII (Public health)— <i>continued</i>	Section 148 (Restriction on attendance at public places etc.).
	Section 149 (Exclusion of children from places of entertainment or assembly).
	Section 150 (Compensation for stopping employment to prevent spread of disease).
	Section 151 (Entry into premises in case of notifiable disease).
	Section 152 (Prohibition of tuberculous persons from handling food).
	Section 154 (Registration of hawkers of food and their premises).
	Section 156 (Byelaws as to sale etc. of animal feeding meat).
	Section 157 (Registration of premises used in connection with the sale etc. of animal feeding meat).
	Section 167 (Medicated and other baths).

PART II

RESOLUTION OF ADOPTION

1. A resolution of adoption shall not be effective unless passed by a majority of the whole number of the members of the rural district council (hereinafter in this schedule referred to as "the rural council") at a meeting thereof.

2. One month at least before the meeting of the rural council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the rural council and such notice shall also be inserted once at least in one or more of the newspapers circulating within the district in each of two successive weeks.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the district and may also be published otherwise in such manner as the rural council think sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Minister to the Minister of Agriculture Fisheries and Food and to the Secretary of State.

5. The resolution of adoption shall come into operation at such time not being less than one month after the first publication of the advertisement as may be fixed by the rural council.

THIRD SCHEDULE

SECTIONS OF THIS ACT WHICH MAY BE APPLIED TO A RURAL DISTRICT COUNCIL BY ORDER OF THE MINISTER IN RESPECT OF THEIR DISTRICT OR A PART THEREOF

Part	Section and marginal note
Part VII (Public health)	Section 106 (Recovery of expenses of sewerage of public highway).
	Section 107 (Recovery of expenses of sewerage of prospective street).
	Section 108 (Prevention of evasion of liabilities under last two foregoing sections).
	Section 146 (Smoke from industrial furnaces).
	Section 153 (Inedible fat).
	Section 159 (Slaughter of animals otherwise than for human consumption).
	Section 160 (Animals slaughtered outside slaughter-houses).
Section 161 (Acquisition of certain residuals etc. and disposal thereof).	

FOURTH SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in a district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the local authority not exceeding the sum so apportionable shall be apportioned by the local authority on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date :

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the local authority and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the local authority shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a 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 local authority to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and
- (b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as they think just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the local authority subject to and in accordance with the following provisions:—

- (a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land;

- (b) At any time after whichever of the following events last occurs (that is to say):—

- (i) the erection of the new building; or

- (ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal;

the local authority may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand:

Provided that where the drains of the new building are at the time of its erection made to communicate with a sewer other than the sewer the expenses of the construction of which are apportioned no such demand shall be served in respect of the building unless and until the drains thereof are made to communicate with the last-mentioned sewer;

- (c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the

4TH SCH.
—cont.

owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein;

- (d) The rate of interest chargeable under this paragraph shall be such rate as the local authority may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last preceding paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the local authority may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected:

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the local authority with respect to any such remission may appeal to a 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 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 (hereinafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provision of this schedule—

(a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered;

(b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

(a) a building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date;

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say) :—

4TH SCH.
—cont.

(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 106 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council of a local authority the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 107 (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 ;

(d) the expression " surveyor " means the surveyor of the district.

FIFTH SCHEDULE

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the issuing authority may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the issuing authority may from time to time determine :

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue of such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the issuing authority.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan

5TH SCH.
—cont.

authorised by a statutory borrowing power and repayable out of the revenues of the issuing authority on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer of the issuing authority shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The issuing authority shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the issuing authority on the production thereof may cancel it and issue a new certificate in lieu thereof.

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

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.
Date
..... per centum bond
repayable at par on the 19.....
at

This is to certify that
of
is the registered holder of a bond for
pounds (£) issued by the
under the Gloucestershire County Council Act 1956 at

The seal of the
was hereunto affixed in the presence of }
Clerk (Town clerk).

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the issuing authority shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

I

in consideration of the sum of
paid by
(hereinafter called "the transferee") do hereby assign and
transfer to the transferee

To hold unto the transferee his executors administrators and
assigns subject to the several conditions on which I held the
same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the said
..... subject to the conditions aforesaid.

As witness our hands and seals this day of
nineteen hundred and

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the issuing authority.

(3) The deed of transfer shall be delivered to and retained by the issuing authority and the issuing authority shall enter a note thereof in a book to be called the "Register of transfers of bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The issuing authority shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the issuing authority as aforesaid the issuing authority shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The issuing authority before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The issuing authority may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the issuing authority during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

5TH SCH.
—cont.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the issuing authority may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the issuing authority shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the issuing authority they shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10. The issuing authority before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

11.—(1) Unless the holder of a bond otherwise requests the issuing authority may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

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

12. The production to the issuing authority of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the issuing authority as sufficient evidence of the grant.

Table of Statutes referred to in this Act

Title or short title	Session and chapter
An Act for erecting a Shire Hall and Courts for the Administration of Justice, and other buildings for public purposes for the County of Gloucester and County of the City of Gloucester	54 Geo. 3 c. clxxv.
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Steam Whistles Act 1872	35 & 36 Vict. c. 61.
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.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Local Government Act 1888	51 & 52 Vict. c. 41.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Cheltenham Improvement Act 1889	52 & 53 Vict. c. clxxxiv.
Public Health Acts Amendment Act 1890 ...	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Public Libraries Act 1892	55 & 56 Vict. c. 53.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Finance Act 1899	62 & 63 Vict. c. 9.
Burial Act 1900	63 & 64 Vict. c. 15.
Open Spaces Act 1906	6 Edw. 7 c. 25.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Ministry of Transport Act 1919	9 & 10 Geo. 5 c. 50.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920	10 & 11 Geo. 5 c. 17.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Local Government Act 1929... ..	19 & 20 Geo. 5 c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Local Government Act 1933... ..	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Trunk Roads Act 1936	1 Edw. 8 & 1 Geo. 6 c. 5. 60
Cheltenham and Gloucester Joint Water Board &c. Act 1936	26 Geo. 5 & 1 Edw. 8 c. cxxix.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67
Pensions (Increase) Act 1944	7 & 8 Geo. 6 c. 21.
Education Act 1944	7 & 8 Geo. 6 c. 31.
Trunk Roads Act 1946	9 & 10 Geo. 6 c. 30.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.

Title or short title	Session and chapter
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Pensions (Increase) Act 1947	10 & 11 Geo. 6 c. 7.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Gas Act 1948	11 & 12 Geo. 6 c. 67.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Wireless Telegraphy Act 1949	12 13 & 14 Geo. 6 c. 54.
Civil Aviation Act 1949	12 13 & 14 Geo. 6 c. 67.
National Parks and Access to the Countryside Act 1949	12 13 & 14 Geo. 6 c. 97.
Arbitration Act 1950	14 Geo. 6 c. 27.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950	14 Geo. 6 c. 39.
Pensions (Increase) Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 45.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Local Government (Miscellaneous Provisions) Act 1953	1 & 2 Eliz. 2 c. 26.
Licensing Act 1953	1 & 2 Eliz. 2 c. 46.
Slaughterhouses Act 1954	2 & 3 Eliz. 2 c. 42.
Mines and Quarries Act 1954	2 & 3 Eliz. 2 c. 70.
Town and Country Planning Act 1954	2 & 3 Eliz. 2 c. 72.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.

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