

# Leicester Corporation Act, 1956

4 & 5 ELIZ. 2 Ch. xlix

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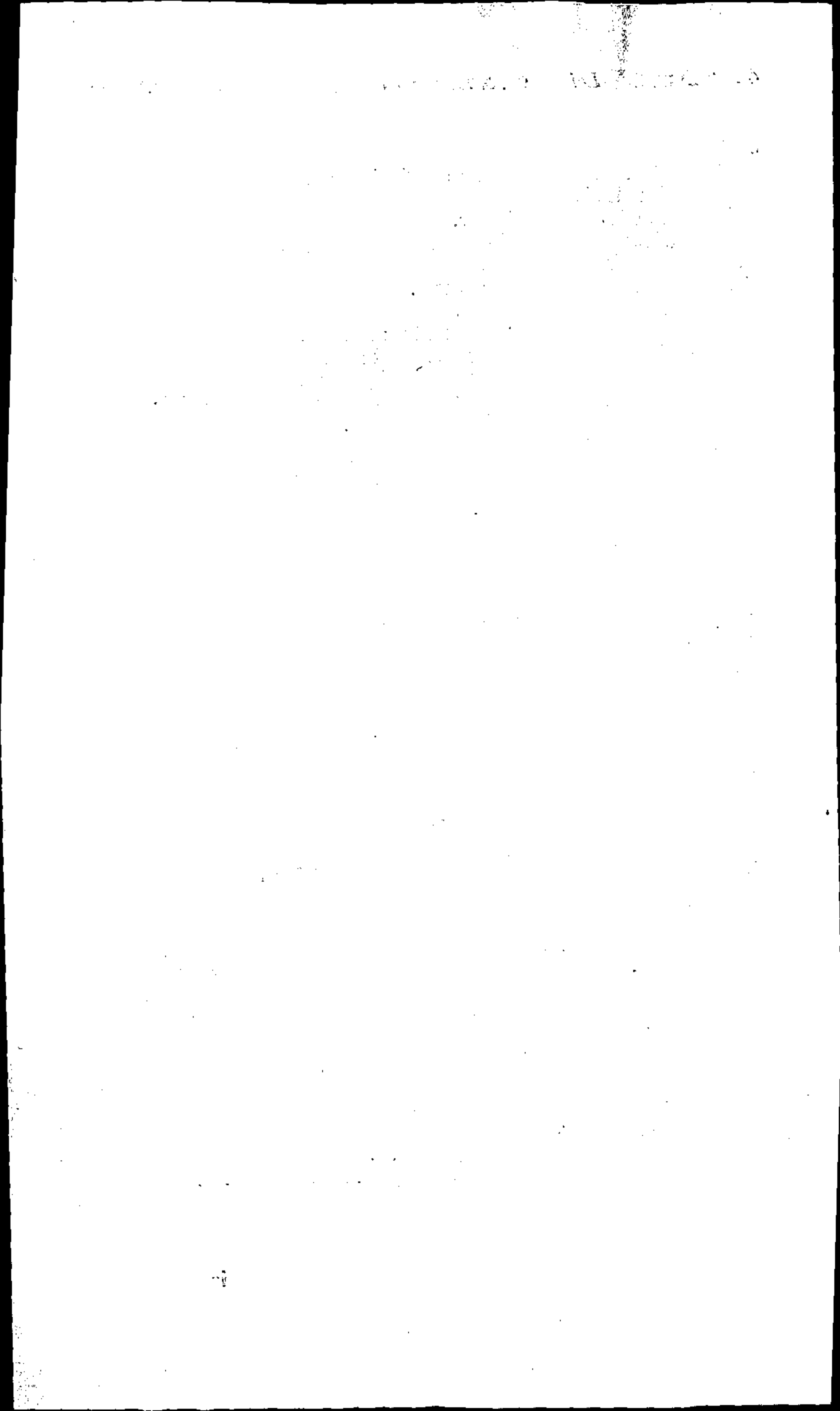
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PART IV  
—cont.

fails to comply with the notice be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements.

(4) This section applies to any building which exceeds two storeys in height and which—

- (i) is used wholly or mainly as an inn hotel boarding-house hospital nursing home boarding school children's home aged persons' home or similar institution; or
- (ii) is used wholly or mainly as a restaurant shop store or warehouse and in the case of any building in existence immediately before the passing of this Act has on any upper floor sleeping accommodation for persons employed on the premises; or
- (iii) is used as a house let in flats or lodgings or occupied by the members of more than one family.

(5) 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 this section in relation to a building in respect of which a notice could not have been given under section 60 of the Act of 1936 before the coming into operation of this section the following provisions shall apply and have effect:—

- (a) In the case of expenditure incurred in relation to any premises referred to in paragraphs (i) and (ii) of subsection (4) of this section if the owner thereof alleges that any tenant of the premises should meet or contribute towards meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of subsection (1) of this section) 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 expenses 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;
- (b) In the case of expenditure incurred in relation to any building referred to in paragraph (iii) of subsection (4) of this section 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

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

PART IV  
—cont.

(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 without having served a counter-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 Corporation 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.

46.—(1) Where plans of a house are in accordance with building byelaws deposited with the Corporation the Corporation may reject the plans if they do not show that the house will be provided with a fixed bath or shower bath in a bathroom. Provided that nothing in this section shall apply to the conversion of an existing building into separate dwellings.

Provision of  
bathrooms.

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

47.—(1) If it appears to the Corporation that any building to which this section applies is not provided with such means of escape in case of fire as the Corporation deem necessary from each storey of which the floor is more than twenty feet above the surface of the street or ground on any side of the building the Corporation shall by notice require the owner of the building to execute such work or make such other provision in regard to the matters aforesaid as may be necessary.

Means of  
escape from  
fire in case of  
certain  
existing  
buildings.

(2) In so far as a notice under the preceding subsection requires a person to execute works the provisions of section 290 of the Act of 1936 shall apply in relation to that notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) In so far as such a notice requires a person to make provision otherwise than by the execution of works he shall if he

PART IV  
—cont.

gases or effluvia from the building the Corporation shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

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

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

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

New building  
overreaching  
adjoining  
chimneys.

**45.**—(1) Where after the passing of this Act—

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

the Corporation 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 Corporation 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 may recover the cost of doing so from that person.



(b) the council shall treat the plans as if they incorporated the said information and were deposited in pursuance of the building byelaws on the date when the said information was deposited with the Corporation:

PART IV  
—cont.

Provided that the council shall not on reconsidering them under this subsection reject the said plans on any ground on which they could have been lawfully rejected when first deposited.

43.—(1) If any court common yard or passage in the city to which subsection (1) of section 56 of the Act of 1936 does not apply and which is not a highway repairable by the inhabitants at large is not well and sufficiently paved or flagged drained and channelled and kept in good repair to the satisfaction of the Corporation the Corporation may by notice require the owners of the houses buildings and lands abutting thereon and having the right to the use thereof to execute all such works as may be necessary to remedy the defect.

Courts and passages to be flagged and channelled.

(2) The provisions of Part XII of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works (other than subsection (6) of section 290 of that Act) shall apply in relation to any notice given under this section.

(3) Subject to the right of appeal under the said Part XII as applied by the last foregoing subsection if a notice requiring the execution of works under this section is not complied with within the time thereby limited the Corporation may themselves execute the works necessary to remedy the defect and recover the expenses of the works executed by them from the person or persons required by the notice to execute the works in such proportions (if there is more than one such person) as the Corporation may determine.

(4) In any proceedings to recover such expenses as are referred to in the last foregoing subsection the court may inquire whether any apportionment made by the Corporation was fair and may make such order concerning the 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.

(5) Subsection (2) of section 56 of the Act of 1936 shall cease to have effect in the city.

44.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Corporation and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious

Height of new chimneys.

PART IV  
—cont.

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

(4) Section 89 of the Act of 1936 in its application to the city shall have effect as if for the words "refreshment-house or place of public entertainment" in subsection (1) of that section there were substituted the words "or refreshment-house".

(5) Nothing in this section shall apply to any such premises as are referred to in the said section 89 as amended by subsection (4) of this section by reason only of the holding thereon of any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission.

*B Buildings and structures*Conditional  
passing of  
building plans.

42.—(1) If any person by whom or on whose behalf plans are deposited in pursuance of building byelaws with respect to a proposal fails to furnish the Corporation with any information whether by way of specifications calculation or otherwise which the council are by virtue of the byelaws entitled to require in connection with the building work or fitting to which the plans relate the council may with the consent of that person instead of rejecting the plans as defective pass them subject to a condition that no part of the proposed building work or fitting shall be begun before the expiration of a specified period not exceeding twenty-eight days after the said information has been deposited with the Corporation.

(2) The notice given by the council in pursuance of subsection (2) of section 64 of the Act of 1936 shall contain a statement of any condition imposed under subsection (1) of this section.

(3) Until the said information has been so deposited and until the expiration of the said period thereafter—

(a) the plans shall for the purposes of subsections (4) and (5) of section 65 of the Act of 1936 be deemed not to have been passed; and

(b) for the purposes of those subsections the notice containing a statement of the imposition of any such condition shall be deemed to have been a notice of rejection of the plans.

(4) If the said information is duly deposited—

(a) the original deposit and passing of the plans shall be void; 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.

**40.**—(1) The Corporation may by notice require a contractor engaged in or upon any building operations or the construction or reconstruction of any works in the city within such time as may be specified in the notice—

Sanitary conveniences for persons employed on construction work.

(a) to provide in connection therewith sufficient and satisfactory sanitary conveniences for the 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.

(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.

**41.**—(1) The Corporation may by notice require the owner or occupier of any premises in the city used for any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction to maintain in a suitable position such number of sanitary conveniences for the use of the public resorting to such premises as may be reasonable.

Provision of sanitary conveniences at places of amusement.

(2) The provisions of section 290 of the Act of 1936 (except subsections (6) and (7) thereof) shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

## PART IV

—cont.

Dealing with drains and sewers before demolition of premises.

**38.**—(1) As from the appointed day the Corporation may if it is reasonable so to do having regard to all the circumstances of the case by counter-notice served within six weeks from the receipt of a notice under section 52 (Demolition of buildings) of this Act require the person giving such notice either—

- (a) to seal any sewer or drain on in or under the site of the building to which the notice relates; or
- (b) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected;

and to make good and restore to the satisfaction of the Corporation 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. Any such counter-notice shall state the effect of subsection (3) of this section.

(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.

(3) Before sealing or taking up and removing any sewer or drain pursuant to this section the person executing the work shall give to the Corporation not less than forty-eight hours' notice of his intention to commence such work and if he fails to give such notice he shall be liable to a penalty not exceeding five pounds.

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

**39.**—(1) If a water-closet drain or soil pipe in the city 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.

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

- (a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence; and



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

PART IV  
—cont.

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.

36. The Corporation may on the application of the owner or occupier of any premises in the city 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  
repair drains  
etc. by  
agreement.

37.—(1) Where any person in the city—

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

(b) lays 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 discontinues the use of such drain;

Abandoned  
drains to be  
cut off.

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

(2) If any person knowingly contravenes the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Before cutting off and sealing pursuant to subsection (1) of this section any drain or portion of drain which before such cutting off communicates directly or indirectly with any public sewer the person executing the work shall give to the Corporation not less than twenty-four hours' notice of his intention to commence such work and if he fails to give such notice he shall be liable to a penalty not exceeding five pounds:

Provided that if the person executing such work as aforesaid gives to the Corporation notice pursuant to section 41 of the Act of 1936 and such notice contains notice of his intention to commence such work he shall not be required to give a further notice under this subsection.



PART IV  
—cont.

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

- (a) whether any requirement contained in a notice served under this section or any work done by the Corporation was reasonable ; and
- (b) whether the expenses incurred by the Corporation in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served ;

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

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

(4) No part of a Saturday or Sunday shall be taken into account for the purpose of calculating the period of forty-eight hours mentioned in subsection (1) of this section in the case of a notice served under that subsection in respect of a broken or damaged pan of a water-closet.

Summary  
power to  
repair drains  
etc.

35.—(1) If any drain or private sewer in the city—

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

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

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

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

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

is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice."

PART IV  
—cont.

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

Delegation  
of power to  
examine and  
test drains etc.

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

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

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

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

34.—(1) If on any premises in the city it appears to the medical officer or the sanitary inspector that a drain private sewer water-closet or soil pipe is stopped up or that the repair or replacement of a broken or damaged pan of a water-closet is immediately necessary in the interests of public health he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

Summary  
power to  
remedy  
stopped-up  
drains etc.

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

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

PART IV  
—cont.

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

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

(2) Any such order may direct—

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

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

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

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

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

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

Separate  
sewers for foul  
water and  
surface water.

**31.** For the purpose of facilitating the disposal of sewage the powers of the Corporation under the schedule to the Act of 1868 shall extend to enable the surveyor with the approval of the council to require any person constructing a new street in the city to provide separate sewers for foul water drainage and surface water drainage respectively.

Recovery  
of cost of  
maintaining  
public sewers.

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

“ Provided that unless in the opinion of the medical officer of health or the sanitary inspector immediate action



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

(b) As soon as reasonably practicable after the passing of any such resolution notice thereof shall also be given to the owners of the premises fronting adjoining or abutting on the street or the part thereof referred to in the resolution.

(3) Either—

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

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

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

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

Recovery  
of expenses  
of sewerage  
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.

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

Prevention  
of evasion of  
liabilities under  
last two  
foregoing  
sections.

(a) that by reason of any transfer of land any part of any premises (hereinafter in this section referred to as "the severed part")—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one foregoing section of this Act applies ; or

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

PART III  
—cont.

Section 285 (Service of notices etc.) ;

Section 291 (Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments) ;

Section 293 (Recovery of expenses etc.).

(2) The following provisions of the Public Health Act 1875 shall cease to apply to the exercise by the Corporation of the powers of section 150 of that Act:—

Section 251 (Summary proceedings for offences penalties etc.) ;

The first and third paragraphs of section 257 (Recovery of expenses by local authority from owners) ;

Section 266 (Notices etc. may be printed or written) ;

Section 267 (Service of notices) ;

The third paragraph of section 306 (Penalty on obstructing execution of Act).

(3) If at any time after the passing of this Act the Private Street Works Act 1892 comes into force in the city any reference in this section to the said section 150 shall as on and from the date on which the said Act of 1892 comes into force be construed as being a reference to the said Act of 1892 and sections 13 and 14 of the said Act of 1892 shall not apply to the exercise by the Corporation of the powers of that Act.

## PART IV

## PUBLIC HEALTH

*A Sewers drains and sanitary accommodation*Recovery  
of expenses  
of sewerage  
public  
highway.

28.—(1) Where the council—

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

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

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

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



adjoin or abuts on such street or part of a street and the amount which would otherwise be so apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the Corporation under this section in respect of such premises.

PART III  
—cont.

26.—(1) Where in any private street or part of a private street in the city the Corporation carry out any works under section 161 of the Public Health Act 1875 by way of providing and installing lamps lamp-posts and other materials and apparatus for lighting the same without having first required the owners and occupiers of the premises fronting adjoining or abutting on that street or on that part of that street to carry out such works in accordance with section 150 of the said Act the Corporation may if they think fit recover the expenses incurred by them in so doing from the owners of the said premises according to the frontage of their respective premises and in such proportions as the Corporation may determine or (in case of dispute) as may be settled by arbitration.

Recovery of cost of providing lighting equipment in private streets.

(2) Where any such expenses have been apportioned by the Corporation as payable by any such owner such apportionment shall be binding and conclusive on him unless within three months from service of notice on him by the Corporation of the amount determined to be due from him he shall by written notice dispute the same.

(3) For the purposes of the application of section 268 of the Public Health Act 1875 this section shall be construed as one with the said Act of 1875.

(4) The Corporation shall not be entitled to recover under this section from the commission expenses which by virtue of section 24 (As to private street expenses) of the British Transport Commission Act 1954 they would not have been entitled to recover from the commission under section 150 of the said Act of 1875.

(5) This section shall not apply to any street or part of a street in which lamps for lighting the same have been provided and installed before the passing of this Act.

27.—(1) The following provisions of the Act of 1936 shall so far as applicable extend and apply to the exercise by the Corporation of the powers of section 150 of the Public Health Act 1875 as if references in those provisions to the Act of 1936 included a reference to the said section 150:—

Application of Act of 1936 to private street works.

Section 277 (Power of councils to require information as to ownership of premises);

Section 283 (Notices to be in writing; forms of notices etc.);

PART III  
—cont.

in settling the apportionment regard shall be had to the following considerations or any of them (that is to say):—

- (a) the greater or less degree of benefit to be derived by any premises from the works proposed;
- (b) the amount and value of any work already done by the owners and occupiers of any premises.

(2) The council may also if they think fit subject to the provisions of subsection (3) of this section resolve that any premises which do not front adjoin or abut on such street or part of a street but access to which is obtained from the street through a court passage or otherwise and which in their opinion will be benefited by the said works shall be deemed for the purposes of the said section 150 or the said section 26 to be premises fronting adjoining or abutting on the street or part of the street.

(3) Before any such resolution as is referred to in this section is passed by the council the Corporation shall give notice of the proposed resolution and of the basis of the apportionment proposed to be made by virtue thereof to the respective owners or occupiers of the premises fronting adjoining or abutting on the private street or part of the private street to which the proposed resolution relates and of any other premises which may be affected thereby and shall consider any representation with respect to the proposed resolution or basis of apportionment referred to in such notice made to them by any of such owners or occupiers within a reasonable time to be specified in such notice.

(4) Notwithstanding anything contained in the said section 150 or the said section 26 the Corporation may fix the sum or proportion to be charged against any premises referred to in any such resolution in accordance with the foregoing provisions of this section.

(5) Nothing in this section shall affect the application of section 268 of the Public Health Act 1875 to the exercise by the Corporation of the powers of the said section 150 or of the said section 26 as amended by this section.

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

**25.** The power of the Corporation under the provisions of any enactment relating to private streets and for the time being in force in the city to contribute the whole or a portion of the expenses incurred by them in executing works in any private street or part of a private street shall extend so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under the enactments relating to private streets in respect of the said expenses against any premises of which only a flank fronts

*C Private streets*

## PART III

—cont.

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

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 fifty pounds for each one hundred yards of the length of the street.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under the provisions of any enactment relating to private streets and for the time being in force in the city.

## 23. If—

(a) the Corporation execute any works in any private street under the provisions of any enactment relating to private streets and for the time being in force in the city; and

Recovery of cost of making carriage-crossings in private streets.

(b) at the time of executing those works the Corporation at the request of the owner of any premises which front adjoin or abut on the street construct a carriage-crossing over the grass verge or footway of the said street for vehicles passing from or to the carriageway of the said street to or from the said premises;

the Corporation may recover the expenses incurred by them under the foregoing paragraph (b) together with interest from the date of service of a demand for the same till payment thereof from the owner of the said premises together with and in the same manner as the share apportioned on the owner of the expenses incurred by the Corporation in executing the works mentioned in the foregoing paragraph (a) The rate of interest on the expenses incurred by the Corporation under the said foregoing paragraph (b) shall be the same as the rate for the time being payable on the expenses incurred by them in executing such last-mentioned works.

24.—(1) Whenever the Corporation put in force the provisions of section 150 of the Public Health Act 1875 or section 26 (Recovery of cost of providing lighting equipment in private streets) of this Act in respect of a private street or part of a private street in the city the council may if they think fit subject to the provisions of subsection (3) of this section resolve that

Apportionment of costs of private street works.



PART III  
—cont.Removal of  
trees etc.  
from streets.

19. If any tree or any fence wall hoarding or similar erection or any part thereof shall fall on or across any street in the city so that obstruction or danger is caused or is likely to be caused to persons or vehicles using such street the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree fence wall hoarding or similar erection or any part thereof was situated from the occupier thereof.

Mixing of  
mortar etc.  
in streets.

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

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

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

(3) The provisions of section 14 (Deposits of building materials or excavations not to be placed without consent) of the Leicester Corporation Act 1897 shall not apply to the mixing of mortar cement plaster or like substances where such mixing is exempt from the prohibition contained in subsection (1) of this section by virtue of the provisions of that subsection.

Defacing of  
road surface  
etc.

21.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall—

(a) deface the surface of any street in the city or any wall adjoining any such street or any wall fence post or other structure or erection or any tree on or adjoining any such street by inscribing or painting thereon any letter sign device or other mark;

(b) remove obliterate deface or obscure any traffic sign erected or placed in the city under the provisions of the Road Traffic Acts 1930 to 1947.

(2) The Corporation may themselves cleanse and reinstate the surface of any street wall structure or erection which has been defaced contrary to the provisions of subsection (1) of this section or any such traffic sign which has been so removed obliterated defaced or obscured and may remove any such letter sign device or other mark as is referred to in that subsection.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds and the court by whom he is convicted may whether or not it imposes a penalty in addition by order require him to pay to the Corporation any expenses incurred by them under subsection (2) of this section.

(d) The applicant may deposit with the Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them;

(e) As soon as practical after such a deposit has been made the Corporation shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Corporation by or to the applicant as the case may require.

(7) The code in Part II of the Public Utilities Street Works Act 1950 (which relates to cases where apparatus is affected by road works) shall have effect as if the works approved proposed or required by this section were mentioned in paragraph (a) of subsection (1) of section 21 of the said Act.

18.—(1) Where the forecourt of any premises abutting upon a street in the city is unfenced and is habitually used or is open to use by the public as part of the footway of such street the Corporation 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.

Maintenance  
of forecourts  
to which  
public have  
access.

(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 Corporation 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 Corporation 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.



PART III  
—cont.

a trunk road without the consent of the Minister of Transport and Civil Aviation or otherwise than in accordance with any condition attached by him to his consent; and

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

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

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

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the city and the following provisions of this subsection shall have effect in lieu thereof as respects streets in the city which are repairable by the inhabitants at large:—

(a) Any person may request the Corporation in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing across a grass verge or footway in any such street or of strengthening or adapting a part of any such footway as a carriage-crossing;

(b) The Corporation may approve the request either with or without modifications or propose alternative work or reject the application:

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

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

(9) In this section—

- (a) the expression "ratepayer" means a person who is liable to any rate in respect of property in the city entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates; and
- (b) the expressions "alter" and "alteration" have the same meanings as in the Telegraph Act 1878.

PART III  
—cont.

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

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

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

(4) The Corporation shall not without the consent of the river board provide sockets or slots in or under the surface of any street situate on or forming part of any drainage work forming part of the main river of the river board or constructed or maintained in connection therewith.

17.—(1) Where the owner or occupier of or any person (other than the owner or occupier) residing in any premises in the city which abut on or have access to any street repairable by the inhabitants at large habitually uses any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the Corporation may give notice to the owner (if he habitually so uses the grass verge or footway) or (in any other case) the occupier 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 a 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—

- (i) the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of

PART III  
—cont.

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

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

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

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

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

(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 Minister of the Crown to any appropriation exchange or other disposition of any land of the Corporation in any case in which the consent of such Minister would have been required if this Act had not been passed.

(7) Where pursuant to this section the Corporation enter into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceases to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Public Utilities Street Works Act 1950 shall have effect in relation to those powers :

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.

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



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

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

(6) Where the Corporation carry out works under any enactment relating to private streets 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.

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

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

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

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

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

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

PART III  
—cont.

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

(4) Nothing in this section shall impose on the person by whom 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.

*B Protection and improvement of streets*Trees grass  
verges and  
gardens.

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

- (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 Corporation 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 the provisions of 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.



**11.**—(1) Where a plan and section of a new street delivered to or left with the Corporation in pursuance of regulation 26 in the schedule to the Act of 1868 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 regulations in the said schedule :

PART III  
—cont.

Prohibition  
of building  
until street  
formed and  
sewered.

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

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

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

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 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 streets for the time being in force in the city.

(6) Section 9 of the Local Government (Miscellaneous Provisions) Act 1953 shall have effect in its application to the city as if for the reference in that section to byelaws there were substituted a reference to the said regulations.

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

Carriage-  
crossings at  
ends of private  
streets.

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

PART II  
—cont.

of such entry examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall in default of agreement be determined by arbitration:

Provided that if the amount claimed for any such loss or damage does not exceed fifty pounds any dispute as to the amount of the loss or damage so sustained may on the application of either party be determined by a magistrates' court and the amount so determined shall be recoverable in such court.

Enclosure of roadside land in Anstey Lane.

9.—(1) Notwithstanding anything in any other Act the Corporation may stop up and enclose with fences or in such other manner as they may think fit the open land belonging to them adjoining the road known as Anstey Lane in the city on the south-western side thereof and coloured pink on the plan signed in triplicate by Frank Harold Hayman the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk:

Provided that no fence shall be erected by the Corporation under the powers of this section at a less distance than twenty-one feet from the centre line of the existing carriageway of Anstey Lane:

Provided also that the Corporation shall not exercise their powers under this section so as to prevent passengers on foot or on horseback from having access to and from the said land.

(2) Upon the enclosure by the Corporation of the said land or any part thereof under the powers of this section all public rights of way or other public rights in on over or across the said land or the part thereof so enclosed (except the rights of access referred to in subsection (1) of this section) shall cease and determine.

PART III

STREETS

*A New streets*

Notice of intention to lay out new street.

10. With respect to any notice of intention to lay out a new street given to or left with the Corporation in pursuance of regulation 26 in the schedule to the Act of 1868 less than three clear days before a meeting of the council that regulation and regulations 31 and 34 of the said schedule shall have effect as if for the references therein to a period of one calendar month there were substituted references to a period of five weeks.

(4) Nothing in this section shall be construed as empowering persons to grant any easement or right of water in which any other person has an interest unless that other person concurs in the grant.

PART II  
—cont.

8.—(1) Whenever it becomes necessary for the Corporation or any of their officers servants contractors or workmen to enter examine or lay open any land (not being land on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the occupier of such land refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them the Corporation may after notice to the owner and the occupier of the land apply to a magistrates' court for an order authorising the Corporation to enter examine and lay open the land for the purposes aforesaid or any of them.

(2) If sufficient cause is shown for the application the court may make an order accordingly and on such order being made the Corporation or any of their officers servants contractors or workmen may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine or lay open the land mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the land intended to be entered.

(3) If any statutory undertakers refuse permission for the Corporation to enter examine or lay open any operational land for any of the purposes mentioned in subsection (1) of this section the Corporation shall not be entitled to make application under that subsection to a magistrates' court but may apply to an arbitrator to determine whether such permission is unreasonably withheld and if the arbitrator shall determine that such consent is unreasonably withheld the Corporation shall have the like powers of entering examining and laying open the said land for the purposes for which permission was refused and be under the same liabilities as under an order of the court made under subsection (2) of this section.

(4) The Corporation shall at their own expense make good and restore to its former condition any land laid open by them or their officers servants contractors or workmen under this section and shall make good to the reasonable satisfaction of the owner and occupier of the land entered all damages or loss sustained by such owner or occupier respectively in consequence



PART II  
—cont.

advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

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

Undertakings  
and  
agreements  
binding  
successive  
owners.

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

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

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

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

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

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

Grant of  
easements by  
persons under  
disability.

7.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Corporation any easement or right required for the purposes of any enactment in force in the city or relating to the Corporation in over or affecting any such lands.

(2) All easements and rights granted to the Corporation or the Leicester Waterworks Company by any such person for any such purposes under any of the enactments repealed by this Act and all easements rights and privileges affecting any lands and streams granted to that company before the twenty-ninth day of June eighteen hundred and seventy-five or enjoyed by that company immediately before that day for the purposes of the undertaking of that company shall be deemed to have been granted under this section and are hereby confirmed to the extent that they are subsisting at the passing of this Act.

(3) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.



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

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
  - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or
  - (ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an

PART I  
—cont.

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

“telegraphic line” has the same meaning as in the Telegraph Act 1878;

“town clerk” means the town clerk of the city;

“transport undertakers” means any railway canal or inland navigation undertakers or any passenger road transport undertakers providing a regular service or services of public service vehicles;

“trolley vehicle” has the same meaning as in the Road Traffic Acts 1930 to 1947;

“water limits” means the limits within which the Corporation are for the time being authorised to supply water.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as extended amended or varied by or by virtue of any subsequent enactment including this Act.

## PART II

## LANDS

Reservation of easements etc. by Corporation.

4. On selling any land the Corporation—

(a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;

(b) may make the sale subject to such other reservations special conditions restrictions and provisions as they think fit.

Loans for erection etc. of buildings.

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

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

spectively relate to water and the Derwent Valley Water Acts 1899 to 1944 so far as they relate to the Corporation ;

“ magistrates’ court ” has the meaning assigned to that expression by section 124 of the Magistrates’ Courts Act 1952 ;

“ main river of the river board ” means the main river for the time being of the river board within the meaning and for the purposes of Part II of the Land Drainage Act 1930 ;

“ medical officer ” “ treasurer ” “ surveyor ” and “ sanitary inspector ” mean respectively the medical officer of health the treasurer the surveyor and any sanitary inspector of the Corporation ;

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

“ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946 ;

“ open space ” has the same meaning as in the Open Spaces Act 1906 ;

“ operational land ” in relation to any statutory undertakers means land of those undertakers which is operational land within the meaning of the Act of 1947 ;

“ private street ” means a street to which section 150 of the Public Health Act 1875 applies or which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947 ;

“ public service vehicle ” has the same meaning as in the Road Traffic Acts 1930 to 1947 ;

“ the river board ” means the Trent River Board ;

“ 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 Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed ;

PART I  
—cont.

“ apparatus ” means—

(a) in relation to the electricity authority and the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity authority or the electricity board as the case may be ; and

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

and includes any structure for the lodging therein of apparatus ;

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

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

“ the commission ” means the British Transport Commission ;

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

“ the council ” means the council of the city ;

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

“ the electricity authority ” means the Central Electricity Authority ;

“ the electricity board ” means the East Midlands Electricity Board ;

“ enactment ” includes an enactment in this Act and in any general or local Act and any order byelaw or regulation for the time being in force within the city ;

“ 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 same meaning as is assigned thereto by section 135 of the Food and Drugs Act 1955 ;

“ the gas board ” means the East Midlands Gas Board ;

“ general rate ” and “ general rate fund ” mean respectively the general rate and the general rate fund of the city ;

“ the local Water Acts ” means the unrepealed provisions of the Leicester Corporation Waterworks Acts 1847 to 1890 the Leicester Order 1894 the Leicester Corporation Act 1908 the Leicester Corporation Act 1921 the Leicester Corporation Act 1930 the Leicester (Waterworks) Order 1931 and this Act so far as they re-



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

## PART I

## PRELIMINARY

1. This Act may be cited as the Leicester Corporation Act Short title. 1956.

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

Division of  
Act into Parts.

- |      |                             |
|------|-----------------------------|
| Part | I.—Preliminary.             |
| Part | II.—Lands.                  |
| Part | III.—Streets.               |
| Part | IV.—Public health.          |
| Part | V.—Police.                  |
| Part | VI.—Entertainment licences. |
| Part | VII.—Parks and baths.       |
| Part | VIII.—Movable dwellings.    |
| Part | IX.—Weights and measures.   |
| Part | X.—Transport.               |
| Part | XI.—Water supply.           |
| Part | XII.—Markets.               |
| Part | XIII.—Cemeteries.           |
| Part | XIV.—District heating.      |
| Part | XV.—Finance and rating.     |
| Part | XVI.—Cultural activities.   |
| Part | XVII.—Miscellaneous.        |
| Part | XVIII.—General.             |

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

“ the Act of 1868 ” means the Leicester Improvement Drainage and Markets Act 1868 ;

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

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

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

And whereas the Corporation have ceased to operate tram-cars upon the various tramway routes authorised by the said Acts and Orders and it is expedient that the discontinuance and abandonment of such tramways should be confirmed:

And whereas it is expedient that further and better provision should be made and that further powers should be conferred on the Corporation in connection with their said passenger road transport undertaking:

And whereas the Corporation supply water under statutory powers within limits which comprise the city and certain areas adjacent thereto and it is expedient that the said limits should be altered and that as altered they should be redefined as by this Act provided:

And whereas it is expedient that certain of the provisions of the enactments relating to the water undertaking of the Corporation should be repealed or amended as by this Act provided and that further powers should be conferred upon the Corporation in respect of their said water undertaking:

And whereas the Corporation own and operate under statutory powers various markets and various fairs are held in the city and it is expedient that further and better provision should be made as in this Act provided with respect to the tolls charges and rents to be taken or charged in respect of such markets and for the better management and regulation of such markets and fairs:

And whereas the Corporation are the owners of certain cemeteries and a crematorium in the city and it is expedient that such provisions as are contained in this Act relating thereto should be enacted and that further powers should be conferred upon the Corporation in connection therewith:

And whereas it is expedient that the Corporation should be authorised to supply heat to premises in the city and for that purpose to acquire lands and to construct works:

And whereas it is expedient that further provision should be made with reference to the finances of the city as by this Act provided:

And whereas it is expedient that the further powers contained in this Act should be conferred on the Corporation and that the further provisions contained therein should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:



### CHAPTER xlix

An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Leicester with reference to lands streets and buildings and the local government health improvement and finances of the city to confer further powers upon them and to make further provision with reference to their transport water markets and cemetery undertakings to enact provisions with reference to public entertainments and the welfare of aged persons to empower the Corporation to establish an undertaking for the supply of heat to premises and for other purposes.

[17th May 1956.]

**W**HEREAS the city of Leicester (hereinafter referred to as "the city") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is under the management and local government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas it is expedient that further and better provision should be made with reference to lands streets and buildings and for the local government health and improvement of the city and that the powers of the Corporation in relation thereto should be enlarged and extended as by this Act provided:

And whereas it is expedient that the provisions contained in this Act for the welfare of aged persons should be enacted:

And whereas the Corporation are under various Acts and Orders authorised to operate a passenger road transport undertaking both within and without the city:

execution of such works and the taking of such steps the Corporation shall not take action under subsection (3) of this section in respect of such premises.

(3) At any time after the expiration of nine days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the Corporation may execute such works and take such steps as may be necessary to remedy the defective state of the premises to which such notice relates and subject to the provisions of subsection (5) of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

(4) If whilst any workman or contractor employed by the Corporation is carrying out works in a house under subsection (3) of this section the person upon whom the notice was served under subsection (1) of this section or any workman employed by him or by any contractor employed by him is in the house for the purpose of carrying out any such works such person shall be deemed to be wilfully obstructing the Corporation in the execution of this Act contrary to the provisions of section 288 of the Act of 1936 unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the works in order to obviate danger to the occupants of the house.

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

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

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



PART IV  
—cont.

the premises arose or continued by the act default or sufferance of that other person the court shall have power—

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

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

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

Demolition  
of buildings.

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

- (a) the shoring up of adjacent buildings; and
- (b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site:

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

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

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

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

substance is stored other than one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply.

PART IV  
—cont.

(5) In this section the expression “the prescribed method” in relation to liquid sedimentary viscous and solid substances means respectively such method as is prescribed by Part II of the Second Schedule to the Petroleum (Mixtures) Order 1929 for testing the liquid sedimentary viscous and solid substances to which that order applies.

54.—(1) Where the Corporation grant a petroleum spirit licence for the storage of petroleum spirit in a tank they may attach conditions to the licence requiring such steps to be taken or work executed if the tank becomes a disused petrol tank as they may think expedient for preventing danger from the tank. Disused petrol tanks.

(2) Where a disused petrol tank is kept on any premises in the city the occupier of the premises if a petroleum spirit licence was granted to him in respect of the storage of petroleum spirit in such tank shall comply with the conditions attached to the licence with respect to preventing danger from the tank or if such licence was not granted to him shall at the written request of the chief officer of the city fire brigade take all such steps as may be reasonably necessary to prevent danger from the tank.

(3) Any officer of the Corporation may require the occupier of any premises to show him any disused petrol tank on the premises and to permit him to ascertain whether the provisions of this section have been complied with.

(4) If any person after due warning contravenes the provisions of subsection (2) of this section he shall be liable to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds.

(5) In this section the expression “petroleum spirit” and “petroleum spirit licence” have the same meanings as in the Petroleum (Consolidation) Act 1928 and the expression “disused petrol tank” means any tank or other fixed container which has been but is no longer used for the storage of petroleum spirit.

55.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with the Corporation and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as the Corporation may consider necessary to enable effective action to be taken by them in case of fire at such building the Corporation shall reject the plans. Access to new buildings for fire brigade.

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

PART IV  
—cont.

(3) Any question arising under this section between the Corporation and the person by or on whose behalf the plans were deposited as to whether the provision proposed to be made for means of access for fire brigade appliances and personnel ought to be accepted by the Corporation as enabling effective action to be taken in case of fire shall be determined by arbitration.

Preventing  
fire in public  
or other  
buildings.

56.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building in the city to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

- (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 Corporation 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 or section 100 (Music and dancing licences) or section 101 (Boxing and wrestling licences) of this Act 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.

*D Refuse disposal*Recovery  
of annual  
dustbin  
charges.

57.—(1) Any charge made by the Corporation under subsection (3) of section 75 of the Act of 1936 in respect of a dustbin provided by them under that section (hereinafter referred to as an "annual dustbin charge") shall be deemed to be in respect of the financial year ending immediately before the first day of April on which the charge becomes due in accordance with that subsection Provided that where a dustbin is provided by the

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

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

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

(7) This section shall not apply to—

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

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

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

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

(10) Where any person proposes to demolish or take down any building or part thereof in pursuance of a demolition order or clearance order made by the Corporation under section 11 or section 26 respectively of the Housing Act 1936 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in a notice served on the owner (within the meaning of the Housing Act 1936) of the building at the same time as or within seven days of the service by the Corporation on him of a copy of the demolition order or clearance order required by subsection (4) of the said section 11 or by paragraph 5 of the Second Schedule to the said Act as the case may be.



## PART IV

—cont.

Parts of  
buildings used  
for storage of  
inflammable  
substances.

## C Fire prevention

53.—(1) Where any part of a building in the city is used for the storage for purposes of sale or trade of any substance to which this section applies in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building for any of the purposes hereinafter mentioned or in such manner as to be liable to cause fire or explosion no person shall knowingly or wilfully use or permit to be used as a habitable room or as a place in which any person works—

(a) any part of the building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building used for such storage ; or

(b) any part of the building used for such storage ;

unless there are provided according to the requirements of the Corporation—

(i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the part of the building used for such storage ;

(ii) means of ready escape in case of fire from the part of the building used for such purposes as aforesaid and the part of the building used for such storage ; and

(iii) notices in or on the part of the building used for such storage indicating the existence of danger from fire.

(2) Any person aggrieved by a requirement of the Corporation under subsection (1) of this section may appeal to a magistrates' court on any or all of the following grounds:—

(a) that the requirement is not justified by the terms of this section ;

(b) that the requirement is unreasonable in character or extent.

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

(4) This section applies to—

(a) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable ; and

(b) any other substance which when tested by the prescribed method gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit :

Provided that the Corporation shall not make any requirement under this section with respect to any building on which no such

Corporation in respect of any premises either for the first time or by way of replacement or renewal after the commencement of a financial year no reduction shall be made in the annual dustbin charge due in respect of that dustbin on the first day of April next following such provision replacement or renewal on account of the dustbin not having been provided replaced or renewed until part of the financial year had elapsed.

(2) An annual dustbin charge may be made in respect of any dustbin provided by the Corporation until—

- (a) the dustbin becomes unserviceable through fair wear and tear and is replaced or renewed by the Corporation ; or
- (b) the dustbin is replaced or renewed by the Corporation for any reason other than fair wear and tear and the cost of replacing or renewing it is paid to the Corporation ; or
- (c) the dustbin after being replaced or renewed by the Corporation as lost comes into the possession of the Corporation in a serviceable condition ; or
- (d) there ceases to be any house refuse produced at the premises otherwise than by reason of the premises being unoccupied ; or
- (e) it is agreed between the Corporation and the owner or occupier of any premises that the Corporation shall cease to provide and maintain a dustbin in respect of those premises :

Provided that no charge for such dustbin shall be made in respect of the financial year in which any such event as is referred to in the foregoing paragraphs (a) to (e) occurs.

**58.**—(1) The council may resolve that on and after a date specified in the resolution the cost of providing maintaining and renewing dustbins in the city or any part thereof for the reception of house refuse shall subject to the provisions of section 59 (Care of dustbins provided by Corporation) of this Act be paid out of the general rate fund as part of the expenses of the general rate. Provision of dustbins by Corporation.

(2) (a) After passing a resolution under subsection (1) of this section the council may further resolve that after a date specified in such further resolution all dustbins in use in the city or in such part thereof (as the case may be) for the reception of house refuse shall vest in the Corporation and thereupon all such dustbins and their covers shall become the property of the Corporation on the date so specified :

Provided that no resolution passed by virtue of this subsection shall have effect in the city or any part thereof unless and until

PART IV  
—cont.

a resolution under subsection (1) of this section has come into effect with respect to the city or such part thereof (as the case may be).

(b) The Corporation shall make compensation to the owner of any dustbin which by virtue of paragraph (a) of this subsection becomes the property of the Corporation for any loss suffered by such owner thereby in respect of which a claim is made by such owner within six months after the date of the publication of the notice referred to in paragraph (c) of this subsection and the amount of such compensation shall unless agreed between the Corporation and the owner be determined by a magistrates' court.

(c) As soon as may be after the passing of any such further resolution as is referred to in the said paragraph (a) the Corporation shall publish in a local newspaper circulating within the city a notice of the passing of such further resolution containing a statement of the effect thereof and of the provisions of paragraph (b) of this subsection.

(3) While any resolution passed under subsection (1) of this section is in force within the city or any part thereof section 75 of the Act of 1936 and section 57 (Recovery of annual dustbin charges) of this Act shall cease to have effect within the city or such part thereof (as the case may be).

Care of  
dustbins  
provided by  
Corporation.

59.—(1) In this section—

the expression "dustbin" means a dustbin provided by the Corporation in exercise of their powers under subsection (3) of section 75 of the Act of 1936 or under section 58 (Provision of dustbins by Corporation) of this Act or which has become the property of the Corporation in pursuance of a resolution under subsection (2) of the last-mentioned section and includes the cover of the dustbin; and

the expression "premises served" in relation to a dustbin means the premises at which such dustbin is placed by the Corporation for the reception of house refuse.

(2) If any person without the consent of the Corporation removes a dustbin from the premises served or being the occupier of such premises wilfully interferes with such dustbin he shall be liable to a penalty not exceeding forty shillings and the court by which he is convicted may in addition to imposing a penalty by order require him to pay to the Corporation the costs and expenses incurred by them in replacing or repairing the dustbin (as the case may be).

(3) All dustbins shall remain the property of the Corporation.



*E Filthy or verminous premises or articles*PART IV  
—cont.

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

Cleansing  
of filthy or  
verminous  
premises.

“(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—

(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”.

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

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 Corporation give the occupier further notice that the premises can safely be reoccupied; and

(b) the Corporation 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 Corporation free of



PART IV  
—cont.

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 Corporation 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 Corporation 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.

Prohibition  
of sale of  
verminous  
articles.

62.—(1) No dealer shall in the city—

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

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

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

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

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

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

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

(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.

*F Nuisances etc.*

PART IV

—cont.

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

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

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

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

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

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

(a) if the notice states that they are so satisfied ; or

(b) if they do not serve any notice under this subsection before the expiration of the said six weeks ;

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

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the Corporation shall consult the Minister of Fuel and Power.

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

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

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

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

PART IV  
—cont.  
Smokeless  
areas.

64.—(1) The Corporation may by order confirmed by the Minister prohibit the emission of smoke from premises to which the order applies.

(2) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order under this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds:

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted—

(a) arose solely from a furnace stove or other appliance suitable for burning an authorised fuel and properly maintained and used; and

(b) so arose either—

(i) by burning that authorised fuel therein; or

(ii) by burning any other type of fuel therein unless it is proved by the prosecutor that the authorised fuel was available to the defendant at the time the smoke was emitted.

In this subsection the expression “authorised fuel” means coke anthracite or any other fuel specified in the order as being an authorised fuel.

(3) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the provisions of an order under this section.

(4) An order under this section may contain provisions—

(a) for enabling the tenant of any premises incurring such expense as aforesaid and the owner of those premises to enter into and carry out an agreement making such variations in the terms of the tenancy of the premises as may be reasonable having regard to the expense incurred and to other relevant circumstances;

(b) for enabling any such tenant who has been unable to make such an agreement to apply to the county court for an order making such variations of the terms of the tenancy as aforesaid and for enabling the court to make such an order.

(5) An order under this section shall subject to the provisions of this section apply to all premises situated in such area or areas as may be specified in the order being either the whole of the city or any part or parts thereof:

Provided that as respects any particular premises or premises of any class so situated any such order may provide—

(a) that they shall be excluded from the application of the order; or

(b) that the application of the order to them shall be deferred until such date as may be so specified.

(6) Before submitting an order to the Minister for confirmation under this section the Corporation shall publish in the London Gazette and in a local newspaper circulating in the city a notice stating—

(a) that the order has been made and is about to be so submitted for confirmation ;

(b) the area or areas within which the order applies and the general effect of the order ; and

(c) that within twenty-eight days beginning with a date specified in the notice (not being earlier than the publication of the notice in the local newspaper) any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of the notice of his objection to the town clerk.

(7) If no objection is duly made or if every objection so made is withdrawn the Minister may if he thinks fit confirm the order either with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and consider any objection not withdrawn and the report of the person holding the inquiry and may then confirm the order either with or without modification.

(8) If at any time after the passing of this Act any person owning or occupying premises in the city by application to the town clerk specifying his name and address and the premises to which the application relates requests the Corporation to serve upon him a copy of any notice published in pursuance of subsection (6) of this section relating to an order affecting any premises so specified the Corporation shall—

(a) register the name address and premises so specified in a register kept for the purpose ; and

(b) serve upon him at the address entered in the register a copy of any such notice :

Provided that the accidental omission to serve a copy of a notice relating to any particular order on any person on whom it should have been served under paragraph (b) of this subsection shall not invalidate or prejudice the making or confirmation of the order.

(9) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Minister in like manner and subject to the like provisions.

(10) An order under this section may also be varied by another order made by the Minister on the application of the electricity authority or the gas board in relation to any premises



PART IV  
—cont.

intended to be used by the said authority as an electricity generating station or by the gas board as a gasworks (as the case may be) for the purposes of their respective undertakings:

Provided that—

- (a) before making application to the Minister for an order under this subsection the electricity authority or the gas board (as the case may be) shall give notice to the Corporation of their intention to make the application stating the general effect of the order proposed; and
- (b) before making the order the Minister shall consider any representations which may be made by the Corporation and shall give the Corporation an opportunity of being heard thereon.

(11) As soon as may be after an order under this section has been confirmed by the Minister the Corporation shall—

- (a) publish in a local newspaper circulating in the city a notice stating that the order has been confirmed and that a copy of the order may be inspected at all reasonable hours at a place in the city specified in the notice; and
- (b) serve a like notice on every person who having given notice to the Minister of his objection to the order appeared at the local inquiry in support of his objection.

(12) An order under this section shall not come into operation before the expiration of six months from the date of the publication of notice of its confirmation under the last foregoing subsection but shall come into operation on such date thereafter as may be specified in the order.

(13) Either—

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

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

(14) Nothing in any order under this section shall apply to smoke emitted from a railway locomotive.

(15) The Minister shall not confirm an order under this section applying as from any date to premises used for any of the following processes that is to say:—

- (a) the working of a mine;
- (b) the smelting of ores and minerals;

- (c) the calcining puddling and rolling of iron and other metals ;
- (d) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals ;

if he is satisfied on an objection duly made under subsection (6) of this section that the application of the order to those premises as from that date would obstruct or interfere with that process.

**65.**—(1) No person shall cause or permit to be discharged in the city so as to be prejudicial to health or a nuisance— Discharge of steam and waste gas.

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

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

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

**66.**—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the city by domestic pigeons gone feral or by starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or subject to the provisions of subsection (2) of this section in any other Act— Nuisance from pigeons etc.

- (a) seize and humanely destroy or cause to be seized and humanely destroyed any such pigeons or starlings in excess of such number as the Corporation consider reasonable ;
- (b) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcasses of any such pigeons or starlings ; and
- (c) take such other steps as they think necessary for any such purpose :

Provided that the Corporation shall not in the exercise of the powers conferred by this section—

- (a) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises ; or

PART IV  
—cont.

(b) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Protection of Birds Act 1954 or any order made thereunder.

## Dangerous trees.

67.—(1) Where in the city 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 the Corporation may serve notice on such owner or occupier requiring him within twenty-one days to remove cut down or fell the tree or execute such other works as the Corporation 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) The Corporation shall not serve any notice under this section except after consultation with the river board where the removal cutting down or felling of or the execution of any other works in relation to any tree is likely to cause injury or damage to or otherwise interfere with any drainage work forming part of the main river of the river board or constructed or maintained in connection therewith.

## Discontinuance of offensive trade.

68. In its application to the use of any land in the city for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 subsection (1) of section 26 of the Act of 1947 shall have effect as if after the word "interests" where the word first occurs in that subsection there were inserted the words "of public health or".

## Application of Part III of Act of 1936 to statutory undertakers.

69. Nothing in any local Act or Order in force in the city applying to any statutory undertakers shall prevent the provisions of Part III of the Act of 1936 from applying to any premises of those undertakers in the city.

## Silencers for internal combustion engines.

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

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

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

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

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

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

Provided that in the exercise of the powers conferred by this subsection on any operational land of any statutory undertakers such officer shall give notice of his intended entry and shall conform to such reasonable requirements of the undertakers as are necessary in the interests of safety and for preventing obstruction to or interference with the operation of the undertaking.

**71.**—(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 ;

(b) a justice of the peace shall not entertain a complaint under section 99 of the Act of 1936 with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise.



PART IV  
—cont.

(2) Nothing in this section shall apply to a noise occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

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

Control of sirens etc. used in factories etc.

72. As from the appointed day section 2 of the Steam Whistles Act 1872 shall in its application to the city 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".

G *Infectious diseases*

Definition of notifiable disease.

73. In this Part of this Act the expression "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 the Act of 1936 for the time being applies in the city by virtue of regulations made under section 143 thereof.

Entry into premises in case of notifiable disease.

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

- (a) that in any premises in the city 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 or an assistant medical officer designated for the purpose by 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 or such assistant 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 or assistant 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.

**75.**—(1) On the application of the medical officer the occupier of any building in the city 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.

PART IV  
—cont.

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 the expression “ occupier ” includes—

- (a) 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
- (b) in the case of a building the whole of which is ordinarily let out in separate tenements or in the case of a lodging-house the whole of which is ordinarily let to lodgers the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person.

(4) In this section references to a notifiable disease include references to food poisoning.

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

Restriction on attendance at public places etc.

“ (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 ”.

**77.**—(1) With a view to preventing the spread of a notifiable disease the Corporation on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in the city (including public swimming baths) for a time specified in the notice.

Exclusion of children from places of entertainment or assembly.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by the Corporation with a copy of a notice published under the foregoing

PART IV  
—cont.

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.

**78.** 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 the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

Prohibition  
of tuberculous  
persons from  
handling food.

**79.**—(1) If the medical officer certifies—

- (a) that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and
- (b) that he is occupied in the cooking preparation or handling of food in the city intended for consumption by persons other than himself or members of his household; and
- (c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons;

the medical officer or any other person authorised in that behalf by the Corporation may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a magistrates' court may on the application of the Corporation order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the Corporation.

(4) If any person fails to comply with any such order he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.



*H Food*PART IV  
—cont.

80. In and for the purposes of the next following five sections of this Act the following expressions have the meanings respectively assigned to them:—

Definitions  
relating  
to food.

“ animal feeding meat ” means any flesh of any food animal or of any horse ass or mule 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 and for the purposes of this definition “ flesh ” includes any part of an animal ;

“ 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 ;

“ food animal ” means any animal from which meat is derived ;

“ knacker’s yard ” has the same meaning as is assigned thereto by section 135 of the Food and Drugs Act 1955 ;

“ meat ” except in the expression “ animal feeding meat ” means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption ;

“ 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 and the Twelfth Schedule to the Food and Drugs Act 1955 or any regulations for the time being in force under section 13 of that Act amending or replacing the same ;

“ slaughterhouse ” has the same meaning as is assigned thereto by section 135 of the Food and Drugs Act 1955.

81.—(1) At any time after the Corporation have been authorised in pursuance of any regulations for the time being in force under any enactment to use a distinctive mark for meat inspected by one of their officers they may make byelaws—

Byelaws as  
to inspection  
of meat.

(a) for preventing meat brought into the city and intended for food from being sold or offered for sale or deposited for sale or preparation for sale until it has been inspected by an authorised officer of the Corporation ;

(b) for requiring any such meat to be taken for inspection to such place as may be specified in the byelaws.



PART IV  
—cont.

(2) Byelaws made under this section shall provide for the exemption therefrom of meat shown—

- (a) to have been imported from outside England and Wales ;  
or
- (b) to have been inspected and passed as fit for food by an authorised officer of the local authority for the district in which the animal from which it was derived was slaughtered.

(3) With a view to facilitating the carrying into effect of any byelaws made under this section an authorised officer of the Corporation may enter any slaughterhouse outside the city but within a circle having a radius of twelve miles from the town hall of the city for the purpose of inspecting any meat intended for sale or consumption in the city:

Provided that the powers of this subsection shall not be exercised without the consent of the local authority for the district in which the slaughter-house is situated.

(4) The Corporation shall—

- (a) not less than one month before making byelaws under this section furnish the Leicester and District Butchers' Association the Leicestershire County Branch of the National Farmers' Union and the Animal By-Products Parliamentary Committee with a draft of the proposed byelaws; and
- (b) on submitting the byelaws to the Minister of Agriculture Fisheries and Food for confirmation furnish him with a copy of any representations made to them in writing by the said bodies or either of them and a statement showing the effect (if any) given to any such representation.

Slaughter  
of animals  
otherwise  
than for human  
consumption.

**82.**—(1) As from the appointed day the following provisions shall have effect in the city with respect to the slaughter of any food animals or horses 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.

(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 and organs 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 and organs 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 paragraph (b) or paragraph (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 :

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 for the owner or other person responsible for the slaughter of any animal in a knacker's yard 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

PART IV  
—cont.

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.

## Inedible fat.

**83.**—(1) If any person takes or causes to be taken any fat unfit for food into any premises in the city 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.

Byelaws as to  
sale etc. of  
animal feeding  
meat.

**84.** The Corporation 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 of the persons to whom such sales are made ;
- (d) for prohibiting the sale or offer or exposure for sale of animal feeding meat unless such meat has been sterilised in such manner as may be prescribed by the byelaws ;
- (e) for empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid :

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is supplied to a zoological garden or to a menagerie for consumption by carnivorous animals and which has been examined and passed as fit for animal food by an authorised officer :

Provided also that the provisions of the foregoing paragraphs (d) and (e) and of the foregoing proviso shall cease to have effect on the coming into force of regulations to the like effect under section 13 of the Food and Drugs Act 1955.

**85.**—(1) As from the appointed day and subject to the provisions of this section no premises in the city 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 Corporation and if a person uses any premises in contravention of the provisions of this section he 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.

Registration of premises used in connection with the sale etc. of animal feeding meat.



PART IV  
—cont.

(2) Subject to the following provisions of this section the Corporation 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 section.

(3) If it appears to the Corporation that any premises for the registration of which application has been made under this section or which are registered under this section do not satisfy the requirements of any byelaws made under 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 Corporation 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 Corporation should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.

(4) If a person on whom a notice is served under the last foregoing subsection fails to show cause to the satisfaction of the Corporation 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.

(5) A person aggrieved by the decision of the Corporation under this section either to refuse to register any premises or to cancel the registration of any premises may appeal to a magistrates' court.

(6) Upon any change in the occupation of premises registered under this section 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 Corporation who shall thereupon make any necessary alteration in their register. If a person required to give a notice under this subsection fails to do so he shall be liable to a penalty not exceeding five pounds.

**86.**—(1) An authorised officer of the Corporation on production if so required of his authorisation shall have power at all reasonable times to enter and inspect premises registered under section 85 (Registration of premises used in connection with the sale etc. of animal feeding meat) of this Act for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of that section or of any byelaws made under section 84 (Byelaws as to sale etc. of animal feeding meat) of this Act and inspecting

Provisions  
applicable to  
last two  
foregoing  
sections.

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.

(2) Nothing in any byelaw made under paragraph (a) or paragraph (b) of the said section 84 and nothing in the said section 85 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.

(3) Nothing in any byelaw made under the said section 84 and nothing in the said section 85 shall apply to any premises used as a knacker's yard or slaughterhouse.

(4) Nothing in any byelaw made under the said section 84 and nothing in the said section 85 shall apply to any premises used for the purposes of an offensive trade as defined in section 107 of the Act of 1936 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.

**87.**—(1) As from the appointed day 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 city 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.

**88.** Nothing in section 81 (Byelaws as to inspection of meat) or section 82 (Slaughter of animals otherwise than for human

Savings.

PART IV  
—cont.

consumption) or section 84 (Byelaws as to sale etc. of animal feeding meat) of this Act 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.

## I Watercourses

Powers of Corporation as conservancy authority.

**89.**—(1) The Corporation shall not exercise the powers conferred upon them by section 8 (Local Board to be Conservators of River Soar etc.) of the Act of 1868 or by section 111 (Powers to improve watercourses) of the Leicester Corporation Act 1902 in relation to and shall cease to be conservators of any part of any river backwater brook stream or watercourse which for the time being forms part of the main river of the river board.

(2) The Corporation may accordingly exercise the powers of the said section 8 in relation to and shall be conservators of all such rivers streams and watercourses in the city as do not for the time being form part of the main river of the river board and the said section 8 shall have effect as if for the reference therein to the river Soar and all backwaters streams and watercourses within the limits described in section 7 (Power to execute works for prevention of floods and to take lands) of the Act of 1868 there were substituted a reference to the rivers streams and watercourses of which the Corporation are by virtue of this section the conservators.

(3) Nothing in this section shall affect the exercise or performance by the commission of any of their powers or duties.

For preventing obstructions to streams by culverts etc.

**90.**—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work the Corporation may within the city 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) The Corporation may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

(a) restrict the exercise by the Corporation of their powers in relation to culverts channels or other works; or

(b) impose upon the Corporation any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the Corporation to execute any works in under over across along or upon any



operational lands of any statutory undertakers without the consent of the undertakers but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

PART IV  
—cont.

(5) This section shall not apply to any river or stream as is for the time being part of the main river of the river board.

### *J Miscellaneous*

91. Nothing in subsection (2) of section 51 of the Leicester Treatment Extension Act 1891 (which requires the Corporation to pump certain sewage on to the Beaumont Leys sewage farm and treat it there) shall prevent the Corporation from dealing with the contents of the sewers in the city or any part thereof at any sewage disposal works for the time being belonging to them other than the said Beaumont Leys sewage farm.

92.—(1) Subject to the provisions of this section as from the appointed day no person shall carry on the business of a hairdresser or barber on any premises in the city unless he and those premises are registered by the Corporation.

(2) (a) For the purposes of this section a person shall not be deemed to carry on the business of a hairdresser or barber on any premises solely by reason that he visits those premises only by appointment with a customer and for the purpose of attending to that customer.

(b) Nothing in this section shall apply to a person who carries on business as a hairdresser or barber solely on premises on which he resides (being premises which do not include a shop or saloon occupied by him to which the public are invited to resort) so long as he is not engaged in the carrying on of that business substantially as a full-time occupation and does not employ any other person to assist him in that business.

(3) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(4) The Corporation may make byelaws for the purpose of securing—

(a) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.



PART IV  
—cont.

(5) If any person carries on business in contravention of subsection (1) of this section or contravenes or fails to comply with any byelaw made under subsection (4) of this section he shall be liable—

(a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds; and

(b) in the case of a contravention of or failure to comply with a byelaw to a penalty not exceeding five pounds;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(6) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

(a) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings; and

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

(7) 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.

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

## PART V

## POLICE

Barriers in  
streets.

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

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

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

(b) as respects any street belonging to or repairable by any transport undertakers and forming the approach to any station wharf or depot of those undertakers or so as to obstruct or interfere with the access to or exit from any such station or depot without the consent of those undertakers ; or

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

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

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

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

**94.**—(1) No procession through the streets of the city shall Street without the consent of the council pass within a distance of a processions. quarter of a mile of the Clock Tower in the city between the hours of ten in the forenoon and seven in the afternoon on any day except Sunday.

(2) No procession formed for the purpose of advertising any entertainment or any trade or business or any part of a trade or business and no other procession of which public notice has been given shall pass through the streets of the city unless notice stating the route by which and the time at which it will so pass has been delivered at the principal police station in the city at least thirty-six hours before the time so stated.

(3) If—

(i) any procession passes through the streets of the city in contravention of subsection (1) or subsection (2) of this section ; or

(ii) any procession passes by a route or at a time other than that stated in the notice delivered with respect thereto under subsection (2) of this section ;

any person organising or conducting the procession shall be liable to a penalty not exceeding five pounds.

(4) In this section the expression “ procession ” means any procession consisting wholly or partly of vehicles animals or persons :

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

PART V  
—cont.

(5) No part of a Sunday shall be taken into account for the purpose of calculating the period of thirty-six hours mentioned in subsection (2) of this section.

Police  
telephone call  
boxes and  
shelters.

**95.**—(1) Subject to the provisions of this section the Corporation may provide—

(a) such police telephone call boxes and installations ; and  
(b) such shelters or boxes for the use of police constables ;  
in such position in any street park or public place in the city 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 Corporation shall not exercise the powers of this section—

(a) without the consent of the Minister of Transport and Civil Aviation in any street being a trunk road ; or

(b) 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 wharf or depot of such undertakers ;  
or

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

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



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

PART V  
—cont.

96.—(1) If any person wilfully and without the consent of the Corporation—

Offences in respect of telephone boxes fire hydrants etc.

(a) obstructs the access to any police telephone call box or installation provided by the Corporation or any shelter or box so provided for the use of police constables or any fire alarm ; or

(b) removes, obliterates, alters, defaces or obscures any plate, notice or mark provided by or at the expense of the Corporation for indicating the position of any such call box, installation, shelter or box or the position of any fire hydrant or any underground tank provided for fire-fighting purposes ; 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 Corporation may recover from him the expenses of removing the obstruction or replacing or making good the plate, notice or mark.

(2) If any person—

(a) telephones or causes to be telephoned from any such call box any statement which he knows to be false (other than any such false alarm of fire as is referred to in section 31 of the Fire Services Act 1947) ; or

(b) for the purpose of requiring the services of the police, the fire brigade or an ambulance telephones or causes to be telephoned any such statement as aforesaid from a telephone call box provided in the city by the Postmaster-General ;

he shall be liable to a penalty not exceeding in the case of an offence under paragraph (a) of this subsection five pounds and in the case of an offence under paragraph (b) of this subsection twenty-five pounds.

97.—(1) No person shall operate or cause to be operated any loudspeaker whilst such loudspeaker is carried upon a vehicle in any street within a distance of half a mile of the Clock Tower in the city.

Restrictions on use of loudspeakers on vehicles.

(2) No person shall operate or cause or suffer to be operated any loudspeaker for the purpose of advertising any entertainment or meeting or any trade or business or any part of a trade or business whilst such loudspeaker is carried upon a vehicle in any street in the city.



PART V  
—cont.

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

(4) This section shall not apply to the use of a loudspeaker by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency.

(5) This section shall not apply to the use of a loudspeaker by—

(a) the electricity authority or the electricity board or the gas board for the purpose of announcements in case of emergency to their consumers or to the public generally; or

(b) transport undertakers or any persons operating public service vehicles for the purpose of making announcements to their passengers whilst in any of their vehicles or any of their stations or depots or intending to board any of their vehicles or for communications between their staff.

(6) Nothing in this section shall apply to the use within a vehicle of a loudspeaker forming part of a wireless receiving or transmitting apparatus for the reception or transmission of messages or other sounds by a person in the vehicle so long as—

(a) such loudspeaker is used only for the purpose of the reception of messages and sounds by the occupants of the vehicle or for the transmission of messages which are dependent for their reception upon a wireless receiving apparatus; and

(b) such loudspeaker is not used so as to be an annoyance or nuisance to any person.

(7) In this section the expression “loudspeaker” includes an amplifier or similar instrument but does not include an instrument which produces or reproduces sounds so long as the sounds which it produces or reproduces are not words.

(8) Nothing in this section shall prejudice or affect the powers of the Corporation of making byelaws under section 249 of the Act of 1933.

Provisions  
as to motor  
vehicles let  
for hire.

**98.** The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws and subject to any modifications specified therein those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that nothing in the said provisions or byelaws shall by virtue of this section apply to—

(i) any vehicle which is used wholly or mainly in connection with the business of a funeral director or owner of

funeral vehicles if notice that it is so used has been given to the Corporation by the person keeping it for such purpose ; or

- (ii) any vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire ; or
- (iii) a trolley vehicle ; or
- (iv) a public service vehicle ; or
- (v) 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 Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

**99.**—(1) The Corporation may make byelaws—

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

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 ;

PART V  
—cont.

- (c) merry-go-rounds roundabouts swings switchback-railways ;
- (d) coconut-shies hoop-las shooting galleries ;
- (e) dodgems or other mechanical riding or driving contrivances ;
- (f) automatic or other machines intended for entertainment or amusement ;
- (g) anything similar to any of the foregoing.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

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

(5) The Corporation shall—

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

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

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

PART VI

ENTERTAINMENT LICENCES

Music and  
dancing  
licences.

**100.**—(1) In this section (except in subsection (8) thereof) the expression "entertainment" means public dancing singing music or other public entertainment of the like kind but does not include a travelling fair or circus.

(2) Subject to the provisions of this Act as from the appointed day a place shall not be kept or used in the city for the purposes of any entertainment without a licence from the Corporation under this section.

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

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

(a) with the written permission of the Corporation ; or

(b) on any special occasion when a special order of exemption shall have been granted under section 107 of the Licensing Act 1953 in respect of that place ;

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

(5) On and after the appointed day Part IV of the Public Health Acts Amendment Act 1890 shall not be adopted by the Corporation.

(6) Nothing in this section shall affect the validity of any licence granted in respect of any place within the city under section 7 (Places for dancing music and other entertainments to be licensed) of the Leicester Corporation Act 1884 and in force on the appointed day and any such licence shall have effect thereafter as if it had been granted under this Act and shall subject to the provisions of this Act continue in force until the thirty-first day of December next following the appointed day.

(7) Nothing in this Part of this Act shall prejudice or affect the provisions of section 7 of the Cinematograph Act 1952.

(8) (a) A licence shall not be required under this section for any premises by reason only of the use of the premises—

(i) for the purpose of the public performance of a stage play which includes persons playing music dancing or singing or which otherwise includes or is accompanied by music ; or

(ii) for the giving of a boxing or wrestling entertainment which is accompanied by music as the case may be.

(b) For the purposes of this subsection any music played in any premises by way of introduction to in any interval between parts of or by way of conclusion of a stage play or entertainment or in the interval between two stage plays or entertainments shall be treated as music accompanying a stage play or entertainment if the total time taken by music so played on any day amounts to less than one-quarter of the total time taken by the stage plays or entertainments given in the premises on that day.

(9) As from the appointed day section 7 of the said Act of 1884 shall be and is hereby repealed.



PART VI  
—cont.—Boxing and  
wrestling  
licences.

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

- (a) by travelling showmen at pleasure fairs ;
- (b) 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
- (c) by any university or college or establishment for further education or school.

(2) Subject to the provisions of this Act as from the appointed day premises shall not be used in the city for the purposes of a boxing or wrestling entertainment without a licence from the Corporation under this section.

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

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

(5) A licence shall not be required under this section in respect of the use of any premises by reason only of the use thereof for the purpose of the performance of a stage play or the giving of a cinematograph exhibition which includes a representation of persons boxing or wrestling.

Duration  
transfer etc.  
of licences.

**102.**—(1) A licence granted by the Corporation under section 100 (Music and dancing licences) or section 101 (Boxing and wrestling licences) of this Act or under the Theatres Act 1843 shall unless previously revoked be in force for the period of one year or for such shorter period as the Corporation may determine on the grant of the licence :

Provided that the Corporation may grant an occasional licence for the use of any place or premises for the purposes of any such entertainment as is referred to in the said section 100 or the said section 101 or for the public performance of a stage play on such one or more particular occasions only as may be specified in the licence.

(2) The Corporation may transfer any such licence as is referred to in this section to such person as they think fit subject in the case of a licence under the Theatres Act 1843 to compliance with section 7 of that Act.

(3) (a) An applicant for the grant or renewal or transfer of any such licence as aforesaid shall give not less than twenty-eight days' notice of his intention to make such application to the Corporation and the applicant shall also furnish such particulars and give such other notices as the Corporation may by regulation prescribe.

(b) In its application to the city and the Corporation section 5 of the Theatres Act 1843 shall have effect as if for the reference therein to twenty-one days there were substituted a reference to twenty-eight days.

**103.**—(1) A person when making application for the grant or renewal of a licence (other than an occasional licence) under section 100 (Music and dancing licences) or section 101 (Boxing and wrestling licences) of this Act shall pay to the Corporation such fee as the Corporation may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant or renewal of any such licence for a period not less than a year ... ..	1	0	0
(b) in respect of an application for the grant or renewal of any such licence for any period less than one year five shillings for every month or part thereof so however that the aggregate fees payable in any one year under this subsection in respect of the same premises shall not exceed ... ..	1	0	0

(2) Any person when making application under the foregoing provisions of this Part of this Act for the grant or renewal of an occasional licence or for the transfer of a licence shall pay to the Corporation such fee as the Corporation may fix not exceeding five shillings.

(3) Any fees paid to the Corporation pursuant to the foregoing provisions of this section may be retained by the Corporation whether the licence is or is not granted renewed or transferred.

(4) The Corporation may remit any fees payable under this section in respect of an application for the grant renewal or transfer of a licence for the purposes of an entertainment or the public performance of a stage play which in the opinion of the Corporation has been organised or arranged for a charitable or similar object.

**104.**—(1) The council may resolve with respect to any licence granted by the Corporation under the Theatres Act 1843 that to such extent as may be specified in the resolution no licence under section 100 or section 101 of this Act shall be required

Avoidance  
of double  
licensing.

PART VI  
—cont.

in respect of the place or premises to which the licence under the Theatres Act 1843 relates so long as that licence is in force.

(2) The council may resolve with respect to any licence granted by the Corporation under section 100 of this Act that to such extent as may be specified in the resolution no licence under section 101 of this Act shall be required in respect of the premises to which the licence under the said section 100 relates so long as that licence is in force.

(3) Notwithstanding anything in the foregoing provisions of this Part of this Act where a licence to which a resolution passed by the council under this section applies is in force with respect to any place or premises the provisions of sections 100 and 101 or of section 101 (as the case may be) of this Act shall not apply to those premises to the extent specified in such resolution.

(4) A resolution under this section may relate specially to a particular licence or generally to such class or classes of licences as the council think fit.

(5) The effect of any resolution passed by the council under this section shall be stated in every licence to which the resolution applies.

(6) Where any place or premises with respect to which there is in force a licence to which a resolution under this section applies is or are used for the purposes of any entertainment for which a licence would have been required under section 100 or section 101 of this Act if the said resolution had not been passed any terms conditions and restrictions attached to the first-mentioned licence shall extend and apply to regulate that entertainment in like manner as if such entertainment were an entertainment (whether a stage play or other form of entertainment) of the like kind for the purpose of which the first-mentioned licence was granted:

Provided that the Corporation may in attaching any terms conditions or restrictions to a licence granted by them under the Theatres Act 1843 or under section 100 of this Act expressly provide for the modification of such terms conditions or restrictions for the purpose of their application to an entertainment by virtue of this subsection and in that event such terms conditions or restrictions shall apply to such entertainment as so modified.

(7) Any resolution passed under this section may be rescinded by the council:

Provided that for the purposes of subsections (3) and (6) of this section the rescission of any such resolution shall not have any force or effect until after the expiration of twenty-eight days from the service by the Corporation of notice of the



rescission of the resolution on the holder of any licence to which the resolution applied.

PART VI  
—cont.

**105.** If any person—

Penalties.

- (a) provides an entertainment to which the foregoing provisions of this Part of this Act apply in any place or premises in respect of which there is not in force a licence appropriate for such entertainment under this Part of this Act; or
- (b) being the occupier or rated as occupier of any place or premises keeps or uses such place or premises or allows them to be kept or used for any such entertainment without a licence appropriate for such entertainment under this Part of this Act; or
- (c) being a person to whom a licence has been granted under this Part of this Act or under the Theatres Act 1843 or to whom a licence has been transferred under this Part of this Act in respect of any place or premises keeps or uses such place or premises or allows them to be kept or used in contravention of the terms conditions or restrictions on or subject to which such licence was granted or transferred;

he shall be liable—

- (i) in respect of an offence under paragraph (a) or paragraph (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.

**106.** If the holder of a licence granted by the Corporation and for the time being in force under the foregoing provisions of this Part of this Act or under the Theatres Act 1843 be convicted of any contravention of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the Corporation.

Power to  
revoke  
licences.

**107.**—(1) A police officer or any person appointed for the purpose by the Corporation may at all reasonable times enter any place or premises licensed by the Corporation under the foregoing provisions of this Part of this Act or under the Theatres Act 1843 in which there is reason to believe that an entertainment to which the said provisions apply is being or is about to be given or that a stage play is being or is about to be publicly performed with a view to seeing whether the provisions of this Part of this Act or the said Act of 1843

Powers of  
entry and  
inspection.



PART VI  
—cont.

applicable to such an entertainment or stage play and the terms conditions or restrictions on or subject to which any licence under the said provisions or the said Act of 1843 has been granted are complied with.

(2) A police officer or any person appointed for the purpose by the Corporation may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any place or premises in the city in respect of which there is reason to suspect that an offence under the foregoing provisions of this Part of this Act or the said Act of 1843 is being committed.

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

Stage play  
licences.

**108.**—(1) Subject to the provisions of section 109 (Initial appeals under Part VI) of this Act the Corporation may attach to any licence granted by them under the Theatres Act 1843 such terms conditions and restrictions as they may determine.

(2) Section 9 of the Theatres Act 1843 and except in any case in which the Corporation otherwise require so much of section 7 of that Act as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in the said section 7 shall cease to have effect in their application to the city and as respects licences granted by the Corporation under that Act.

Initial appeals  
under Part VI.

**109.** Where under the foregoing provisions of this Part of this Act the Corporation—

- (a) refuse to grant renew or transfer a licence ; or
- (b) revoke a licence ; or

(c) attach any terms conditions or restrictions to a licence ;  
any person aggrieved by such refusal revocation or attachment may appeal to a magistrates' court.

Cancellation  
and variation  
of licences by  
agreement.

**110.**—(1) Upon receiving a written request in that behalf accompanied by the licence from the holder of a licence granted by the Corporation and for the time being in force under the foregoing provisions of this Part of this Act or under the Theatres Act 1843 or under the Cinematograph Act 1909 the Corporation may—

- (a) cancel the licence ; or
- (b) modify or waive any of the terms conditions or restrictions attached to the licence or attach new or substituted terms conditions or restrictions to such licence.

(2) The terms conditions or restrictions of any such licence as so modified and any new or substituted terms conditions or restrictions attached under the powers of this section shall be binding and enforceable in all respects as if they had been attached to the licence at the grant thereof.

PART VI  
—cont.

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

Devolution of  
licences in  
case of death  
of licensee.

## PART VII

### PARKS AND BATHS

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

Boating pools.

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

(3) The Corporation may either—

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

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

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

(5) Where the existence of a boating pool provided under the powers of this section is likely to interfere with any watercourse flowing directly or indirectly into any stream which is vested in or controlled by the river board the Corporation shall before commencing to provide the boating pool consult with the river board.

PART VII  
—cont.  
Golf courses.

**113.**—(1) The Corporation may provide and manage a golf course and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without the city.

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

(3) The Corporation may make such reasonable charges as they think fit for the use of any golf course provided by them under this section or for admission thereto.

(4) The Corporation may—

(a) at any such golf course provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto ;

(b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid ;

(c) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments ;

(d) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of intoxicating liquor or tobacco at any such golf course.

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

(6) Any golf course provided by the Corporation and in existence immediately before the passing of this Act shall be deemed to have been provided by the Corporation under the powers of this section and the provisions of this section shall accordingly apply thereto.

Extension  
of section 4  
of Physical  
Training and  
Recreation  
Act 1937.

**114.** The Corporation may exercise the powers conferred upon them by section 4 of the Physical Training and Recreation Act 1937 of providing and arranging for the training of wardens teachers and leaders in respect of any facilities for exercise recreation and social activities provided by them at any park open space golf course playing field or swimming bath provided by them or under their control or management.

Medicated  
and other  
baths.

**115.** The Corporation 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 VII  
—cont.

## PART VIII

### MOVABLE DWELLINGS

**116.** In this Part of this Act the expression “movable dwelling” includes any tent any van or other conveyance whether on wheels or not and subject as hereinafter provided any shed or similar structure being a tent conveyance or structure which is used either regularly or at certain seasons only or intermittently for human habitation:

Definition  
of movable  
dwelling.

Provided that it does not include any canal boat or any other boat bona fide used for navigation.

**117.**—(1) The Corporation may with the consent of the Minister provide within the city camping grounds for any or for any particular class or number of movable dwellings as may be prescribed from time to time by the Corporation.

Provision  
of camping  
grounds by  
Corporation.

(2) (a) The Corporation before applying for the consent of the Minister under this section shall give notice of their proposal to every owner of land contiguous to the land on which they propose to provide a camping ground and publicly by advertisement in a newspaper circulating in the city.

(b) Every such notice shall state the area and situation of the proposed camping ground and shall specify a date (not being earlier than twenty-one days from the service or publication of the notice) by which and the manner in which representations may be made to the Minister with respect to the proposal.

(c) If any such representation is duly made and not withdrawn the Minister shall (unless the representation appears to him to be frivolous) cause a local inquiry to be held under section 255 (Local inquiries) of this Act with respect to the proposal before deciding whether or not to give his consent thereto.

(3) The Corporation may provide such buildings equipment and services and may execute such works as may be necessary or expedient in connection with the provision of a camping ground under this section.

(4) Where the Corporation have provided under this section a camping ground they may permit the occupier of any movable dwelling to encamp upon that camping ground on payment of such fee as may be prescribed by the Corporation.

(5) The Corporation for the purpose of securing the amenities of the city in relation to the use of any camping ground provided



PART VIII  
—cont.

under this section and any movable dwellings situate thereon may make byelaws —

- (a) for preventing the amenities of the city 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 ;
- (c) for preventing annoyance to the residents in the city by the conduct of the occupiers of or of persons frequenting movable dwellings situate on any such camping ground.

Camping  
site licences.

**118.**—(1) For the purpose of regulating the use of movable dwellings in the city the Corporation may subject to the provisions of the next following section grant licences authorising persons to allow land occupied by them in the city to be used as sites for movable dwellings.

(2) Every such licence shall continue in force for such period as may be specified by the Corporation in the licence and shall be subject to such conditions as the Corporation when granting the licence may attach thereto.

(3) Where an application for a licence under this section is made to the Corporation the Corporation shall be deemed to have granted it unconditionally unless within two months from the receipt thereof they give notice to the applicant stating that his application is refused or stating the conditions subject to which the licence is granted.

(4) Any applicant for a licence under this section who is aggrieved by the refusal of the Corporation to grant the licence or by any condition attached to the licence may appeal to a magistrates' court.

(5) If any person fails to comply with any condition attached to any licence under this section he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Corporation may if they think fit cancel the licence.

(6) Nothing in this section or in any licence granted thereunder shall extend to authorise any person to commit or continue any nuisance or to allow land occupied by him to be used contrary to the terms of any covenants restrictions or conditions upon or subject to which the land is held by him.

Restrictions  
on licensing  
of large  
camping sites.

**119.**—(1) The following provisions of this section shall have effect where an application is made to the Corporation under the last preceding section for a licence to use land as a site for six or more movable dwellings.

(2) The Corporation shall not grant such a licence unless notice of the application has first been given by the Corporation by advertisement in a newspaper circulating in the city.

(3) Every such advertisement shall specify a date (not being earlier than twenty-one days after the publication of the advertisement) before which representations may be made to the Corporation with respect to the application.

(4) The Corporation shall consider any representation so made to them before deciding whether or not to approve the application and after making their decision shall communicate it to every person who made any such representation.

(5) Any such person who is aggrieved by the decision of the Corporation may appeal to a magistrates' court.

**120.**—(a) The Minister in considering any application for his consent under section 117 (Provision of camping grounds by Corporation) of this Act ;

Circumstances particularly relevant to applications.

(b) The Corporation in considering any application for a licence under section 118 (Camping site licences) of this Act and any court in hearing an appeal against any decision of the Corporation on any such application ;

shall have regard in addition to all other relevant circumstances in particular to—

(i) whether or not the amenities of any part of the city will be prejudicially affected by the presence of or conditions likely to arise from any movable dwelling on the land ;

(ii) whether or not annoyance is likely to be caused to residents in any part of the city by reason of the conduct of the occupiers of or persons frequenting any movable dwelling on the land ; and

(iii) the distance between and the area of the camping grounds for movable dwellings in the neighbourhood.

**121.**—(1) Where the occupier of any land in the city consents to the keeping of a movable dwelling on such land he shall forthwith give notice in writing to that effect to the chief sanitary inspector.

Camping on unlicensed sites.

(2) (a) Subject to the provisions of this section no person shall—

(i) place a movable dwelling on any land to which this subparagraph applies without having first obtained the express consent of the occupier of such land ; or

(ii) keep a movable dwelling on any one site or on two or more sites in succession in the city on more than fourteen consecutive days or on more than twenty-eight days in any consecutive twelve months ; or

PART VII  
—cont.

(iii) allow any land occupied by him to be used for camping purposes on more than fourteen consecutive days or on more than twenty-eight days in any consecutive twelve months.

(b) Sub-paragraph (i) of paragraph (a) of this subsection applies to any land in the city on or near to which a notice of the effect of the said sub-paragraph (i) and of the penalty prescribed by subsection (4) of this section is posted in a conspicuous position.

(3) For the purposes of this section—

(a) land which is in the occupation of the same person as and within one hundred yards of a site on which there is during any part of the day a movable dwelling shall be regarded as being used for camping purposes on that day;

(b) if a movable dwelling is removed from the site on which it stands but within forty-eight hours is brought back to the same site or to another site in the city then for the purpose of reckoning any such period of fourteen consecutive days as is mentioned in paragraph (b) or paragraph (c) of subsection (2) of this section it shall be deemed not to have been removed or as the case may be to have been removed direct from the one site to the other;

(c) the owner of land which is not let shall be deemed to be the occupier thereof.

(4) If any person contravenes the foregoing provisions of this section he shall be liable in the case of an offence under subsection (1) or sub-paragraph (i) of paragraph (a) of subsection (2) of this section to a penalty not exceeding five pounds and in the case of an offence under subparagraph (ii) or subparagraph (iii) of the said paragraph (a) to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(5) Where a movable dwelling is kept on any land in the city in contravention of the provisions of sub-paragraph (ii) or sub-paragraph (iii) of paragraph (a) of sub-section (2) of this section the medical officer or the chief sanitary inspector may by notice in writing require the person keeping the movable dwelling to remove the movable dwelling from such land within a period stated in the notice which shall not be less than forty-eight hours and if any such notice be not complied with may remove such movable dwelling from the land.

(6) Any notice authorised by this section to be served on the person keeping a movable dwelling on land shall if the medical officer or sanitary inspector is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name and address of the person be sufficiently served (but



without prejudice to other lawful methods of service) if conspicuously affixed to the outside of the movable dwelling and addressed to "the person keeping this movable dwelling" without naming him.

(7) Nothing in this section shall apply to the placing or keeping of a movable dwelling on a camping ground provided by the Corporation under section 117 (Provision of camping grounds by Corporation) of this Act or on land in respect of which there is in force a licence granted under section 118 (Camping site licences) of this Act to the occupier for its use as a site for movable dwellings.

(8) Nothing in this section shall apply—

(a) to a movable dwelling which—

(i) is kept by its owner on land occupied by him in connection with his dwelling-house and is used for habitation only by him or by members of his household ; or

(ii) is kept by its owner on agricultural land occupied by him and is used only for habitation at certain seasons by persons employed in farming operations on that land ; or

(b) to a 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 ; or

(c) to a movable dwelling while it is not in use for human habitation and is being kept on premises the occupier of which permits no movable dwellings to be kept thereon except such as are for the time being not in use for human habitation ; or

(d) to a movable dwelling used for recreational or instructional purposes so long as it is so used and is not used as a sole or principal means of habitation ; or

(e) to a movable dwelling used by the commission in connection with the maintenance and repair of their undertaking so long as it is so used ; or

(f) to a movable dwelling used by the electricity board or the electricity authority or the gas board for the purposes of their respective undertakings so long as it is so used ; or

(g) to a movable dwelling used by the river board for the accommodation of workmen engaged in carrying out works for or on behalf of the river board so long as it is so used ; or



PART VIII  
—cont.

(h) to the use of land for camping purposes or for the keeping of a movable dwelling by a member of any organisation which holds a certificate of exemption granted by the Minister under subsection (6) of section 269 of the Act of 1936 or to the keeping and use of a movable dwelling by a member of any such organisation.

For the purposes of this paragraph the expression "member" in relation to any such organisation as aforesaid includes a member of any branch or unit of or formed by the organisation.

(9) 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 and section 118 (Camping site licences) of this Act shall be provisions which it is the duty of the Corporation to enforce.

Section 269  
of Act of  
1936 not to  
apply to city.

122. Except in so far as it may be otherwise necessary for the purpose of giving effect to paragraph (h) of subsection (8) of section 121 (Camping on unlicensed sites) of this Act section 269 of the Act of 1936 shall cease to apply to the city.

## PART IX

## WEIGHTS AND MEASURES

Interpretation  
of certain  
provisions of  
Part IX.

123. In this and the seven next succeeding sections of 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  
of Act of 1889.

124.—(1) In their application to the city sections 20 to 22 and 24 to 29 of the Act of 1889 shall extend to coke and (except section 28) to wood fuel and peat fuel subject to and in accordance with the following provisions:—

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

(b) The reference in section 24 to coal in any quantity not exceeding two hundredweight shall include a reference

to coke in any quantity not exceeding two hundredweight and to wood fuel or peat fuel in any quantity of fourteen pounds or over but not exceeding two hundredweight ;

- (c) Any other reference to coal in the said sections 20 to 22 and 24 to 29 shall include a reference to coke and (except in section 28) to any quantity of wood fuel or peat fuel of fourteen pounds or over.

(2) Section 4 of the Act of 1889 (which provides that persons convicted of offences shall be liable to imprisonment in cases of fraud) shall extend and apply to convictions under any of the sections of the Act of 1889 referred to in subsection (1) of this section as extended to coke wood fuel or peat fuel and under any of the following sections of this Act :—

Section 127 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale) ;

Section 129 (Sale of coal etc. otherwise than in sacks from a vehicle) ;

Section 130 (Sale of coal etc. in sacks in quantities exceeding two hundredweight) ;

as if the said sections of this Act were contained in the Act of 1889.

**125.** The Corporation may make byelaws—

Byelaws relating to wood fuel etc.

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

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

- (c) prescribing the distance beyond which wood fuel or peat fuel is not to be required to be carried for the purpose of being weighed or reweighed in pursuance of section 27 of the Act of 1889.

**126.**—(1) If in the city 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 offered for sale or exposed for sale or carried on a vehicle for sale or for delivery on sale or as to the tare weight of any such vehicle 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

Penalty on fraudulent sale of coal etc.

PART IX  
—cont.

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) which is an offence against section 129 (Sale of coal etc. otherwise than in sacks from a vehicle) or section 135 (Penalties on persons committing frauds) of this Act he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on any subsequent occasion to a penalty not exceeding ten pounds and in either case the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding two months.

(2) Section 23 of the Act of 1889 shall cease to apply to the city.

Requirements as to vehicles carrying coal etc. for sale or delivery on sale.

**127.**—(1) Every vehicle carrying coal coke wood fuel or peat fuel for sale or for delivery on sale in the city shall have the seller's name and place of business clearly marked and visible in letters not less than one inch in height on the near side of the cab or body of such vehicle:

Provided that vehicles belonging to or used by the gas board shall sufficiently comply with the provisions of this section if the words "East Midlands Gas Board" are clearly marked on such vehicle and visible from the near side thereof.

(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.

Amendment of section 27 of Act of 1889.

**128.** Proviso (a) to section 27 of the Act of 1889 in its application to the city shall have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

Sale of coal etc. otherwise than in sacks from a vehicle.

**129.**—(1) This section shall apply to any vehicle carrying coal coke wood fuel or peat fuel otherwise than in sacks for sale or delivery on sale in the city from or on the vehicle and not carrying a weighing instrument of a type approved by the Corporation and stamped by an inspector of weights and measures.

(2) Any person selling or carrying for sale or delivery or exposing for sale any coal coke wood fuel or peat fuel from or on any vehicle to which this section applies—

(a) shall sell at one time only all the coal coke wood fuel or peat fuel carried on the vehicle; and

(b) shall cause the person in charge of such vehicle to be in possession at the place where it is loaded with coal coke wood fuel or peat fuel of the ticket or note required to be delivered to the purchaser of the coal coke wood fuel or peat fuel duly completed in pursuance of section 21 of the Act of 1889.

(3) Any person in charge of any vehicle to which this section applies—

PART IX  
—cont.

(a) shall carry on such vehicle the said ticket or note; and

(b) shall not proceed on any journey unless at the time when it first becomes necessary that a statement of the weight of the load should be contained in the said ticket or note he has satisfied himself so far as he reasonably can that the said weight is at that time correctly stated in the ticket or note; and

(c) shall on demand produce the said ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation.

(4) Whilst any such vehicle is proceeding from the place where it was loaded to the nearest available weighing instrument the said ticket or note shall not if the situation of that instrument is stated thereon be required to contain either a statement of the weight of the load and vehicle or a statement of the net weight of the load to be delivered to the purchaser.

(5) If at the time of the loading of a vehicle the purchaser of the load is not known it shall be sufficient for the purposes of this section if the name of the purchaser is inserted in the ticket or note before the load is delivered to him.

(6) If any person contravenes or fails to comply with the provisions of this section or issues or causes to be issued for the purpose of this section a ticket or note which contains a materially incorrect statement and if any person in charge of a vehicle uses in relation thereto for the purposes of this section a ticket or note which to his knowledge contains a materially incorrect statement he shall be liable to a penalty not exceeding five pounds or upon a second or subsequent offence to a penalty not exceeding twenty pounds.

(7) Where the weight of any coal coke wood fuel or peat fuel in a vehicle is at any time found to be less than the weight specified in the ticket or note relating thereto then for the purpose of any proceedings which may be taken by virtue of this section the weight of the coal coke wood fuel or peat fuel at that time shall unless the contrary is proved be deemed to have been the weight thereof at the time when the ticket or note was issued.

**130.**—(1) This section shall apply where—

(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 in the city to more than one purchaser; or

Sale of coal  
etc. in sacks  
in quantities  
exceeding two  
hundredweight.

(b) any person sells or exposes or offers or carries for sale in the city coal coke wood fuel or peat fuel from or



PART IX  
—cont.

on any vehicle in quantities exceeding two hundredweight;

and such coal coke wood fuel or peat fuel is carried on such vehicle in sacks.

(2) (a) The net weight of coal coke wood fuel or peat fuel purported to be carried in each sack shall be either one hundredweight or one-half of a hundredweight; and

(b) Each such sack shall be legibly marked in the manner prescribed by byelaws made by the Corporation relating to the sale of coal in quantities not exceeding two hundredweight so as to show the net weight of coal coke wood fuel or peat fuel purported to be carried in it.

(3) If default is made in complying with any of the requirements of subsection (2) of this section the seller of the coal coke wood fuel or peat fuel and the person responsible for loading it on the vehicle shall severally be liable to a penalty not exceeding five pounds.

(4) On every ticket or note delivered or sent to a purchaser of any such coal coke wood fuel or peat fuel pursuant to section 21 of the Act of 1889 there shall be correctly stated—

(a) the total number of sacks carried on the vehicle before it leaves the place where it is loaded; and

(b) the net weight marked on each of such sacks in pursuance of subsection (2) of this section;

in addition to the other matters which are required by the said section 21 and the Third Schedule to the Act of 1889 to be stated on such ticket or note.

(5) If default is made in complying with any of the requirements of subsection (4) of this section the seller of the coal coke wood fuel or peat fuel shall be liable to a penalty not exceeding five pounds.

(6) If the net weight of coal coke wood fuel or peat fuel in any such sack is less than the weight marked thereon or is less than the weight stated in any such ticket or note the seller of the coal coke wood fuel or peat fuel the person responsible for loading it on the vehicle and the person in charge of such vehicle shall severally be liable to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding twenty pounds.

(7) In this section the expression “seller” includes a person exposing or offering or carrying coal coke wood fuel or peat fuel for sale.

**131.** The foregoing provisions of this Part of this Act shall come into operation on the appointed day:

Provided that for the purpose of making any byelaws under or by virtue of those provisions those provisions shall operate as

Commence-  
ment of certain  
provisions of  
Part IX.

from the passing of this Act but any such byelaws shall not come into force until on or after the appointed day.

PART IX  
—cont.

**132.**—(1) Notwithstanding anything in section 48 of the Road Traffic Act 1930 or in any other enactment an inspector of weights and measures or other officer authorised by the Corporation for the purpose may with a view to exercising any right to require a vehicle to be weighed exhibit on or near any road in the city a sign requiring the drivers of vehicles to stop their vehicles. Vehicles to stop for weighing when required.

(2) Where any such sign is exhibited on or near any road any person driving or propelling any vehicle which an inspector of weights and measures could lawfully require to be weighed who wilfully neglects or refuses to stop the vehicle shall be liable in the case of the first offence to a penalty not exceeding five pounds and in the case of a second or subsequent offence to a penalty not exceeding ten pounds.

(3) Any sign exhibited in pursuance of this section shall be of such size colour and type as may be approved by the Minister of Transport and Civil Aviation.

**133.**—(1) The driver of any vehicle in the city loaded with any goods (other than coal coke wood fuel or peat fuel) to be sold by reference to the weight of such loaded vehicle shall at the request of an authorised person take such vehicle with or without the loading thereof to be weighed on the nearest suitable and available weighing-machine stamped by an inspector of weights and measures. Drivers of vehicles to take them to weighing-machines on request.

(2) When any vehicle has been weighed with the loading thereof at any weighing-machine in the city the driver of the vehicle shall at the request of an authorised person bring back the vehicle after delivery of the loading thereof without other alteration to be weighed without loading at the same machine.

(3) If the weighing-machine to which such vehicle shall be required to go for weighing or re-weighing 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 of the extra distance which the vehicle is required to go under this section.

(4) All charges for carriage made under subsection (3) 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 to the driver of such vehicle after the operation of weighing is completed.

(5) If the driver of any such vehicle shall not upon being requested take such vehicle to such weighing-machine as is hereinbefore provided he shall be liable to a penalty not exceed-

PART IX  
—cont.

ing ten pounds and if the driver of any such vehicle shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do he shall be liable to a penalty not exceeding five pounds.

(6) In this section—

(a) the expression “driver” includes the owner or other person in charge of any vehicle; and

(b) the expression “authorised person” means in relation to any vehicle any of the following persons:—

(i) the buyer or the seller of the goods loaded on such vehicle;

(ii) the person to whom or on whose behalf such goods are consigned;

(iii) the agent of any of the persons mentioned in the foregoing sub-paragraphs (i) and (ii);

(iv) an inspector of weights and measures of the Corporation; and

(v) any other officer authorised by the Corporation to act for the purposes of this section.

Offences by  
weighing-  
machine  
keepers and  
others.

134. If any person keeping or purporting to act on behalf of a keeper of a weighing-machine in the city shall—

(a) on application wilfully neglect to weigh any vehicle (with or without the loading thereof) which is presented to him for weighing on the said weighing-machine during the hours when it is ordinarily available for public use;

(b) in weighing or purporting to weigh any vehicle (with or without the loading thereof) on the said weighing-machine fail to weigh it fairly;

(c) after weighing or purporting to weigh any vehicle (with or without the loading thereof) on the said weighing-machine give to any person a false ticket or account of the weight of such vehicle or the loading thereof;

(d) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any vehicle or the loading thereof which is presented for weighing at the said weighing-machine or shall make or connive at making any false representation of the weight of the same respectively;

(e) immediately after weighing any vehicle (with or without the loading thereof) on the said weighing-machine fail to make a true record of the weight of such vehicle as then ascertained by him or after making any such record fail to retain it for a period of six months from the date of the weighing to which it relates; or

- (f) issue any document containing any particulars of the weight of any vehicle (with or without the loading thereof) which he has not personally ascertained;

PART IX  
—cont.

he 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 other than an offence under paragraph (a) or paragraph (e) or paragraph (f) of this section 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 the keeper of any weighing-machine which is not capable of weighing that vehicle or which is not ordinarily available for the public or upon any person purporting to act on behalf of the keeper of any such weighing-machine.

135. If any person shall—

- (a) at or before the time of the presentation of a vehicle for weighing with the loading thereof at a weighing-machine in the city place or knowingly leave any matter or thing in or about the same other than the proper loading thereof;
- (b) at or before the time of the presentation of a vehicle for weighing without the loading thereof at a weighing-machine in the city remove from the vehicle anything intended to be carried on or to form part of the vehicle when loaded other than the proper loading thereof;
- (c) alter any ticket denoting the weight of any vehicle or of the loading thereof issued by the keeper of a weighing-machine in the city;
- (d) make or use or be privy to the making or using in the city of any false or fraudulent ticket purporting to denote the weight of any vehicle or the loading thereof or knowingly make any false statement to the keeper of a weighing-machine in the city respecting the weight of any vehicle or the loading thereof;
- (e) after a vehicle has been weighed with the loading thereof remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading in the city as being the full loading denoted by any ticket issued when the vehicle was so weighed; or

Penalties  
on persons  
committing  
frauds.



PART IX  
—cont.

(f) be guilty of any other fraudulent contrivance touching the weight of any vehicle or of the loading thereof in connection with the weighing of a vehicle in the city;

he shall be liable on the first occasion to a penalty not exceeding ten pounds and in respect of any second or 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.

Further offences in relation to weighing-machines.

**136.**—(1) If any person in the city knowingly delivers or passes off or 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 he shall be liable to a penalty not exceeding ten pounds and in respect of any second or subsequent offence to a penalty not exceeding fifty pounds.

(2) If any person in charge of a vehicle refuses in regard to the weighing of such vehicle at any weighing-machine in the city after being requested so to do by any person keeping or acting as a keeper of the weighing-machine to give his name and address or wilfully gives an incorrect name or address he shall be liable to a penalty not exceeding ten pounds.

Personal weighing-machines.

**137.**—(1) In this section—

the expression “personal weighing-machine” means a weighing-machine constructed or adapted for ascertaining the weight of a person;

the expression “prescribed” means prescribed by the Corporation by byelaws made under this section;

the expression “stamped” means bearing a stamp of verification such as is authorised for use under the Weights and Measures Acts 1878 to 1936; and

the expressions “in use” and “used” mean used or exposed for use in the city.

(2) The Corporation may make byelaws—

(a) generally with respect to the examination on verification and to the inspection of personal weighing-machines;

(b) for prescribing the distinguishing mark to be affixed to personal weighing-machines approved on verification under this section and the circumstances and conditions in and under which such mark may be affixed or cancelled;

- (c) for prescribing the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing-machines ;
- (d) for prescribing the limits of error to be allowed on the verification and inspection respectively of personal weighing-machines ;
- (e) for prescribing the fees to be paid to the Corporation for the examination and marking of personal weighing-machines submitted for verification or for the examination of such personal weighing-machines submitted as aforesaid as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person having in his possession or being in charge of any personal weighing-machine which is in use and which is false or unjust beyond the prescribed limits of error to be allowed on inspection shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and in either case the machine shall be liable to be forfeited.

(4) (a) On and after the expiration of the said period a personal weighing-machine shall not be used unless such machine has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with the prescribed distinguishing mark by such inspector or unless it has been stamped by any inspector of weights and measures and in either case unless the weights (if any) used in connection therewith have been stamped by any inspector of weights and measures.

(b) On and after the expiration of the said period the owner or the person having in his possession or being in charge of any personal weighing-machine which is in use and which or any weight of which is not so marked or stamped shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and in either case the machine shall be liable to be forfeited.

(c) The provisions of this subsection shall not apply to a personal weighing-machine owned by a travelling showman and used by him at a pleasure fair if at any time within the three months preceding such use such weighing-machine has been examined and approved and the weights thereof (if any) have been stamped by any inspector of weights and measures.

(5) If any person forges counterfeits or (not being an inspector of weights and measures) removes any such mark or stamp as is referred to in the last foregoing subsection or unlawfully marks

PART IX  
—cont.

or stamps a machine or the weights thereof with any such mark or stamp or knowingly exposes for use in the city any personal weighing-machine on which or on the weights of which there is any such forged or counterfeit mark or stamp 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 Corporation may—

- (i) verify any personal weighing-machine and the weights thereof submitted for the purpose ;
- (ii) at all reasonable times examine inspect and test any personal weighing-machine which is used and the weights thereof ;
- (iii) seize and detain any personal weighing-machine or weights thereof which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section ;
- (iv) for the purposes referred to in the foregoing subparagraphs (ii) and (iii) enter any premises or place where there is reason to believe that there is a personal weighing-machine in use.

(b) If any person neglects or refuses to produce for such examination inspection and testing any personal weighing-machine which is in use and is in his possession or custody or on his premises and the weights thereof 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 he 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 purposes of this section—

- (a) a personal weighing-machine shall not be deemed to be used or exposed for use in the city unless either—
  - (i) a charge is made or is proposed to be made for the use of the machine ; or
  - (ii) the machine is kept in any premises or place to which the public have access ; and

(b) a personal weighing-machine or weight shall not be deemed to be marked or stamped by reason of its bearing a cancelled mark or stamp.

(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 under this section.

(9) (a) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation 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 city.

PART IX  
—cont.

(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.

**138.**—(1) The Corporation may erect and maintain on any land occupied by them or on any highway in the city 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 Corporation 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 Corporation 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 transport undertakers.

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

## PART X TRANSPORT

**139.**—(1) The discontinuance and abandonment by the Corporation of the Corporation tramways is hereby confirmed and as from the date of the passing of this Act all powers duties obligations and liabilities of the Corporation to run tramcars or carriages thereon or otherwise with respect thereto shall cease and determine: Confirmation of discontinuance of Corporation tramways and abandonment thereof.

Provided that nothing in this section shall prejudice or affect the power of the Corporation—

- (a) to use trolley vehicles along any street or road in the city in which they were authorised to work tramways and this power shall continue and be of as full force and effect as if this section had not been enacted; or
- (b) to continue to use for the purpose of street lighting any posts poles or apparatus provided by them in any street or road for the purpose of working their tramways.



PART X  
—cont.

(2) For the purposes of this section the expression “the Corporation tramways” includes all tramways which the Corporation were under or by virtue of the Leicester Corporation Act 1897 the Leicester Corporation Act 1902 the Leicester Corporation Act 1913 the Leicester Corporation Tramways Order 1923 or the Leicester Corporation Tramways Order 1926 authorised to construct work or use.

Definition  
of “transport  
undertaking”.

**140.**—(1) The public service vehicle undertaking of the Corporation and any trolley vehicle undertaking which may be carried on by the Corporation shall together form and be known as the transport undertaking of the Corporation and the expression “transport undertaking” where used in this Act shall be construed accordingly:

Provided that in the accounts of the Corporation relative to the transport undertaking the receipts and expenditure upon and in connection with their public service vehicle undertaking shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with their trolley vehicle undertaking.

(2) For any reference in the unrepealed provisions of the Leicester Corporation Act 1930 to the tramway undertaking of the Corporation there shall be substituted a reference to the transport undertaking.

Byelaws for  
prevention of  
nuisances in  
or against  
transport  
premises.

**141.** The Corporation may make byelaws for the prevention of nuisances in or against any premises held by the Corporation in connection with the transport undertaking and any such byelaws may provide for the amendment or repeal of any byelaw applied to such premises under or by virtue of section 31 (Application of tramway byelaws and regulations) of the Leicester Corporation Act 1930:

Provided that notwithstanding anything in this section or the repeal by this Act of the said section 31 any such last-mentioned byelaws in force immediately before the passing of this Act shall continue in force in relation to any premises to which they were applied and shall until they are amended or revoked by any byelaw made under this section be as of full force and effect as if this Act had not been passed.

Lost property  
on trolley  
vehicles.

**142.** Paragraph (j) of section 94 of the Road Traffic Act 1930 shall have effect as though the expression “public service vehicle” included any trolley vehicle of the Corporation and any regulations for the time being in force under the said section by virtue of the said paragraph shall with any necessary adaptations and subject to any express provision of the regulations be construed accordingly.

**143.**—(1) No person shall bring into or on any public service vehicle of the Corporation any liquid except in a container properly sealed or stoppered so as to prevent the liquid from spilling.

PART X  
—*cont.*  
Offences in respect of public service vehicles.

(2) If any person contravenes the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds and the court by whom he is convicted may whether or not it imposes a penalty in addition by order require him to pay to the Corporation the cost of making good any damage caused to any public service vehicle of the Corporation by reason of the commission of the offence.

**144.** The Corporation may demand and take for passengers animals goods and parcels carried on their trolley vehicles or on their public service vehicles such fares and charges as the Corporation may from time to time prescribe subject to the provisions of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.

Fares on trolley vehicles and public service vehicles.

**145.** Notwithstanding the provisions of any enactment in regard to the procedure for making byelaws the provisions of section 250 of the Act of 1933 shall apply to all byelaws made by the Corporation in respect of their transport undertaking or under this Part of this Act and in the application of those provisions to such byelaws the Minister of Transport and Civil Aviation shall be the confirming authority.

Confirmation of transport byelaws.

**146.**—(1) The Corporation may in respect of the transport undertaking establish a fund to be called "the transport accident fund" by setting aside out of the general rate fund such amounts as the Corporation 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 established amounts to the maximum amount for the time being prescribed by the Corporation.

Transport accident fund.

(2) Any income arising from the investment of the moneys of the transport accident fund shall be carried to and form part of the general rate fund and the Corporation shall in every financial year so long as the transport accident fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the income carried to the general rate fund in pursuance of this subsection.

(3) The transport accident fund may be applied in making good any losses damages costs or expenses suffered or borne by the Corporation by reason of or in connection with accidents arising in or in connection with the carrying on of or otherwise affecting the transport undertaking except such as are for the

PART X  
—cont.

time being within the category of specified risks for the purposes of section 5 (Insurance fund) of the Leicester (Amendment of Local Enactments) Order 1953.

(4) Resort may be had to the transport accident fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) The setting aside of sums out of the general rate fund under subsection (1) of this section shall be a purpose properly chargeable to the revenue of the transport undertaking and section 208 (Separate accounts of undertakings) and section 209 (Application of revenue of undertakings) of this Act shall have effect accordingly.

(6) Such sum as the Corporation may think fit not exceeding thirty-five thousand pounds may be applied from the reserve fund of the transport undertaking and carried to the credit of the transport accident fund.

(7) The establishment of a transport accident fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against any losses damages costs or expenses to the making good of which the fund is applicable.

(8) Section 3 (Consolidated loans fund) of the Leicester (Amendment of Local Enactments) Order 1953 shall have effect as if the transport accident fund constituted a lending fund within the meaning of that section.

Sanctioning  
authority for  
transport  
loans.

**147.** In the application of the provisions of Part IX of the Act of 1933 to the borrowing of moneys for the purposes of the transport undertaking the Minister of Transport and Civil Aviation shall be the sanctioning authority.

Continuance  
and  
amendment  
of certain  
enactments.

**148.—**(1) Notwithstanding the repeal by this Act of sections 18 19 24 25 31 32 39 41 46 50 53 and 55 of the Leicester Corporation Act 1902 section 13 of the Leicester Corporation Tramways Order 1923 and section 11 of the Leicester Corporation Tramways Order 1926 the said sections shall for the purpose of their application to trolley vehicles of the Corporation by virtue of section 13 (Application to trolley vehicles of enactments relating to Corporation tramways) of the Leicester Corporation Act 1930 continue to be of as full force and effect as if this Act had not been passed.

(2) Section 13 of the said Act of 1930 shall have effect as if the references therein to sections 21 23 27 40 43 45 47 48 49 and 54 of and the Third Schedule to the said Act of 1902 were omitted therefrom.



(3) The said Act of 1930 shall be further amended by—

(a) the substitution for paragraph (A) of subsection (2) of section 4 (Power to use trolley vehicles) of that Act of the following paragraph (that is to say):—

“ (A) the Corporation shall not manufacture any such trolley vehicles ”; and

(b) the substitution for the proviso to subsection (1) of section 17 (Additional powers of running omnibuses) of that Act of the following proviso (that is to say):—

“ Provided that the Corporation shall not manufacture any omnibus provided under this Act.”

## PART XI

### WATER SUPPLY

**149.** In the Leicester Corporation Waterworks Act 1890 and in the local Water Acts passed subsequent thereto except the Derwent Valley Water Acts 1899 to 1944 the expression “ the water undertaking ” means the waterworks undertaking of the Corporation as authorised by the local Water Acts. Definition of “ water undertaking ”.

**150.** From and after the passing of this Act—

(a) the following provisions of the Third Schedule to the Water Act 1945 shall apply to the water undertaking and be incorporated with each of the local Water Acts that is to say Part I sections 3 to 6 and 9 of Part II Part IV section 21 of Part V Parts VI to XI Part XIV and Part XVI;

Incorporation of certain provisions of Third Schedule to Water Act 1945.

(b) the provisions of the Waterworks Clauses Acts 1847 and 1863 except sections 68 and 69 of the Waterworks Clauses Act 1847 shall cease to apply to the water undertaking and to be incorporated with the local Water Acts:

Provided that for the purposes of the application of the said Third Schedule the whole of any service pipe which has been provided solely for the purpose of affording a supply to any premises for extinguishing fires therein shall be deemed to be a supply pipe and no part thereof shall constitute a communication pipe.

**151.**—(1) The limits within which the Corporation are authorised to supply water shall be altered by the exclusion therefrom of the parts of the borough of Loughborough and the parish of Charley in the rural district of Castle Donington in the county of Leicester which formerly constituted part of the parish of Woodhouse. Limits of supply.



PART XI  
—cont.

(2) The said limits shall accordingly comprise the areas described in the Second Schedule to this Act and the local Water Acts shall accordingly extend and apply within those limits as so altered.

## Application of sections of Act of 1936 to water undertaking.

**152.** For the purposes of the supply of water by the Corporation the Corporation shall have the powers of and be subject to the like restrictions as a local authority under section 119 of the Act of 1936 with respect to the laying and maintenance of water mains within or without their district and for the purpose of the exercise of the powers of that section by the Corporation the water limits shall be deemed to be their district:

Provided that in the exercise of the said powers the Corporation shall be subject to the provisions so far as they are applicable of subsections (1) (2) and (4) of section 278 and sections 331 to 334 of the Act of 1936.

## Compulsory purchase of rights for water mains.

**153.**—(1) For the purpose of enabling the Corporation to place and maintain mains and pipes required for the purposes of the water undertaking across land whether above or below ground the Corporation may be authorised by means of a compulsory purchase order made by them and confirmed by the Minister to purchase compulsorily such rights as they may require for the purpose of constructing placing laying supporting inspecting maintaining enlarging cleansing repairing or renewing such mains and pipes without purchasing any other interest in the land:

Provided that the Corporation shall not be authorised under this section to purchase compulsorily a right to place a main or pipe above ground unless the Minister is satisfied that it is not reasonably practicable to place it below ground.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act and shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land across which the main or pipe is to be placed and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the said right.

(3) A compulsory purchase order under this section may make provision for the incorporation in the order of the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

(4) Where the Corporation have acquired a right in any land under this section—

PART XI  
—cont.

(a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for a right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the right unless the Lands Tribunal determines that the right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section for a right shall be endorsed with notice of the effect of subsection (5) of this section.

**154.**—(1) Any water rate leviable by the Corporation shall be charged in respect of a financial year and shall be payable in accordance with the next two following sections either in one instalment in respect of the whole financial year or in more than one instalment in respect of such parts of the financial year as the council may from time to time resolve.

Payment of  
water rates by  
instalments.

(2) In the next two following sections of this Act the expression "instalment period" in relation to such an instalment of the water rate as aforesaid means the period in respect of which the instalment is payable whether the whole or part of a financial year.

**155.**—(1) Subject to the following provisions of this section and the next following section every instalment of a water rate shall be payable on such date as the council may resolve:

Dates for  
payment of  
water rates.

Provided that no instalment (other than an instalment payable by virtue of a resolution under either of the next two following subsections) shall be made payable on a date earlier than three months before the end of the instalment period.

(2) The water rate due in respect of any premises (unless a resolution under the next following subsection applies thereto) shall if the council so resolve be payable by two half-yearly instalments on the first day of the financial year in respect of the first six months thereof and on the first day of the seventh month comprised in that financial year in respect of the remainder thereof.

PART XI  
—cont.

(3) Where the total of the water rate and other water charges to which this section is applied by section 158 (Payment and recovery of other water charges) of this Act due from any person in respect of any premises does not in any financial year exceed one pound they shall if the council so resolve be payable on the first day of the financial year by one instalment in respect of the whole financial year.

(4) With respect to any water rate to which a resolution under either of the last two preceding subsections applies—

(a) no proceedings for the recovery of the whole or any part of an instalment of the water rate shall be commenced (except under section 218 (Recovery of rates from persons removing) of this Act as applied by the next but one succeeding section of this Act) until after the expiration of two months from the day on which the instalment is payable; and

(b) notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 the whole or any part of an instalment of the water rate may be recovered if complaint is made within the time specified in the said section 104 or before the expiration of the instalment period.

(5) The Corporation may exercise their powers under subsection (2) or subsection (3) of this section in respect of the whole or any part of the water limits:

Provided that any such power shall not be exercisable in respect of less than the whole of so much of any rating area within the meaning of the Rating and Valuation Act 1925 as forms part of the water limits.

(6) The powers of the Corporation under paragraph (a) of subsection (1) of section 11 of the Rating and Valuation Act 1925 as applied by section 41 of the Leicester Corporation Act 1930 of specifying dates in relation to the payment of water rates and charges shall extend to enable them to specify different dates in respect of instalment periods of different lengths.

Water rates  
in respect of  
premises  
unoccupied  
for part of  
year.

**156.**—(1) If the person who is or who but for the provisions of section 41 of the Leicester Corporation Act 1930 would be liable to pay the water rate in respect of any premises is in occupation of those premises during a portion only of an instalment period he or as the case may be the owner of the premises shall be liable to pay in respect of that instalment period so much only of the water rate payable in respect of those premises in respect of the financial year which is current during the instalment period as the number of days during which the first-mentioned person is in occupation during that instalment period bears to the whole financial year:



Provided that the person liable to pay the water rate in respect of any premises shall in the first instance be liable to pay if he or his tenant was in occupation at the beginning of the current instalment period the whole of the instalment or if he or his tenant came into occupation subsequently a proportion of the instalment calculated in accordance with the foregoing provisions of this subsection on the basis that he or his tenant will remain in occupation until the end of the instalment period but without prejudice if he or his tenant goes out of occupation before the end of the instalment period to his right to recover any sum paid by him in excess of the amount properly chargeable against him in accordance with the said provisions except in so far as he has previously recovered the sum from an incoming occupier:

Provided also that nothing in this subsection shall exempt the owner of any premises from liability in respect of any subsequent portion of the instalment period during which the premises may again become occupied.

(2) For the purposes of this section—

(a) where a person who is or who but for the provisions of section 41 of the Leicester Corporation Act 1930 would be liable to pay the water rate in respect of any premises removes from the premises he shall be deemed not to go out of occupation of the premises until there is a discontinuance of supply; and

(b) there shall be deemed to be a discontinuance of supply when—

(i) a notice given under section 79 of the Third Schedule to the Water Act 1945 expires; or

(ii) the supply of water to the premises is cut off by the Corporation without such a notice being given; or

(iii) some other person goes into occupation of the premises:

Provided that the Corporation may if they think fit remit payment of a proportionate part of the water rate in respect of any period during which the general rate is not recoverable by reason of the premises being unoccupied.

(3) Where the Corporation commence to give a supply of water to any premises either for the first time or after a discontinuance of supply the then current instalment of the water rate or if the premises are occupied subsequently to the beginning of the current instalment period a proportionate part of the water rate calculated in accordance with the provisions of subsection (1) of this section shall become payable on the day on which notice requiring the supply is given to the Corporation or if no such notice is given on the day when they commence to give the supply instead of any earlier day.



PART XI  
—cont.Collection and  
recovery of  
water rates  
and charges.

**157.**—(1) Any water rate payable to the Corporation in respect of a supply of water to any premises in the city may be demanded and collected together with the general rate and the same books may be used for the water rate and the general rate.

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

(3) Sections 218 to 220 of this Act shall apply within the water limits to water rates payable to the Corporation to the same extent as they apply within the city to the general rate.

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

(5) Any summons relating to a sum due to the Corporation in respect of any water rate may be served and any warrant relating to a sum due to the Corporation in respect of any water rate may be directed to the same persons as and executed in the same way as if it related to the general rate.

Payment and  
recovery of  
other water  
charges.

**158.** Sections 154 to 157 of this Act shall extend and apply with any necessary modifications to any other charge payable to the Corporation in respect of a supply of water unless otherwise agreed between the Corporation and the person liable to pay the charge as if references in those sections to a water rate or water rates included such charge:

Provided that sections 154 to 156 of this Act shall not by virtue of this section apply to a charge payable to the Corporation in respect of a supply of water by meter.

Byelaws as to  
testing etc. of  
water fittings.

**159.**—(1) Without prejudice to the powers of the Corporation to make byelaws under section 17 of the Water Act 1945 the Corporation may make byelaws—

- (a) as to the testing and stamping of taps cocks valves ferrules flushing cisterns and other similar apparatus used in connection with the supply and use of water;
- (b) prescribing charges for such testing and stamping;
- (c) prescribing in connection with supplies by measure—
  - (i) the size construction and drainage of meter pits and the type size and strength of meter boxes;

(ii) the limits of inaccuracy of meters and the estimation of consumption where meters are found to be defective;

(iii) the method to be used and the charges to be made for testing the accuracy of meters.

(2) Subsections (3) and (4) of section 17 and sections 19 and 20 of the Water Act 1945 shall apply to byelaws made under this section as they apply to byelaws made under the said section 17.

(3) Any person who forges or counterfeits any stamp or mark used by the Corporation in pursuance of this section or uses or supplies any water fitting marked with any such stamp or mark knowing it to be forged or counterfeited shall be liable to a penalty not exceeding twenty pounds.

**160.** Notwithstanding the repeal by this Act of section 155 (As to supply to other authorities) of the Derwent Valley Water Act 1899 and section 16 (Amendment of section 155 of the Derwent Valley Water Act 1899) of the Leicester Corporation Act 1921 any agreement made under the said section 155 and subsisting at the date of the passing of this Act shall unless otherwise terminated or varied continue in force and be of as full force and effect as if the said sections had not been repealed. Saving for agreements to supply other authorities from Derwent Valley resources.

**161.** As from the passing of this Act section 11 (For protection of the Quorndon Local Board) of the Leicester Corporation Waterworks Act 1890 shall have effect as if— Increase of charge for Quorndon water supply.

(a) in paragraph 1 thereof for the reference therein to the district of Quorndon there were substituted a reference to the parish of Quorndon in the rural district of Barrow-upon-Soar; and

(b) in paragraph 5 thereof for the reference therein to the sum of fourpence there were substituted a reference to the sum of ninepence.

**162.**—(1) For protecting against pollution the Swithland reservoir of the Corporation authorised by the Leicester Corporation Waterworks Act 1890 the Corporation and the Barrow-upon-Soar Rural District Council may enter into and carry into effect agreements for or in connection with the reception treatment and disposal of the contents of the sewers draining the parish of Swithland in the rural district of Barrow-upon-Soar. Agreements with Barrow-upon-Soar Rural District Council with respect to sewage of Swithland.

(2) Without prejudice to the generality of the foregoing provisions of this section any such agreement may provide—

(a) for the construction maintenance repair extension enlargement replacement or renewal by both or either

PART XI  
—cont.

of the parties to the agreement of any new or existing sewers buildings works plant machinery or apparatus required for the purpose of or in connection with the reception treatment or disposal of the contents of such sewers ;

- (b) for the payment by one of the parties to the agreement to the other of them of the whole or any part of the cost of constructing extending enlarging repairing replacing renewing or operating any such sewers buildings works plant machinery or apparatus ;
- (c) for the transfer to and vesting in one of the parties to the agreement of any property rights liabilities or obligations of the other of them in or in respect of any such sewers buildings works plant machinery or apparatus.

(3) As on and from the first occasion on which an agreement made under and in pursuance of the powers of this section comes into operation the penultimate paragraph of section 13 (For the protection of the Earl of Lanesborough) of the Leicester Corporation Waterworks Act 1890 shall be and is hereby repealed.

For protection  
of Barrow-  
upon-Soar  
Rural District  
Council.

**163.** For the protection of the Barrow-upon-Soar Rural District Council (hereinafter referred to as "the rural council") the following provisions shall unless otherwise agreed in writing between the Corporation and the rural council apply and have effect :—

Notwithstanding the repeal of section 6 (Confirmation of Scheduled Agreement) of the Leicester Corporation Waterworks Act 1890 and of the schedule to that Act the scale of charges for all water supplied by the Corporation to the rural council for the flushing of sewers in the parish of Barrow-upon-Soar shall be the same as the scale of charges for the supply of water by meter by the Corporation for the time being in force or applicable in the districts adjacent to the city.

For protection  
of British  
Transport  
Commission.

**164.** For the protection of the commission the following provision shall unless otherwise agreed in writing between the commission and the Corporation apply and have effect :—

The repeal by this Act of section 19 (For protection of railway companies) of the Leicester Corporation Act 1921 shall not prejudice or affect any rights powers duties or obligations conferred or imposed by that section (so far as the same are in force at the passing of this Act) in relation to any works or apparatus constructed placed or laid before the passing of this Act along over under or so as to affect any railway works lands or property of the commission.



## PART XII

## MARKETS

**165.**—(1) In this Part of this Act unless the subject or context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them:— Interpretation of Part XII etc.

“cattle” means bulls oxen cows heifers calves rams wethers ewes lambs goats kids and swine;

“cattle market” means the place for cattle and horse markets and fairs provided by the Corporation under the Leicester Cattle Market Town Hall and Improvement Act 1866 including all market-houses sheds and other buildings conveniences erections and fixtures erected or provided thereon by the Corporation;

“Corporation market” means any market for the time being belonging to the Corporation or under their management and “the Corporation markets” means all such markets;

“haymarket” means the place for markets for the sale of hay straw vetches and other articles provided by the Corporation under the Leicester Lunatic Asylum and Improvement Act 1865 including all market-houses sheds and other buildings conveniences erections and fixtures erected or provided thereon by the Corporation;

“horses” means horses geldings mares foals colts and fillies and includes asses and mules;

“market place” in this section and in section 168 (Retail market) section 169 (Application of Food and Drugs Act 1955) and section 176 (Days and hours of markets and fairs) of this Act means the Saturday market place in the city as enlarged altered or improved by the Corporation under or by virtue of section xxxii (Council to cause the market place to be enlarged and improved) of the Leicester Improvement Act 1846;

“market stall” includes any stall stand bench pen table compartment standing place or space.

(2) Any powers conferred on the Corporation under any Act charter or byelaw with respect to the cattle market the haymarket or the market place shall be exercisable over any other land which the Corporation may from time to time under section 173 (Power to alter places of market) or section 175 (Power to improve markets) of this Act use as an addition thereto or in substitution therefor.

**166.**—(1) The Corporation may hold in the cattle market markets and fairs for the sale and purchase of cattle and horses and poultry and other animals and birds. Cattle market.



PART XII  
—cont.

(2) Subject to the provisions of this Act the Corporation may demand and receive from persons selling or exposing for sale cattle or horses or poultry or other animals or birds in the cattle market or frequenting any market or fair held there such tolls stallages and rents as they think fit not exceeding those specified in Part I of the Third Schedule to this Act.

(3) The powers conferred on the Corporation by section 61 of the Food and Drugs Act 1955 of making byelaws for regulating the use of the cattle market shall extend to authorise the making of byelaws for prohibiting shorn sheep from being brought into the cattle market between the first day of November in each year and the third Wednesday in March next following.

(4) If any person sells or offers or exposes for sale any cattle or horse in any market street highway or public place in the city other than the cattle market he shall be liable to a penalty not exceeding five pounds.

(5) Any officer of the Corporation may remove and exclude from the cattle market any animal which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tuberculous disease or any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food.

## Haymarket.

**167.**—(1) The Corporation may hold in the haymarket a market for the sale of hay straw vetches agricultural and garden produce and other commodities or merchandise of any description whatever.

(2) Subject to the provisions of this Act the Corporation may demand and receive in respect of the market held under this section such stallages rents and tolls as they think fit not exceeding those specified in Part II of the Third Schedule to this Act.

## Retail market.

**168.**—(1) In addition to the market held in the market place on Saturdays the Corporation may hold markets in the market place on days other than Saturday.

(2) Subject to the provisions of this Act every market held in the market place on a day other than Saturday shall be a market for the sale by retail of marketable commodities articles and things other than cattle and horses.

(3) Nothing in this Act or in any other enactment relating to the Corporation shall affect or interfere with the right of the Corporation to charge in respect of the market held in the market place on Saturdays such stallages rents tolls and charges as they think fit.

**176.**—(1) Notwithstanding anything in any other Act the council may from time to time fix by resolution—

PART XII  
—cont.

(a) the hours during which any Corporation market or any fair shall be held in the city; and

Days and  
hours of  
markets  
and fairs.

(b) the days on which any such market or fair (other than a market held in the market place) shall be held:

Provided that the Corporation shall consult the National Market Traders Federation before the council pass any resolution under this section with respect to the hours of any market held in the market place.

(2) Notice of the passing of any such resolution shall be published in one or more newspapers circulating in the city.

(3) On the application of any person aggrieved by the passing of any such resolution made within seven days of the publication of notice under the last preceding subsection the Minister may if he thinks fit and after affording the Corporation the opportunity of making representations confirm vary or rescind such resolution and the resolution if rescinded by the Minister shall not have effect but otherwise shall have effect as confirmed or varied by him.

(4) A resolution passed by the council under this section shall not have effect until such date as may be specified in the resolution being a date not earlier than seven days after the publication of notice under subsection (2) of this section:

Provided that where an application is made to the Minister under the last preceding subsection the said period of seven days shall be extended until the decision of the Minister is made known or until such later date (if any) as may be specified by the Minister for the purpose.

(5) Unless and until other days or hours are fixed by the council for the purpose under this section the days and hours fixed in relation to any Corporation market or any such fair by any byelaw or resolution relating thereto and in force immediately before the passing of this Act shall continue to be the days on which and the hours during which such market or fair shall be held.

**177.** The Corporation may with the sanction of the Minister from time to time alter or add to the market tolls stallages and rents mentioned in Part I or Part II of the Third Schedule to this Act and any such altered tolls stallages and rents shall as from the date on which they come into operation be substituted for the corresponding tolls stallages and rents payable under the said Parts respectively.

Alteration of  
market tolls.

PART XII  
—cont.Compulsory  
acquisition  
of lands for  
markets.

**178.**—(1) The Corporation may by means of an order made by them and submitted to the Minister and confirmed by him be authorised to purchase land in the city compulsorily for the purposes of any Corporation market.

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

Markets to  
form one  
undertaking.

**179.** The Corporation markets and the slaughterhouses for the time being provided by the Corporation shall for the purposes of section 208 (Separate accounts of undertakings) section 209 (Application of revenue of undertakings) and section 210 (Reserve funds of undertakings) of this Act be deemed to form one undertaking:

Provided that in the accounts of the Corporation relative to the said undertaking receipts and expenditure upon and in connection with the Corporation markets shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with their slaughterhouses.

Saving for  
Corporation  
market  
byelaws.

**180.** Notwithstanding the repeals effected by this Act any byelaw relating to any Corporation market made under any enactment repealed by this Act and in force immediately before the passing of this Act (other than any byelaw relating to the days on and the hours during which a market is to be held) shall be deemed to have been made under section 61 of the Food and Drugs Act 1955 and accordingly any such byelaw (other than as aforesaid) shall continue in force until amended altered or revoked by another byelaw made under that section.

## PART XIII

## CEMETERIES

Unification of  
law affecting  
Corporation's  
cemeteries.

**181.**—(1) The cemeteries vested in the Corporation and known respectively as the Belgrave Cemetery and the Welford Road Cemetery shall be deemed to have been provided by the Corporation under the Public Health Acts and the provisions of those Acts and of this Part of this Act shall apply to those cemeteries as they apply to cemeteries provided by the Corporation under those Acts.

(2) The Burial Acts 1852 to 1906 except to such extent as they are expressed to apply to a burial ground provided under the Public Health (Interments) Act 1879 or to a local authority maintaining a cemetery under that Act shall cease to be in force with respect to the said Belgrave Cemetery and the Corporation in relation thereto.



(3) Any byelaw made by the Corporation under or by virtue of the Public Health Acts and in force at the passing of this Act with respect to the management of cemeteries provided by them and to the charges for the use of the same shall apply to the said Belgrave Cemetery and the said Welford Road Cemetery in like manner as to the cemeteries named therein.

(4) Nothing in this section shall affect any exclusive right of burial in any part of the said Belgrave Cemetery or the said Welford Road Cemetery :

Provided that any assignment or bequest of any such right shall be subject to the provisions of sections 44 to 47 of the Cemeteries Clauses Act 1847.

(5) In and for the purposes of this section the expression "the Public Health Acts" means the Public Health (Interments) Act 1879 and the Act of 1936.

**182.** The crematorium provided by the Corporation under section 36 (Power to establish crematorium) of the Leicester Corporation Act 1897 shall be deemed to have been provided by the Corporation under the powers conferred upon them by the Cremation Act 1902 and the provisions of the Cremation Acts 1902 and 1952 shall apply accordingly to the said crematorium and to the Corporation in respect thereof. Crematorium.

**183.** Section 3 of the Registration of Burials Act 1864 and so much of section 32 of the Cemeteries Clauses Act 1847 as requires copies or transcripts of register books of burials to be sent to the diocesan registrar shall cease to have effect with regard to burials in any cemetery or burial ground provided by the Corporation. Registration of burials.

**184.—(1)** The powers of the Corporation in relation to a burial ground maintainable by them shall include power— Extension of power to maintain burial grounds.

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

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

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

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

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



PART XIII  
—cont.

(3) The said notice shall—

- (a) contain brief particulars of the proposals of the Corporation and if necessary specify an address at which full particulars of the proposals can be obtained;
- (b) specify the date on which it is intended that the Corporation shall begin to carry out the proposals which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid;
- (c) state the effect of the next following subsection.

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

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

(6) Where any tombstone is removed under this section the Corporation may (if requested so to do by a relation of the deceased) after consultation with the owner of the grave (if any) at their own expense in substitution therefor provide a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause to be made a record of each tombstone memorial or railings 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 Leicester and where a licence or faculty of that court is obtained for any work subsections (2) to (4) of this section shall not apply to that work and subsection (5) of this section shall have effect as if in relation to a grave the date of the citation for the faculty were referred to therein instead of the first publication of the notice required by paragraph (a) of subsection (2) of this section.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“owner of the grave” means the person registered as having an exclusive right of burial in the grave;

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

PART XIII  
—cont.

and references to a tombstone monument memorial or kerb or to railings include references to any part thereof.

**185.**—(1) The Corporation may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a cemetery provided by the Corporation. Agreements to maintain graves and tombstones.

(2) All such capital sums shall be paid by the Corporation into a fund to be known as “ the graves maintenance fund ” and the following provisions shall apply in relation to that fund:—

- (a) the moneys therein shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities ;
- (b) any income arising from any such investment shall be carried to and form part of the general rate fund ;
- (c) the total amount of income arising from the moneys in the fund shall be shown separately in the accounts of the Corporation relating to their cemeteries ;
- (d) after the expiration of the period fixed by any such agreement for the maintenance of the grave or tombstone the Corporation may apply out of the fund a sum equal to the capital sum paid into the fund in pursuance of that agreement in any manner in which capital money may be applied by them under any enactment.

(3) Any capital sum received by the Corporation before the passing of this Act in consideration of the maintenance of a grave or tombstone shall be paid into the graves maintenance fund and shall be deemed to have been so received and paid by virtue of an agreement fixing for the maintenance of the grave or tombstone a period of fifty years from the date of the passing of this Act or such shorter period (if any) as may have been fixed by the agreement under which the sum was received.

(4) An amount equal to the income from the moneys in the graves maintenance fund shall be applied by the Corporation out of the general rate fund—

- (i) in the maintenance in such manner as the Corporation think fit of the graves and tombstones to which agreements made under this section or referred to in the immediately preceding subsection relate during the periods fixed or deemed to have been fixed for the purpose by the respective agreements ; and

PART XIII  
—cont.

(ii) if in any financial year the amount of such income exceeds the cost of maintaining such graves and tombstones to the extent of the excess in payment of any expenses incurred by the Corporation for the purposes of any of their cemeteries.

(5) Section 3 (Consolidated loans fund) of the Leicester (Amendment of Local Enactments) Order 1953 shall have effect as if the graves maintenance fund constituted a lending fund within the meaning of that section.

(6) In this section—

the expression “cemetery” includes a burial ground and a crematorium;

the expression “grave” includes a grave space niche or urn;

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

## PART XIV

## DISTRICT HEATING

Interpretation  
of Part XIV.

**186.** In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

“heating fittings” includes radiators air heaters water heaters mains pipes meters taps cocks valves ferrules and other works and apparatus used in connection with the supply or use of heat;

“the heating undertaking” means the heating undertaking authorised by this Part of this Act and includes all lands stations boiler-houses properties works buildings machinery plant mains pipes apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the provision storage transmission distribution and supply of heat;

“main” includes mechanical and thermal protection for a main and apparatus used in connection with a main.

## Supply of heat.

**187.—**(1) The Corporation may supply heat to such premises as they may think fit in the city upon and subject to the terms and conditions provided by this Part of this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises:

Provided that in the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice of their intention to do so to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice of such discontinuance shall be given by the Corporation to the owner of such premises.

PART XIV  
—cont.

**188.**—(1) Subject to the provisions of this Part of this Act the Corporation may on lands in the city belonging or leased to them erect lay down maintain work and use stations boiler-houses mains pipes and other works for providing storing transmitting distributing and supplying heat and for producing any material product matter or thing arising or used in the process of such provision of heat (including the generation of electricity) together with such buildings boilers engines pumps machinery sidings electric lines matters and things of whatever description as may be required by the Corporation to enable them to provide store transmit distribute and supply heat and the Corporation may accordingly on those lands provide store transmit distribute and supply heat and may produce such materials products matters and things:

Works for  
provision  
of heat.

Provided that—

- (a) nothing in this section shall be taken to dispense with the consent of any Minister of the Crown to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted ;
- (b) any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

- (a) to the electricity authority ; or
- (b) with the approval of the electricity authority to the electricity board ;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the electricity authority and the electricity board) elsewhere.



PART XIV  
—cont.

(3) The electricity authority shall take all the electricity generated by the Corporation as aforesaid which is not—

(a) required for or in connection with the supply of heat ;  
or

(b) supplied to the electricity board with the approval of the electricity authority ;

upon such terms and conditions as may be agreed between the Corporation and the electricity authority or in default of agreement determined by arbitration on the basis of a supply by a willing seller to a willing buyer.

As to  
construction  
of station for  
providing heat.

**189.**—(1) (a) If the council shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act they shall forthwith give to the Minister of Fuel and Power to the electricity authority and to the gas board notice of such resolution and such information with regard to such station as the electricity authority or the gas board (as the case may be) may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station (but not details of design) the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities of heat required by the Corporation and of the times and form at and in which such quantity or quantities will be required.

(b) Any dispute between the Corporation on the one hand and the electricity authority and the gas board or either of them on the other hand as to whether any information is reasonably required by the electricity authority and the gas board or either of them under this subsection shall be referred to and determined by the Minister of Fuel and Power.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the electricity authority and the gas board or either of them may serve upon the Corporation a counter-notice offering a supply of heat to the Corporation upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Corporation and the electricity authority or the gas board (as the case may be).

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Corporation and the electricity authority or the gas board (as the case may be) the terms and conditions upon which a supply of heat is to be given to the Corporation by the electricity authority or the gas board (as the case may be) for the purposes of the heating undertaking are not agreed between them the Corporation shall submit to the Minister of Fuel and Power for determination the question whether a supply of heat shall be afforded

to the Corporation by the electricity authority or the gas board and (if he determines that a supply of heat is to be afforded by the electricity authority or the gas board) the terms and conditions upon which such a supply is to be afforded.

PART XIV  
—cont.

(4) If the said Minister determines that a supply of heat shall be afforded to the Corporation by the electricity authority or the gas board the electricity authority or the gas board (as the case may be) shall afford such a supply in accordance with the terms and conditions approved by the said Minister:

Provided that if the said Minister makes a substantial alteration in the terms or conditions on which the electricity authority or the gas board offered a supply of heat to the Corporation then if within twenty-eight days after the receipt of the determination of the said Minister the electricity authority or the gas board (as the case may be) give notice in writing to the said Minister and the Corporation that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat to the Corporation and the Corporation shall be entitled to proceed with their proposals as if this section had not been enacted unless within twenty-eight days of such last-mentioned notice the Corporation serve on the electricity authority or the gas board (as the case may be) a notice requiring a supply in which case the electricity authority or the gas board (as the case may be) shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

**190.**—(1) The Corporation may enter into and carry into effect agreements with any persons able to supply heat for the furnishing to the Corporation by such persons of a supply of heat for the purposes of this Part of this Act and—

Power to  
buy heat  
in bulk.

- (a) any such person may enter into any such agreement accordingly; and
- (b) any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(2) The Corporation may also for the purposes of this Part of this Act enter into and carry into effect agreements for the taking and use of waste heat hot water or steam from any generating station or gasworks and any authority able to supply heat hot water or steam may enter into such an agreement.

**191.**—(1) (a) The Corporation may be authorised by the Minister to purchase compulsorily for the purposes of the heating undertaking land within the city.

Purchase of  
land for  
heating  
undertaking.

PART XIV  
—cont.

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

(2) The provisions of section 153 (Compulsory purchase of rights for water mains) of this Act shall with all necessary modifications extend and apply to and for the purposes of the heating undertaking.

Power to lay  
mains etc.  
and break  
open streets.

**192.**—(1) The following provisions of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act namely:—

- Part V (Power to lay mains etc.);
- Section 22 (Power to break open streets);
- Section 25 (Protection for railway companies navigation authorities tramway undertakers etc.);
- Section 27 (Remedies where undertakers fail to comply with foregoing requirements);
- Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(2) For the purposes of this Part of this Act in the construction of the provisions incorporated by this section—

- “the undertakers” means the Corporation;
- “supplying water” means supplying heat and “supply of water” shall be construed accordingly;
- “service pipe” means a pipe for supplying heat from a main to any premises; and
- “the limits of supply” means the city.

(3) Nothing in the provisions incorporated by this section shall authorise the Corporation except for the purpose of supplying heat to premises owned or leased by them—

- (a) to lay down a main outside the city except for the purpose of giving or facilitating a supply of heat within the city or of taking a supply of heat from any works or premises outside the city;
- (b) to supply heat to any premises outside the city.

Consultation  
with statutory  
undertakers  
as to certain  
works.

**193.**—(1) In this section the expression “the statutory undertakers” means the electricity authority the electricity board and the gas board.



## (2) (a) Before the Corporation—

- (i) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act ; or
- (ii) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section ;

they shall give to the Minister of Fuel and Power (in this section referred to as “ the said Minister ”) and to the statutory undertakers notice of their proposals and such information with regard thereto as the statutory undertakers may within six weeks of the receipt of such notice reasonably require and shall consult with the statutory undertakers on such proposals.

(b) Any dispute between the Corporation and the statutory undertakers or any of them as to whether any information is reasonably required by them under this subsection shall be determined by the said Minister.

(3) Without prejudice to the generality of subsection (2) of this section such information shall include particulars of the proposals (if any) of the Corporation as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes electric lines and apparatus of the statutory undertakers from damages or injury arising directly or indirectly from any mains or pipes to be laid or placed by the Corporation under the powers of this Part of this Act ;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom ;
- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted or distributed by the Corporation ;
- (d) the methods for measuring the quantity temperature and pressure of the hot water or steam so stored transmitted or distributed ; and
- (e) the independent testing of such measurements.

(4) The statutory undertakers or any of them may within three months after the receipt of such notice or the receipt of such information (whichever is the later) make representations to the said Minister with respect to such proposals.



PART XIV  
—cont.

(5) If no such representations are made the Corporation shall not proceed except in accordance with the proposals sent to the statutory undertakers or any alteration thereof, which may be agreed.

(6) If any such representations are made the Corporation shall not proceed with their proposals except with the approval of the said Minister and in accordance with any modification of such proposals which the said Minister may require.

(7) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

Power to lay  
down or erect  
electric lines  
etc.

**194.**—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 188 (Works for provision of heat) of this Act the Corporation may within the city lay down or erect electric lines and apparatus—

(a) in under or over any street subject however to the provisions of subsection (3) of this section; and

(b) with the consent of every owner and occupier of any land not forming part of a street in on or over that land;

and may from time to time inspect repair alter or renew or may at any time remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise:

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether such a consent is or is not unreasonably withheld shall be referred to and determined by the Minister.

(2) (a) Where the Corporation in the exercise of the powers of this section lay down or erect any electric line or apparatus in on or over any land not forming part of a street or inspect repair alter renew or remove any electric line or apparatus laid down or erected in on or over any such land they shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the laying erection inspection repair alteration renewal or removal of the electric line or apparatus.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

(3) The following provisions of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the laying down erection inspection repair alteration renewal or removal of electric lines and apparatus under this section

and for the purpose of such application the city shall be deemed to be the limits of supply namely:—

PART XIV  
—cont.

Section 22 (Power to break open streets) except the words “and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains”;

Section 25 (Protection for railway companies navigation authorities tramway undertakers etc.);

Section 27 (Remedies where undertakers fail to comply with foregoing requirements);

Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and

Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(4) The provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric lines or apparatus laid down or erected under this section and references in those provisions to the electricity board or the undertakers shall be construed as references to the Corporation.

(5) The powers of this section shall not be exercised except with the consent of the electricity authority and the electricity board which consent shall not be unreasonably withheld and any dispute as to whether such consent is or is not unreasonably withheld shall be determined by the Minister of Fuel and Power.

195.—(1) In any case in which—

(i) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and

(ii) the electricity authority or the electricity board or the gas board are the owning undertakers or (as the case may be) the operating undertakers;

Modification  
of section 26  
of Public  
Utilities  
Street Works  
Act 1950.

the said section 26 shall be modified as follows:—

(a) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans sections and particulars of the works;

PART XIV  
—cont.

(b) the said notice shall be given not less than seven days before the works are commenced;

(c) any question which may arise under the said section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

(2) In this section "the Act of 1950" means the Public Utilities Street Works Act 1950 and any expressions to which meanings are assigned by that Act have the same respective meanings.

Power to  
supply  
fittings.

196.—(1) In any premises to which the Corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating fittings as may be required for or in connection with the supply or utilisation of the heat so supplied and may instal repair renew or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair renewal or alteration.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any heating fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any heating fittings let for hire by the Corporation and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) removable by the Corporation:

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All heating fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the

purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

PART XIV  
—cont.

(5) (a) The Corporation shall so adjust the charges to be made by them under this section as will taking one year with another meet any expenditure by them thereunder including the amounts of the annual charges in respect of interest on and repayment of principal of any moneys borrowed for the purposes thereof;

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year including the amounts of the annual charges in respect of interest on and repayment of principal of any moneys borrowed for the purposes thereof shall be separately shown in the abstract of accounts of the Corporation for that year.

(6) If any person wilfully injures or suffers to be injured any heating fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

**197.**—(1) The Corporation may from time to time prescribe a scale of charges (in this section called "heating charges") for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for reconnecting premises thereto and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the Corporation to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

Provided that if before the expiration of the said seven days notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay the same the Corporation shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.



PART XIV  
—cont.

(3) Without prejudice to any other method of recovery any heating charges payable by the tenant of any premises belonging to the Corporation and connected as aforesaid may be recovered as rent due from him.

Security for  
payment  
of accounts.

**198.** The Corporation may require any person desiring to take a supply of heat or to be supplied with heating fittings or materials under this Part of this Act to deposit with the Corporation such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply of heat or of any fittings or materials supplied to him in connection therewith.

Power to enter  
premises.

**199.**—(1) Subject to the provisions of this section any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises in or upon which any heating fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid for the purpose of—

- (a) inspecting and examining any heating fittings whether belonging to the Corporation or not;
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder;
- (c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act;
- (d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation:

Provided that except in cases of emergency arising from defects in any heating fittings admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that—

- (a) admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(b) there is reasonable ground for entry into the premises for any such purpose as aforesaid ;

PART XIV  
—cont.

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer of the Corporation entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secure against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

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

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by the electricity authority or the electricity board or the gas board for the purposes of or in connection with the generation or supply of electricity or the manufacture storage or supply of gas (as the case may be).

**200.**—(1) If any person wilfully and without the consent of the Corporation turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

Interference  
with apparatus  
etc.

PART XIV  
—cont.

(2) If any person wrongfully takes uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds.

Byelaws for  
protection  
of heating  
undertaking.

**201.**—(1) The Corporation may make byelaws for preventing the waste misuse undue consumption or contamination of or interference with the circulation of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste misuse or undue consumption of heat supplied under this Part of this Act.

(2) Byelaws under this section may include provisions—

- (a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the heating fittings to be used ; and
- (b) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—
  - (i) waste misuse undue consumption or contamination of or interference with the circulation of hot water or steam ;
  - (ii) reverberation in pipes ; or
  - (iii) waste misuse or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

Discount  
for prompt  
payment.

**202.** The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of heat or meter rent or for fittings or materials supplied at the request of the owner or occupier of the premises from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges :

Provided that the Corporation shall make the same allowance to all persons under similar conditions.

**203.**—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of his intention so to do to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises whichever first occurs.

PART XIV  
—cont.

Notice to be given before quitting premises supplied with heat.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the Corporation at the town hall so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heating charges payable to the Corporation.

**204.**—(1) The provisions of the Town and Country Planning Acts 1944 and 1947 shall where applicable apply to the heating undertaking as if that undertaking were a statutory undertaking and as if the Minister were the “appropriate Minister” within the meaning of section 119 of the Act of 1947.

Application of certain Acts to heating undertaking.

(2) For the purposes of section 4 of the Special Roads Act 1949 the Corporation in relation to the powers conferred on them by this Part of this Act shall be deemed to be statutory undertakers.

**205.**—(1) The Corporation shall give to the electricity authority and the electricity board and the gas board such reports and returns and such information with respect to the heating undertaking as the electricity authority or the electricity board or the gas board may reasonably require and the electricity authority and the electricity board and the gas board shall give to the Corporation such reports and returns and such information with respect to any supply by them of heat as the Corporation may reasonably require.

Reports etc. with respect to heating undertaking etc.

(2) Any dispute between the Corporation on the one hand and the electricity authority or the electricity board or the gas board on the other hand as to whether any reports returns or information are reasonably required by the electricity authority or the electricity board or the gas board or the Corporation (as the case may be) shall be determined by the Minister of Fuel and Power.

**206.** Nothing in this Part of this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Corporation not to be exempted from proceedings for nuisance.



## PART XV

## FINANCE AND RATING

Power to borrow.

**207.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority the sum requisite for paying the costs charges and expenses of this Act.

(2) The Corporation shall pay off all moneys borrowed under the preceding subsection within such period as the Corporation 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 the said Part IX and the period fixed by the Corporation under this section for the repayment of any money borrowed thereunder shall as respects that money be the fixed period for the purpose of the said Part IX.

Separate accounts of undertakings.

**208.**—(1) The Corporation shall keep separate accounts in respect of each of their undertakings from which revenue is derived so as to include all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking and so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all income (including investment income) in respect of the undertaking and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts expended in respect of each of the following purposes (that is to say):—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or in connection with the undertaking or used for those purposes under any enactment;
- (c) the annual charges in respect of the repayment of the principal of any moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the establishment and maintenance of a reserve fund in respect of the undertaking.

(2) The Corporation shall apportion between the accounts to be kept by them under this section and any other accounts of the Corporation any receipts credits payments and liabilities which from time to time ought to be so apportioned.

(3) In this section and the next following section the expression "investment income" in relation to an undertaking means so much of the income received by the Corporation from the investment of moneys of an authorised fund established in connection with the undertaking as cannot be carried to the credit of the fund because the fund has reached its prescribed maximum amount.

PART X  
—cont.

**209.** If in respect of any financial year the revenue and the investment income (if any) of any undertaking of the Corporation shall together exceed the moneys expended or applied by the Corporation in respect of that undertaking properly chargeable to revenue the Corporation may in respect of that year apply out of the general rate fund a sum not exceeding the amount of such excess in any of the following ways or to any of the following purposes:—

Application  
of revenue of  
undertakings.

- (a) the reduction of capital moneys borrowed for the purposes of the undertaking ;
- (b) in providing renewing improving or extending any works buildings machinery plant or conveniences for the purposes of or forming part of the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys ;
- (c) in providing working capital for the undertaking ;
- (d) in the exercise of the powers of the Corporation under section 210 (Reserve funds of undertakings) of this Act of establishing and maintaining a reserve fund in respect of the undertaking ; and
- (e) in the case of the transport undertaking any purpose which in the opinion of the Corporation is for the public benefit of the inhabitants of the city or for the improvement of the city.

**210.**—(1) Subject to the provisions of this Act the Corporation may establish a reserve fund in respect of any of their undertakings from which revenue is derived by setting aside out of the general rate fund such amounts as the Corporation may from time to time think reasonable :

Reserve funds  
of  
undertakings.

Provided that no sum shall be so set aside—

- (a) in excess of the amount permitted to be applied out of the general rate fund pursuant to section 209 (Application of revenue of undertakings) of this Act ; or
- (b) so as to cause the amount standing to the credit of any reserve fund to exceed the maximum amount for the time being prescribed by the Corporation in respect of that fund.

(2) (a) Any amounts set aside pursuant to subsection (1) of this section shall (unless they are applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys of any such reserve fund shall be carried to and form part of the general rate fund and the Corporation shall in every financial year so long as such reserve fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the income carried to the general rate fund in pursuance of this subsection.

(3) Any reserve fund established under this section may be applied—

(a) in making good any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed ; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking ; or

(c) in defraying any expenditure incurred by reason or in consequence of any sudden accident to any works connected with that undertaking ; or

(d) in repaying any capital moneys borrowed for the purposes of the undertaking (but not in making the annual payments required to be made therefor) ; or

(e) in providing renewing improving or extending any works buildings machinery plant or conveniences for the purposes of or forming part of that 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 a reserve fund established under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) Any reserve fund which has been established for the purposes of any such undertaking of the Corporation as aforesaid and which is in existence at the passing of this Act shall be deemed to have been established under this section.

Stock and mortgage interest and dividends.

**211.** Notwithstanding anything in section 187 of the Act of 1933 or in any other Act payments in respect of interest or dividends on any mortgages or stock created or issued by the Corporation in pursuance of any statutory borrowing power may be made out of the general rate fund without an order of the council.

Local Act mortgages.

**212.—**(1) All mortgages created by the Corporation before the passing of this Act to secure money borrowed by them under

any statutory borrowing power shall be deemed to have been created under Part IX of the Act of 1933 and sections 205 to 211 of that Act shall on and after the passing of this Act apply to and in respect of such mortgages accordingly and to and in respect of the register and the transfer and transmission thereof:

Provided that so much of section 205 of the Act of 1933 as requires mortgages under that Act to be in a prescribed form shall not apply to any mortgages created before the passing of this Act.

(2) The register of mortgages kept pursuant to section 85 of the Leicester Corporation Act 1902 shall be deemed to be the register referred to in the said Part IX.

**213.**—(1) Every sum borrowed by the Corporation under any enactment repealed by this Act and not repaid at the passing of this Act shall if the consent of any sanctioning authority to the borrowing was required by such enactment be repaid within the period within which it would have been required to be repaid if this Act had not been passed.

Repayment of money borrowed under local Acts.

(2) Every sum borrowed by the Corporation under the enactments mentioned in the first column of the following table for the purposes mentioned in the second column of the said table shall be repaid within the respective periods from the date or dates of borrowing mentioned in the third column of the said table:

Provided that as regards all sums borrowed under section 156 of the Derwent Valley Water Act 1899 within ten years from the passing of that Act the period within which such money shall be repaid shall be a period of sixty years from the thirtieth day of June nineteen hundred and nine.

Enactment	Purpose	Period
Derwent Valley Water Act 1899 section 156.	The purchase of land and the execution of works.	Sixty years.
Leicester Corporation Act 1902 section 84.	Gasworks purposes ...	Forty years.
Leicester Corporation Act 1913 section 42.	Waterworks purposes	Thirty-five years.
Leicester Corporation Act 1919 section 14.	The purchase of lands	Sixty years.
Leicester Corporation Act 1921 section 30.	The extension renewal and replacement of mains and apparatus and the general purposes of the gas and water undertakings.	Thirty years.
Leicester Corporation Act 1925 section 31.	The execution of street works and the acquisition of lands.	Sixty years.



PART XV  
—cont.

(3) This section shall have effect subject to any scheme for fixing equated periods for the discharge of loans made by the Corporation and duly confirmed under section 103 (Scheme for fixing equated periods) of the Leicester Corporation Act 1902.

Modification  
of mortgages  
by  
memorandum  
under hand.

**214.** Notwithstanding anything contained in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and the person for the time being entitled to any mortgage created by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and for the time being not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by a memorandum in writing under the hand of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on or annexed to the deed by which such mortgage was originally created and the provisions of any such memorandum shall be deemed to be incorporated in the said deed and shall as from the date specified in such memorandum operate and take effect accordingly.

Payment of  
pension etc. of  
person of  
unsound mind.

**215.—**(1) Subject to the provisions of this section where a person entitled to receive from the Corporation 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 Corporation 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 husband relations or dependants of the person so detained as aforesaid.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation 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 the wife husband relations or dependants of such person.

(3) This section applies to any sum payable by the Corporation to any person by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to

any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

PART XV  
—cont.

(4) Not less than fourteen days before exercising their powers under this section for the first time in relation to any person the Corporation 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 Corporation intend to exercise the said powers and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice to that person in a form approved by the Court of Protection:

Provided that the Corporation may with the approval of the Court of Protection exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Court of Protection gives to the Corporation notice in writing that it objects to the exercise by the Corporation of the said powers in relation to any person the said powers shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the Court of Protection withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in the exercise of the said powers.

**216.** Notwithstanding anything in any other enactment the Corporation shall not be required to make any payment by way of superannuation allowance 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 Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Proof of continued existence of pensioners.

**217.** Whenever under any enactment (other than the Act of 1936) the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum 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 charges.

**218.** If a justice of the peace is satisfied on complaint by any officer of the Corporation duly authorised in that behalf that any person is quitting or about to quit any premises in the city

Recovery of rates from persons removing.

PART XV  
—cont.

and has failed to pay on demand any general rate 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 Corporation and to detain them until the complaint is determined upon the return of the summons.

Recovery of  
rates from  
certain owners.

**219.**—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

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

(3) In this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

Recovery of  
rates from  
tenants and  
lodgers.

**220.** 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 city shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

## PART XVI

## CULTURAL ACTIVITIES

## Art fund.

**221.**—(1) The Corporation may establish a fund to be called "the art fund" to provide for the purchase of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection of the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an



opinion of the Corporation is more suitable for exhibition in a museum or art gallery of that person than in a museum or art gallery of the Corporation.

PART XVI  
—cont.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest the powers conferred by this section shall not during a period of fifty years commencing on the date on which it so became vested be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest.

(4) Any moneys received by the Corporation in the exercise of the powers of this section shall be applied by them in the purchase of museum specimens or works of art.

**225.** The Corporation may publish or contribute to the publication of— Publication of records etc.

- (a) such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933 ;
- (b) such other documents of historical or other public interest as are in the possession or under the management or control of the Corporation ;
- (c) bulletins journals and leaflets prepared or adapted in the exercise of or in connection with the powers of the Corporation under the Public Libraries Acts 1892 to 1919 section 134 of the Local Government Act 1948 or this Part of this Act ;
- (d) any work of scholarship having reference to the city or its neighbourhood or to any museum specimen work of art or document in the possession or under the management or control of the Corporation ;
- (e) any illustration of any museum specimen or work of art in the possession or under the management or control of the Corporation.

**226.** The Corporation may enter into and carry into effect agreements or arrangements for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Corporation when completed. Acquisition of works of art produced to order.

**227.**—(1) The Corporation may lay out any land occupied by them as a folk museum and in respect of any such folk museum may subject to the following provisions of this section exercise the like powers as in respect of a museum provided under the Public Libraries Act 1892. Power to provide folk museum.



PART XVI  
—cont.

(2) The Corporation may provide in the folk museum specimens of buildings and chattels of all kinds whether originals or reproductions of originals which in the opinion of the Corporation suitably represent those used by the people of England in former times.

(3) For the purpose of providing buildings in the folk museum the Corporation may by agreement acquire the materials of any building and demolish and re-erect the same in the folk museum.

(4) The Corporation may charge for admission to any folk museum provided under this Act.

Library books. **228.** Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of the Corporation under those Acts in relation to any library provided by them under those Acts shall include—

- (1) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of a book ;
- (2) the power to prescribe a period not being less than seven days within which any book borrowed from such library must be returned thereto ;
- (3) the power to recover from any person who fails within such prescribed period to return to the said library any book so borrowed such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such book together with any expenses incurred by the Corporation in sending to such person notices in respect of such book ;
- (4) the power to prohibit any such person from borrowing any other book from the said library or from any other library provided by the Corporation under those Acts until such person has paid any such sum as is due to the Corporation under paragraph (3) of this section ;
- (5) the power to prescribe different periods and charges for the purposes of this section in relation to different books or kinds of books :

Provided that the sums prescribed by the Corporation for the purposes of paragraph (3) of this section shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

## PART XVII

## MISCELLANEOUS

**229.**—(1) The Corporation may make arrangements to such extent as they may from time to time determine for— Welfare of aged persons.

- (a) providing aged persons and persons to whom section 29 of the National Assistance Act 1948 applies with meals ;
- (b) providing aged persons with other domiciliary services in their own homes ;
- (c) providing aged persons with recreational facilities in their own homes or elsewhere in the city.

(2) The Corporation may recover from persons availing themselves of any service provided under this section such charges (if any) as having regard to the cost of the service the Corporation may determine whether generally or in the circumstances of any particular case.

(3) This section shall apply only to such persons as are resident in the city.

**230.**—(1) Where any lost property is contained in a package bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents. Disposal of lost and uncollected property.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

(3) Where any lost or uncollected property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section the expression "lost property" means any property coming into the custody of the Corporation after being accidentally left in any premises occupied by the Corporation to which the public have access and the expression "uncollected

PART XVII  
—cont.

property" means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsection (3) of this section.

Attachment of  
apparatus to  
buildings.

**231.**—(1) Subject to the provisions of this section the Corporation may affix attachments (a) to any building in the city and (b) in the case of any such attachments as are referred to in paragraph (c) of the definition of attachments in subsection (6) of this section to any building abutting on any street or road whether within or without the city along which they are for the time being authorised to run trolley vehicles.

(2) The Corporation 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 Corporation 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 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 Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the Corporation 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 authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may require the Corporation 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 Corporation compensation to be determined in case of dispute 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:—

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—cont.

“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.	The Minister of Transport and Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the Act of 1947; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest.	The Minister.
Building owned by 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.

“attachments” means—

(a) such lamps brackets pipes electric lines and apparatus as may be required for the purposes of street lighting;

(b) such brackets mains electric lines and attachments as may be required for the purposes of the heating undertaking as defined by section 186 (Interpretation of Part XIV) of this Act; or

(c) such brackets rosettes wires apparatus and attachments as may be required for working the trolley vehicles of the Corporation by electrical power;

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

“owner” means—

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

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



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—cont.

(c) in relation to any other building the person who is the owner of the building for the purposes of the Act of 1936 ;

and the expression "owned" shall be construed accordingly.

Supply of refreshments at swimming baths etc.

## 232. The Corporation may—

- (a) provide and sell refreshments of all kinds (excluding intoxicating liquor) subject to the provisions of all enactments relating thereto ;
- (b) enter into any agreement or arrangement for the provision and sale of such refreshments ;
- (c) grant upon such terms and conditions and for such period as they think fit the right to provide and sell such refreshments ;

at—

- (i) any swimming bath maintained by them whether the swimming bath is for the time being used for the purpose of swimming or for any other purpose ;
- (ii) any buildings or lands provided by them under section 4 of the Physical Training and Recreation Act 1937 for the purpose of the practising or playing of any game or the performance of any exercise of an athletic nature ;
- (iii) any parking place for public service vehicles provided by them under section 68 of the Public Health Act 1925 ;

and may provide and maintain any such buildings stalls or other accommodation as may be requisite or convenient for the purposes of this section.

Expenses of public entertainment.

## 233. The Corporation may make reasonable payments for or in connection with—

- (a) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the city and persons representative of or connected with local government services and the supply of information to any such persons ;
- (b) refreshments for members or representatives of the council or committees or sub-committees thereof or for other persons attending meetings of the council or committees or sub-committees thereof (but not including except in exceptional circumstances the ordinary meetings of committees or sub-committees held in the town hall) or conferences or meetings convened by the Corporation or held at the offices of the Corporation ;

- (c) visits by way of official courtesy by or on behalf of the Corporation ;
- (d) the arrangement and conduct of ceremonies on the occasion of or otherwise in connection with public rejoicing or relative to or arising out of the statutory functions of the Corporation ; and
- (e) the presentation of the freedom of the city to persons whom the council may resolve to admit as honorary freemen.

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—cont.

**234.** The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the city and its neighbourhood. Information centres.

**235.**—(1) The Corporation may advertise the advantages facilities and amenities afforded by the city in any manner which the Corporation may think fit and for that purpose may— Power to advertise advantages of city.

- (a) combine with any other organisation company or person ; and
- (b) expend a sum which shall not in any financial year exceed the equivalent of the product of a penny rate levied in the city as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

(2) Any expenditure under this section shall be separate from and additional to the expenditure (if any) of the Corporation under the Local Authorities (Publicity) Act 1931.

**236.**—(1) If any person for the purpose of obtaining for himself or any other person the occupation of any house belonging to the Corporation or a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any other payment due to the Corporation by virtue of the Children and Young Persons Act 1933 the Education Acts 1944 to 1953 or the Children Act 1948 or any regulations made under those Acts or any of them or by virtue of section 229 (Welfare of aged persons) of this Act— False statements to obtain services.

- (a) knowingly makes to the Corporation or any of their employees a false statement or false representation relating to his or that other person's need for accommodation or ability to pay the rent or make the payment ; or
- (b) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular ;

he shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

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—cont.

(2) If any person is convicted of an offence under this section the court may order him to pay to the Corporation the amount of the rebate or reduction so obtained or (as the case may be) may terminate the tenancy of the house and order him to give possession thereof to the Corporation.

(3) In any case in which proceedings can be taken either under this section or under some other corresponding enactment those proceedings shall be taken under that enactment and not under this section.

Power to use  
ladders etc. for  
entry or  
inspection.

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

(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.

Summary  
recovery of  
damages for  
negligence.

**238.** Any compensation recoverable by the Corporation for damage caused by negligence to any lamp or lamp-post belonging to them or any street refuge shelter apparatus or equipment provided by them in or near any street or public place shall if the amount thereof does not exceed fifty pounds be recoverable summarily as a civil debt.

Delegation of  
powers to sub-  
committees.

**239.**—(1) Any committee of the council 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 :

Provided that a majority of the members of any such sub-committee shall be members of the council.

(2) Nothing in this section shall authorise the appointment of a sub-committee by any committee which have power to appoint a sub-committee under any other enactment or the delegation of functions to a sub-committee by a committee which have power to delegate functions to a sub-committee under any other enactment but any such committee may exercise those powers



with respect to any functions of the council which are referred to the committee by the council otherwise than under the authority of that enactment.

PART XVII  
—cont.

(3) Section 273 of the Act of 1936 shall cease to apply to any committee of the council.

**240.** Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for enforcing any of the provisions of the Towns Improvement Clauses Act 1847 or the Town Police Clauses Act 1847 as incorporated with the said Act of 1875 or of the Town Police Clauses Act 1889 may be instituted by the town clerk or by any officer of the police of the city not below the rank of inspector.

Enforcement of Acts incorporated with Public Health Act 1875.

**241.** Subsection (8) of section 96 of the Children and Young Persons Act 1933 shall for the purpose of the application to the Corporation of Parts III and IV of that Act have effect as if the reference therein to the clerk or the chief education officer of a local authority included a reference to the children's officer of the Corporation and any one other officer of the Corporation designated for the purpose by a resolution of the council or of any such committee as is referred to in that subsection.

Extension of section 96 of Children and Young Persons Act 1933.

**242.** 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 by the person presiding at that meeting or at the next ensuing meeting of the council or committee and any minutes purporting to be so signed shall be received in evidence without further proof.

Loose leaf minute books.

**243.**—(1) In any proceedings under any enactment—

(a) a document purporting to be certified by the town clerk 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 ;

Evidence of resolutions minutes appointments etc.

(b) a document purporting to be so certified as a copy of a minute duly drawn up entered and signed in accordance with paragraph 3 of Part V of the Third Schedule to the Act of 1933 or section 242 (Loose leaf minute books) of this Act of the proceedings of a meeting of the council or of any committee thereof on a specified date shall be evidence to the same extent as the original minute ;



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—cont.

(c) a document purporting to be so certified as a copy of the appointment or of any authority given to an officer of the council or of any committee thereof on a specified date shall be evidence that that appointment or authority was duly made or given by the council or that committee on the said date; and

(d) where any such document relates to a decision of a committee of the council any statement purporting to be so certified that such decision was confirmed by the council on a specified date or that such decision was made in exercise of functions lawfully delegated by the council to the committee shall be evidence of the fact so stated.

(2) Section 286 of the Act of 1936 and section 57 of the Water Act 1945 shall cease to apply to the Corporation.

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

“committee” includes any sub-committee of a committee;

“officer” includes a servant solicitor or agent.

Authorities  
to officers.

**244.**—(1) Where by virtue of any enactment in force in the city any power or duty is required or authorised to be conferred or imposed by the Corporation on any officer any resolution of the council or a committee thereof under any such enactment conferring or imposing the power or duty may describe the officer by his name or by the designation of the office held by him.

(2) Where any such resolution whether passed before or after the passing of this Act describes an officer by the designation of the office held by him the resolution shall unless the contrary intention appears confer the power or impose the duty (as the case may be) on the holder or holders for the time being of the office.

Authentication  
of documents.

**245.**—(1) Any notice order consent certificate licence demand warrant or other document which the Corporation are authorised or required to give make or issue under this Act or any enactment in force in the city immediately before the passing of this Act shall be sufficiently authenticated by the signature of—

(a) the town clerk;

(b) the surveyor the treasurer the medical officer or the sanitary inspector as respects documents relating to matters within their respective provinces;

(c) any officer of the Corporation authorised to sign documents of the particular kind or as the case may be the particular document by resolution of the council or of any committee to which the functions of the council with respect to such documents have been delegated.

(2) Any document purporting to bear the signature of an officer expressed to hold an office by virtue of which he is under this section empowered to sign such a document or expressed to be duly authorised by the council to sign such a document or the particular document shall be deemed until the contrary is proved to have been duly given made or issued by authority of the council.

(3) In this section the expression "signature" includes a facsimile of a signature by whatever process reproduced.

**246.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of the Corporation. Service of demand notes.

**247.** Any notice order consent demand or other document which is required or authorised by or under this Act or any other local enactment relating to the Corporation and passed before the passing of this Act (other than the local Water Acts) to be given to or served on any person may in any case for which no other provision is made by any such enactment be given or served in any manner in which documents may be given or served under section 285 of the Act of 1936. Service of notices under local enactments.

**248.** Where this Act or any enactment passed before the passing of this Act requires or authorises the giving or service by the Corporation to or on any person of any notice order consent demand or other document and permits it to be given or served by leaving it at the usual or last known residence or place of abode of that person or by sending it in a prepaid letter addressed to him at his usual or last known residence or place of abode such notice order consent demand or other document shall be deemed to have been lawfully given or served by the Corporation if it is left at or sent in a prepaid letter addressed to such person at any address for service furnished by him. Addresses furnished for service of notices.

**249.** Any notice which is required or authorised by this Act or by any enactment in force in the city immediately before the passing of this Act to be served by the Corporation upon the owner lessee or occupier of any premises shall (without prejudice to any other method of service) be deemed to be duly served if it is addressed to him by the description of "the owner" "the lessee" or "the occupier" (as the case may be) of the premises (describing them) and— Service of notices on unidentified persons.

(a) it is—

(i) enclosed in an envelope addressed in the like manner and having clearly and legibly inscribed upon it the following form of words:—

"IMPORTANT This communication affects YOUR PROPERTY"; and

PART XVII  
—cont.

- (ii) sent by prepaid registered post to the premises and is not returned to the Corporation; or
- (b) it is delivered to some person on the premises; or
- (c) it is affixed to some conspicuous part of or object on the premises if there is no person on the premises to whom it may be delivered:

Provided that this section shall not apply to the service of a notice on the owner or lessee of any premises unless the town clerk is satisfied in relation to those premises that reasonable inquiry has been made and that it is not practicable to ascertain whether there is or is not or what is the name or address of any person who is an owner or lessee of the premises.

Application to city of certain provisions of Public Health Acts Amendment Act 1907.

**250.** Notwithstanding anything in subsection (2) of section 2 of the Public Health Acts Amendment Act 1907 the following provisions of that Act shall extend and apply to the city:—

- Section 19 (As to urgent repairs to private streets);
- Section 21 (Power to alter names of streets);
- Section 22 (Buildings at corner of streets);
- Section 31 (Fencing lands adjoining streets);
- Section 33 (Exemption of buildings of railway companies and others);
- Section 76 (Powers as to parks and pleasure gardens);
- Section 77 (Power to appoint officers);
- Section 80 (As to leading or driving animals);
- Section 81 (Extending definition of public place and street for certain purposes);
- Section 83 (Byelaws as to promenades);
- Section 84 (Licences to porters);
- Section 85 (Registries for servants);
- Section 86 (As to dealers in old metal and marine stores); and
- Section 94 (Power to license pleasure boats).

Church-wardens and overseers.

**251.**—(1) References in any enactment to the churchwardens and overseers of the parish of Leicester shall except so far as those references relate to the affairs of the church be construed as references to the Corporation.

(2) The legal interest in all property which on the twenty-sixth day of March eighteen, hundred and ninety-six vested in the churchwardens and overseers of the parish of Leicester other than property connected with the affairs of the church or held for an ecclesiastical charity shall be deemed to have vested in the Corporation on that date subject to all trusts and liabilities affecting the same.

(3) For the purposes of this section the expressions “affairs of the church” and “ecclesiastical charity” have the meanings

respectively assigned to those expressions by the Local Government Act 1894.

PART XVII  
—cont.

**252.**—(1) In regulation 32 in the schedule to the Act of 1868 there shall be inserted after the word “work” where it first occurs the words “to which regulation 5 or regulation 26 of this schedule applies”. Minor amendments to regulations of 1868.

(2) Regulation 34 in the said schedule (which regulation prescribes penalties for contravention of such of the regulations contained in that schedule as are therein referred to as “the foregoing regulations”) shall have effect as if the expression “the foregoing regulations” where used in that regulation included sections 40 and 42 of the Leicester Improvement Act 1881 (which sections are to be construed with and form part of the said regulations) section 17 of the Leicester Corporation Act 1897 (which section is deemed to be a regulation and to have effect as if it had been set forth in the said schedule) and section 31 (Separate sewers for foul water and surface water) of this Act.

**253.**—(1) The Act passed in the ninth year of the reign of Her late Majesty Queen Victoria (chapter xxix) intituled “An Act for improving the Borough of Leicester” may without prejudice to any other mode of citation be cited as the Leicester Improvement Act 1846. Short title of Act of 1846 and Order of 1891.

(2) The Provisional Order for altering the Act of 1868 scheduled to and confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 14) Act 1891 may be cited as the Leicester (No. 1) Order 1891.

## PART XVIII

### GENERAL

**254.** As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:— Confirming authority for byelaws.

1	2
81 (Byelaws as to inspection of meat) ... ..	Minister of Agriculture Fisheries and Food.
84 (Byelaws as to sale etc. of animal feeding meat).	Minister of Agriculture Fisheries and Food.
99 (Byelaws as to pleasure fairs and roller-skating rinks).	Secretary of State.
112 (Boating pools) ... ..	Secretary of State.
113 (Golf courses) ... ..	Secretary of State.
125 (Byelaws relating to wood fuel etc.) ...	Board of Trade.
137 (Personal weighing-machines) ... ..	Board of Trade.
141 (Byelaws for preventing nuisances in or against transport premises).	Minister of Transport and Civil Aviation.



PART XVIII  
—cont.Local  
inquiries.

**255.**—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act or any other local enactment passed before the passing of this Act and relating to the Corporation.

(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 or any such local enactment as aforesaid as well as the Ministers therein mentioned.

Arbitration.

**256.** In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (3) of section 8 ...	The President of the Institution of Civil Engineers.
Subsection (4) of section 8 ...	The President of the Royal Institution of Chartered Surveyors.
Subsection (1) of section 26 ...	The Minister.
Paragraph (b) of subsection (6) of section 49.	The President of the Royal Institution of Chartered Surveyors.
Subsection (3) of section 55 ...	The President of the Institution of Civil Engineers.
Subsection (4) of section 90 ...	The President of the Institution of Civil Engineers.
Paragraph (a) of subsection (5) of section 95.	The President of the Institution of Civil Engineers.
Subsection (3) of section 188 ...	The President of the Institution of Electrical Engineers.
Paragraph (b) of subsection (2) of section 194.	The President of the Royal Institution of Chartered Surveyors.
Paragraph (8) of section 264...	The President of the Institution of Civil Engineers.

Appointed  
day.

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

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

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

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

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

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

(4) Either—

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

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

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

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

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

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

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 258 (Appeals) of this Act.

**258.**—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

(a) involves the execution of any work or the taking of any action; or

(b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time

PART XVIII  
—cont.

of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time ;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

Protection of members and officers of Corporation from personal liability.

**259.** Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act.

Application of general provisions of Act of 1936.

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

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to this Act other than Part XI thereof.

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

- Part III (Streets) ;
- Part IV (Public health).

(4) The sections of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (3) of this section and also to section 96 (Offences in respect of telephone boxes fire hydrants etc.) of this Act.

(5) The section of the Act of 1936 mentioned in Part V of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (3) of this section and also to Part VIII (Movable dwellings) and section 99 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act :

Provided that the said section of the Act of 1936 shall not apply in any case in which express powers of entry are conferred by the provisions of Part IV (Public health) of this Act.

**261.**—(1) The enactments mentioned in the first and second columns of Part I of the Fifth Schedule to this Act shall be and are hereby repealed to the extent mentioned in the third column of that Part. PART XVIII  
—cont.  
Repeal.

(2) The orders regulations and byelaws mentioned in the first and second columns of Part II of the said Fifth Schedule shall be and are hereby revoked to the extent mentioned in the third column of that Part.

**262.**—(1) Except as otherwise expressly provided by this Act the repeal of any enactment effected by this Act or anything in this Act shall not prejudice or affect— Saving  
from effect  
of repeals.

(a) the estate right title or interest of the Corporation in or to any lands acquired by them under any such enactment and vested in them immediately before the passing of this Act but all such estate right title and interest shall continue to be held and may be enjoyed and exercised by the Corporation as if this Act had not been passed ; or

(b) the use by the Corporation of any lands held by them immediately before the passing of this Act for any purpose for which such lands were acquired or appropriated by the Corporation under the authority of any such enactment but all such lands may be held and used by the Corporation as if this Act had not been passed ; or

(c) any rights or obligations with respect to any mortgages stock or other securities granted issued or created by the Corporation under any such enactment and subsisting immediately before the passing of this Act but all such mortgages stock and securities shall continue to be valid and all such rights and obligations may be enforced as fully and effectually as if this Act had not been passed ; or

(d) the exercise by the Corporation of any power to borrow money conferred by any such enactment and not exercised before the date of the passing of this Act to the extent to which the consent of any sanctioning authority to the exercise of such power has been obtained before that date but such power may be exercised as if this Act had not been passed.

(2) Any document referring to any enactment repealed by this Act or which has ceased to apply to the city or to the Corporation by virtue of this Act shall be construed as referring to the corresponding enactment if any in this Act or incorporated with this Act or applied to the city or to the Corporation by this Act.



PART XVIII  
—cont.

(3) The mention of particular matters in this section shall not prejudice or affect the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

Saving for trusts etc.

**263.** Nothing in this Act shall authorise the Corporation to exercise any power conferred upon them by this Act to use for any purpose any land occupied managed or controlled by them in such a manner as to be at variance with any trust subject to which such land is so held managed or controlled or so as to contravene any covenant or condition subject to which a gift or lease of such land has been accepted by or granted to them.

For protection of certain statutory undertakers.

**264.** For the protection of the electricity authority and the electricity board and the gas board (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

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

"position" includes depth:

(2) Nothing in section 11 (Prohibition of building until street formed and sewered) of this Act shall prevent the electricity board or the gas board from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including an electricity substation or feeder pillar or a pressure governor or meter house) in land abutting on any new street before such new street is constructed or sewered in accordance with the regulations in the schedule to the Act of 1868:

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

Section 13 (Trees grass verges and gardens);

Section 16 (Decorations in streets);

Section 93 (Barriers in streets);

Section 95 (Police telephone call boxes and shelters);

Section 138 (Power to erect weighbridges):

- (4) Nothing in the said section 13 of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge garden or space:

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

- (5) (a) Notwithstanding any stopping up or enclosure by the Corporation under section 9 (Enclosure of roadside land in Anstey Lane) of this Act of any land and notwithstanding any conveyance by the Corporation under section 15 (Adjustment of boundaries of streets) of this Act of any land which forms part of the site of a street the undertakers shall have the same powers and rights and be under the same obligations in respect of any apparatus in under over across along or upon that land as if the land were part of a street so long as the undertakers do not or are not required to alter the position of such apparatus in accordance with the following provisions of this paragraph;
- (b) Before the Corporation stop up or enclose under the said section 9 or convey under the said section 15 any land which forms part of the site of a street and in which there is any apparatus they shall give to the undertakers notice of such stopping up or enclosure or conveyance with a plan showing the situation and dimensions of the said land;
- (c) The undertakers may and if reasonably so required by the Corporation shall alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances;
- (d) The undertakers shall within twenty-eight days of receiving notice of any such requirements deliver to the Corporation for approval a plan and section of the alteration proposed to be made by them;
- (e) The proposed position of the apparatus as shown on such plan and section shall be deemed to be reasonable for the purposes of sub-paragraph (c) of this paragraph unless the plan and section are disapproved by the Corporation within twenty-eight days of the receipt thereof;
- (f) The Corporation shall repay to the undertakers the reasonable expenses incurred by them of or in connection with any such alteration required by the Corporation and the reasonable costs of and incidental

PART XVIII  
—cont.

to the cutting off of any apparatus from any other apparatus and any other work or thing rendered reasonably necessary in consequence of such alteration:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which impose limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this sub-paragraph as if the works hereinbefore in this sub-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 paragraph (5) of section 264 (For protection of certain statutory undertakers) of the Leicester Corporation Act 1956":

- (6) Nothing in section 35 (Summary power to repair drains etc.) of this Act shall authorise the Corporation to execute any works in under over across along or upon any operational land of the undertakers without the consent of the undertakers but such consent shall not be unreasonably withheld:
- (7) Nothing in section 65 (Discharge of steam and waste gas) of this Act shall extend to the necessary discharge of steam or gas by the gas board on any lands used by them in connection with the manufacture or storage of gas:
- (8) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to arbitration;
- (b) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

## Costs of Act.

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

## SCHEDULES

## FIRST SCHEDULE

## APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in the city multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Corporation and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a magistrates' court and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(a) shall order the Corporation to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and

(b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as it thinks just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Corporation subject to and in accordance with the following provisions:—

(a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the front-



1st Sch.  
—cont.

age of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land ;

(b) At any time after whichever of the following events last occurs (that is to say) :—

(i) the erection of the new building ; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal ;

the Corporation may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand :

Provided that where the drains of the new building are at the time of its erection made to communicate with a sewer other than the sewer the expenses of the construction of which are apportioned no such demand shall be served in respect of the building unless and until the drains thereof are made to communicate with the last-mentioned sewer ;

(c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;

(d) The rate of interest chargeable under this paragraph shall be such rate as the Corporation may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last foregoing paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Corporation may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected :

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Corporation with respect to any such remission may appeal to a magistrates' court.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 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 provisions of this schedule—

- (a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered;
- (b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

- (a) a building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date;
- (b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—
  - (i) the re-erection wholly or partly 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;

the expression "the relevant date" means—

- (i) in relation to an apportionment under section 28 of this Act in pursuance of a resolution of the council the date when the resolution became operative; and
- (ii) in relation to an apportionment under section 29 of this Act in respect of land becoming a street the date on which the street was laid out.

## SECOND SCHEDULE

## DESCRIPTION OF WATER LIMITS

The city.

In the county of Leicester—

The urban districts of Oadby and Wigston.

In the rural district of Barrow-upon-Soar—

The parishes of Anstey Barkby Barkby Thorpe Barrow-upon-Soar  
Beeby Birstall Burton-on-the-Wolds Cossington Croxton  
South Mountsorrel Newtown Linford Queniborough Ratcliffe-  
on-the-Wreake Rearsby Rothley Seagrave Sileby Swithland  
Syston Thrussington Thurcaston Thurmaston Walton-on-the-  
Wolds Wanlip Woodhouse and Wymeswold.

In the rural district of Billesdon—

The parishes of Billesdon Burton Overy Carlton Curlieu Frisby  
Galby Great Glen Great Stretton Houghton-on-the-Hill Key-  
ham King's Norton Little Stretton Scraptoft Stoughton  
Thurnby and Wistow.

In the rural district of Blaby—

The parishes of Blaby Braunstone Cosby Countesthorpe Croft  
Enderby Glenfields Glen Parva Huncote Kilby Kirby Muxloe  
Leicester Forest West Lubbesthorpe Narborough and  
Whetstone.

In the rural district of Market Bosworth—

The parishes of Bagworth Groby Markfield and Ratby and so  
much of the parish of Desford as formerly constituted part  
of the parish of Ratby.

In the rural district of Market Harborough—

The parishes of Fleckney Kibworth Beauchamp Kibworth  
Harcourt and Smeeton Westerby.

## THIRD SCHEDULE

## PART I

## CATTLE MARKET

*Tolls stallages and rents*

For every—	s.	d.
Stallion ... ..	2	6
Other horse ... ..	1	0
Mule or ass ... ..	1	0
Bull ... ..	1	6
Cow ox and other cattle (down to and including yearlings) ... ..	1	0
Calf ... ..		3
Ram ... ..		8
Sheep or lamb ... ..		3
Goat ... ..		3
Pig (except sucking pig) ... ..		6
Sucking pig ... ..		3
Dog or cat ... ..		2
Hare or rabbit (live) ... ..		2
Hare or rabbit (dead) ... ..		1
Other animal brought into the market not mentioned above ... ..	1	6
Fowl or duck ... ..		1½
Pigeons (live) half-dozen or less ... ..		4
Pigeons (dead) half-dozen or less ... ..		2
Chicks (day old) per dozen ... ..		2
Turkey or goose ... ..		4
Other bird brought into the market not mentioned above ... ..		4

If any livestock or deadstock be brought into the cattle market before the time appointed for opening or remain more than one hour after the time for closing the cattle market extra tolls of the like amount shall be paid for each day or night or part thereof on or during which the livestock or deadstock is brought into or allowed to remain in the cattle market before the opening or after the closing thereof.

For any market stall such sum as may be agreed between the Corporation and the hirers.

## PART II

## HAYMARKET

*Tolls stallages and rents*

For every—	s.	d.
Two-wheeled vehicle loaded with hay straw vetches or other agricultural produce or food for horses or cattle ... .. per day		6
Four-wheeled vehicle so loaded ... .. per day	1	0
Two-wheeled vehicle loaded with any other articles ... .. per day	1	0
Four-wheeled vehicle so loaded ... .. per day	2	0



3RD SCH.  
—cont.

A fresh toll to be payable each time any vehicle shall enter the haymarket.

For any market stall such sum as may be agreed between the Corporation and the hirers.

Weighing charges . . . . . 4d. per ton with a minimum charge of 6d.

#### FOURTH SCHEDULE

##### SECTIONS OF ACT OF 1936 APPLIED

##### PART I

##### SECTION APPLIED GENERALLY

Section	Marginal note
328	Powers of Act to be cumulative.

##### PART II

##### SECTIONS APPLIED GENERALLY TO ACT OTHER THAN PART XI

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

##### PART III

##### SECTIONS APPLIED TO PARTS III AND IV

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

## PART IV

## SECTIONS APPLIED TO PARTS III AND IV AND SECTION 96

4TH SCH.  
—cont.

Section	Marginal note
293	Recovery of expenses etc.
299	Inclusion of several sums on one complaint etc.

## PART V

## SECTION APPLIED TO PARTS III IV AND VIII AND SECTION 99

Section 287	Power to enter premises.
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## FIFTH SCHEDULE

## PART I

## ENACTMENTS REPEALED

Session and chapter	Title or short title	Extent of repeal
9 & 10 Vict. c. xxix.	Leicester Improvement Act 1846.	Sections ii to xxxiii section xl sections xlii and xliii sections xlvi to lxxxii sections lxxxv to ci section ciii section cviii and the schedules except Schedules (D) and (E).
10 & 11 Vict. c. cclxxxii.	Leicester Waterworks Act 1847.	Sections iv to vii sections ix to xx section xxii sections xxvi to xxxviii sections xl to xlii and sections xlv and xlvi.
11 & 12 Vict. c. ii.	Leicester Cemetery Act 1848	The whole Act except sections ii xi (but including the proviso) and xviii and the schedule.
11 & 12 Vict. c. xix.	An Act to effect an agreement between the visitors of the Lunatic Asylum for the County of Leicester and the Corporation of the Borough of Leicester for the admission of lunatic paupers from the said borough into the said asylum.	The whole Act.
12 & 13 Vict. c. 94.	Public Health Supplemental Act 1849.	The order relating to Leicester in the schedule.
14 & 15 Vict. c. ii.	Leicester Sewerage Act 1851	Section vi sections ix and x the proviso to section xi section xxiv sections xxviii to xxx sections xxxii to xxxv and sections xxxviii to xlvi.

5TH SCH.  
—cont.

Session and chapter	Title or short title	Extent of repeal
14 & 15 Vict. c. xxxiii.	Leicester Waterworks Amendment Act 1851.	Sections ix and x section xv and sections xviii to xxxiv.
23 & 24 Vict. c. xxii.	Leicester Cemetery Amendment Act 1860.	The whole Act except sections i and ii and sections xxi to xxvi.
23 & 24 Vict. c. vii.	Leicester Lunatic Asylum and Improvement Act 1865.	Sections 4 to 33 sections 35 to 41 and the schedules.
29 & 30 Vict. c. xxvi.	Leicester Cattle Market Town Hall and Improvement Act 1866.	Sections 5 to 7 sections 9 to 16 sections 19 to 22 sections 29 to 40 sections 42 to 52 and the First Fourth and Fifth Schedules.
29 & 30 Vict. c. xxvii.	Leicester Waterworks Act 1866.	Section 4 sections 12 and 13 section 16 sections 18 to 50 sections 52 and 53 and sections 56 to 59.
31 & 32 Vict. c. xxiv.	Leicester Improvement Drainage and Markets Act 1868.	Section 10 section 18 sections 26 and 27 sections 32 to 34 section 36 section 38 sections 40 to 48 section 50 and in the schedule regulations 16 35 41 and 46.
33 & 34 Vict. c. iv.	Leicester Lunatic Asylum Act 1870.	The whole Act.
37 & 38 Vict. c. lxi.	Leicester Improvement Act 1874.	In section 2 the words from "and as if" to the end of the section section 10 section 25 and sections 27 to 31.
38 & 39 Vict. c. xcii.	Leicester Waterworks Act 1875.	The whole Act.
39 & 40 Vict. c. xxvi.	Leicester Improvement Act 1876.	Section 12 sections 21 to 38 and the schedule.
41 & 42 Vict. c. cxxxii.	Leicester Corporation Gas and Water Transfer Act 1878.	Section 2 in section 5 the proviso sections 6 and 7 section 13 sections 15 to 23 section 26 sections 28 to 35 sections 38 and 39. and the Second Schedule.
42 & 43 Vict. c. cc.	Leicester Corporation Act 1879.	Sections 8 to 30 and the First and Second Schedules.
44 & 45 Vict. c. lxxii.	Leicester Improvement Act 1881.	Sections 19 to 21 sections 23 to 25 and sections 46 to 51.
47 & 48 Vict. c. xxxii.	Leicester Corporation Act 1884.	Section 6 sections 9 to 16 sections 18 to 20 sections 22 and 23 sections 26 to 34 sections 36 and 37 section 39 subsection (4) of section 40 sections 41 to 43 sections 45 to 54 section 60 sections 64 and 65 section 67 sections 72 and 73 subsection (2) of section 76 subsection (2) of section 77 sections 78 and 79 and the Second Schedule.

Session and chapter	Title or short title	Extent of repeal
53 & 54 Vict. c. xxxvi.	Leicester Corporation Waterworks Act 1890.	Sections 4 to 6 section 8 sections 18 to 21 sections 23 to 33 and the schedule.
53 & 54 Vict. c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1890.	The Order dated 14th May 1890 relating to Leicester in the schedule.
54 & 55 Vict. c. c.	Leicester Extension Act 1891	Sections 9 to 15 sections 17 to 20 section 23 section 25 sections 27 to 29 in section 31 the words from "All sums" to the end of the section sections 33 to 50 subsection (1) of section 51 sections 53 to 57 sections 65 to 74 subsection (2) of section 75 section 76 section 79 (except subsection (3)) sections 80 and 81 and sections 84 to 99.
54 & 55 Vict. c. ccxi.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1891.	The Order dated 1st June 1891 relating to Leicester in the schedule.
55 & 56 Vict. c. xciii.	St. Margaret's (Leicester) Select Vestry (Parish Piece) Act 1892.	Subsections (3) (4) (6) (7) (9) and (10) of section 4.
56 & 57 Vict. c. cxx.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1893.	The Leicester Order 1893 in the schedule.
57 & 58 Vict. c. xxii.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1894.	Articles iii to v of the Leicester Order 1894 in the schedule.
58 & 59 Vict. c. xl.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1895.	The Leicester Order 1895 in the schedule.
59 & 60 Vict. c. cxi.	Local Government Board's Provisional Orders Confirmation (No. 19) Act 1896.	The Leicester Order 1896 in the schedule.
60 & 61 Vict. c. ccxviii.	Leicester Corporation Act 1897.	Sections 9 and 10 section 16 section 18 sections 20 to 29 sections 35 and 36 sections 38 to 56 sections 58 to 66 sections 71 to 75 sections 77 to 88 sections 92 to 94 sections 96 and 97 sections 99 and 100 and the Second Schedule.
62 & 63 Vict. c. cxlv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1899.	The Leicester (No. 1) Order 1899 and the Leicester (No. 3) Order 1899 in the schedule.
62 & 63 Vict. c. cclxix.	Derwent Valley Water Act 1899.	Sections 140 to 143 section 149 and sections 155 to 163.
63 & 64 Vict. c. clxxvi.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1900.	The Leicester Order 1900 in the schedule.



5TH SCH.  
—cont.

Session and chapter	Title or short title	Extent of repeal
1 Edw. 7. c. xli.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1901.	The Leicester Order 1901 in the schedule.
2 Edw. 7 c. clxxvii.	Leicester Corporation Act 1902.	Sections 5 to 16 sections 18 and 19 sections 21 to 32 sections 34 to 61 sections 75 to 80 sections 83 to 102 section 104 sections 106 and 107 sections 109 and 110 sections 112 and 113 and the Second Third and Sixth Schedules.
4 Edw. 7 c. cxcvi.	Derwent Valley Water Act 1904.	Section 32 sections 33 and 34 so far as they apply to the Corporation section 36 and section 41.
5 Edw. 7 c. cvi.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1905.	In the Leicester Order 1905 in the schedule— Articles i to iii and Article vii.
8 Edw. 7 c. lvi.	Leicester Corporation Act 1908.	Sections 9 and 10 section 14 sections 20 to 30 section 32 sections 38 to 44 sections 46 and 47 sections 53 to 56 sections 59 to 61 sections 64 and 65 and the Second Schedule.
9 Edw. 7 c. lxiii.	Derwent Valley Water Act 1909.	Sections 18 and 19.
3 & 4 Geo. 5 c. lxxxvi.	Leicester Corporation Act 1913.	Sections 5 to 20 in subsection (1) of section 21 the words from the beginning of the subsection to the words "that section" and subsections (2) (3) and (4) of that section sections 22 and 23 sections 34 to 36 section 39 sections 42 to 46 subsections (1) (3) and (4) of section 48 and so much of subsection (5) of that section as applies to golf courses section 49 sections 52 and 53 and section 55.
9 & 10 Geo. 5 c. cii.	Leicester Corporation Act 1919.	In section 12 the first proviso in subsection (1) and sections 13 to 16.
11 & 12 Geo. 5 c. cxvi.	Leicester Corporation Act 1921.	Sections 9 and 10 sections 12 and 13 sections 16 to 24 sections 26 to 34 section 37 section 44 sections 46 to 48 and the Third Schedule.
13 & 14 Geo. 5 c. xxxviii.	Ministry of Health's Provisional Order Confirmation (No. 5) Act 1923.	Article ii of the Leicester Order 1923 in the schedule.

Session and chapter	Title or short title	Extent of repeal
13 & 14 Geo. 5 c. lxij.	Tramways Provisional Orders Act 1923.	The Leicester Corporation Tramways Order 1923 in the schedule.
15 & 16 Geo. 5 c. xxxiv.	Leicester Corporation Act 1925.	Section 18 sections 26 and 27 sections 30 to 34 section 36 and section 44.
15 & 16 Geo. 5 c. lxxvi.	Leicester Fire Brigade Provisional Order Confirmation Act 1925.	The whole Act.
16 & 17 Geo. 5 c. lxiii.	Tramways Provisional Order Act 1926.	The whole Act.
20 & 21 Geo. 5 c. clxxxiv.	Leicester Corporation Act 1930.	Sections 15 and 16 subsections (4) (5) and (6) of section 17 subsections (1) (4) (5) and (6) of section 19 section 20 in section 22 the references to omnibuses and the proviso to that section; in sections 23 to 26 the references to tramcars and tramways section 27 sections 30 to 32 in subsection (1) of section 33 the reference to tramcars and the words "except as in this section hereinafter provided or" and subsections (2) (3) and (4) of that section section 37 section 40 sections 42 to 49 subsection (6) of section 51 section 52 and sections 60 and 61.

## PART II

## ORDERS REGULATIONS AND BYELAWS REVOKED

Number of Statutory Rule or Instrument	Order regulation or byelaw	Extent of revocation
—	Order of the Local Government Board dated 10th January 1896 made under section 33 of the Local Government Act 1894.	The whole Order.
—	Order of the Secretary of State dated 30th November 1909 made under section 3 of the Public Health Acts Amendment Act 1907.	The whole Order.
—	Order of the Local Government Board dated 14th June 1910 made under section 3 of the Public Health Acts Amendment Act 1907.	The whole Order.

5TH SCH.  
—cont.

Number of Statutory Rule or Instrument	Order regulation or byelaw	Extent of revocation
S.R. & O. 1922 No. 1136.	Regulations made by the Minister of Transport under sections 24 and 25 of the Leicester Corporation Act 1902 and section 13 of the Leicester Corporation Act 1913 and dated the 14th day of October 1922.	The whole of the regulations.
S.R. & O. 1924 No. 936.	Regulations made by the Minister of Transport under section 10 of the Leicester Corporation Tramways Order 1923 and dated the 12th day of August 1924.	The whole of the regulations.
S.R. & O. 1927 No. 378.	Regulations made by the Minister of Transport under sections 24 and 25 of the Leicester Corporation Act 1902 and section 10 of the Leicester Corporation Tramways Order 1926 and dated the 30th day of April 1927.	The whole of the regulations.
S.R. & O. 1939 No. 6.	Regulations and byelaws as regards electrical power on the Leicester Corporation tramways made by the Minister of Transport and dated the 4th day of January 1939.	The whole of the regulations and byelaws.
S.R. & O. 1947 No. 96.	The Leicester Water Order 1947	The whole Order.
S.R. & O. 1947 No. 2853.	The Leicester Water (Extension) Order 1947.	The whole Order.
S.I. 1953 No. 472	The Leicester (Amendment of Local Enactments) Order 1953.	Section 7 and in the schedule the reference to regulation 16 in the schedule to the Act of 1868.
S.I. 1953 No. 675	The Leicester Water (Extension) Order 1953.	The whole Order.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Theatres Act 1843 ... ..	6 & 7 Vict. c. 68.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Leicester Improvement Act 1846 ... ..	9 & 10 Vict. c. xxix.
Markets and Fairs Clauses Act 1847 ... ..	10 & 11 Vict. c. 14.
Waterworks Clauses Act 1847 ... ..	10 & 11 Vict. c. 17.
Towns Improvement Clauses Act 1847 ... ..	10 & 11 Vict. c. 34.
Cemeteries Clauses Act 1847 ... ..	10 & 11 Vict. c. 65.
Town Police Clauses Act 1847 ... ..	10 & 11 Vict. c. 89.
Larceny Act 1861 ... ..	24 & 25 Vict. c. 96.
Registration of Burials Act 1864 ... ..	27 & 28 Vict. c. 97.
Leicester Lunatic Asylum and Improvement Act 1865.	28 & 29 Vict. c. vii.
Leicester Cattle Market Town Hall and Improvement Act 1866.	29 & 30 Vict. c. xxvi.
Leicester Improvement Drainage and Markets Act 1868.	31 & 32 Vict. c. xxiv.
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.
Public Health (Interments) Act 1879 ... ..	42 & 43 Vict. c. 31.
Leicester Improvement Act 1881 ... ..	44 & 45 Vict. c. lxxii.
Electric Lighting Act 1882 ... ..	45 & 46 Vict. c. 56.
Leicester Corporation Act 1884 ... ..	47 & 48 Vict. c. xxxii.
Markets and Fairs (Weighing of Cattle) Act 1887	50 & 51 Vict. c. 27.
Local Government Act 1888 ... ..	51 & 52 Vict. c. 41.
Town Police Clauses Act 1889 ... ..	52 & 53 Vict. c. 14.
Weights and Measures Act 1889 ... ..	52 & 53 Vict. c. 21.
Interpretation Act 1889 ... ..	52 & 53 Vict. c. 63.
Public Health Acts Amendment Act 1890 ...	53 & 54 Vict. c. 59.
Leicester Corporation Waterworks Act 1890 ...	53 & 54 Vict. c. xxxvi.
Leicester Extension Act 1891 ... ..	54 & 55 Vict. c. c.
Markets and Fairs (Weighing of Cattle) Act 1891	54 & 55 Vict. c. 70.
Local Government Board's Provisional Orders Confirmation (No. 14) Act 1891.	54 & 55 Vict. c. ccxi.
Public Libraries Act 1892 ... ..	55 & 56 Vict. c. 53.
Private Street Works Act 1892 ... ..	55 & 56 Vict. c. 57.
Local Government Act 1894 ... ..	56 & 57 Vict. c. 73.
Leicester Corporation Act 1897 ... ..	60 & 61 Vict. c. cexviii.
Electric Lighting (Clauses) Act 1899 ... ..	62 & 63 Vict. c. 19.
Derwent Valley Water Act 1899 ... ..	62 & 63 Vict. c. cclxix.
Cremation Act 1902 ... ..	2 Edw. 7 c. 8.
Leicester Corporation Act 1902 ... ..	2 Edw. 7 c. clxxvii.
Open Spaces Act 1906 ... ..	6 Edw. 7 c. 25.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Leicester Corporation Act 1908 ... ..	8 Edw. 7 c. lvi.
Cinematograph Act 1909 ... ..	9 Edw. 7 c. 30.
Leicester Corporation Act 1913 ... ..	3 & 4 Geo. 5 c. lxxxvi.
Acquisition of Land (Assessment of Compensation) Act 1919.	9 & 10 Geo. 5 c. 57.
Leicester Corporation Act 1919 ... ..	9 & 10 Geo. 5 c. cii.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920.	10 & 11 Geo. 5 c. 79.



Short title	Session and chapter
Leicester Corporation Act 1921 ... ..	11 & 12 Geo. 5 c. cxvi.
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.
Leicester Corporation Act 1925 ... ..	15 & 16 Geo. 5 c. xxxiv.
Markets and Fairs (Weighing of Cattle) Act 1926	16 & 17 Geo. 5 c. 21.
Petroleum (Consolidation) Act 1928 ... ..	18 & 19 Geo. 5 c. 32.
Local Government Act 1929 ... ..	19 & 20 Geo. 5 c. 17.
Road Traffic Act 1930 ... ..	20 & 21 Geo. 5 c. 43.
Land Drainage Act 1930 ... ..	20 & 21 Geo. 5 c. 44.
Leicester Corporation Act 1930 ... ..	20 & 21 Geo. 5 c. clxxxiv.
Local Authorities (Publicity) Act 1931 ... ..	21 & 22 Geo. 5 c. 17.
Children and Young Persons Act 1933 ... ..	23 & 24 Geo. 5 c. 12.
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.
Physical Training and Recreation Act 1937 ...	1 Edw. 8 & 1 Geo. 6 c. 46.
Livestock Industry Act 1937 ... ..	1 Edw. 8 & 1 Geo. 6 c. 50.
Factories Act 1937 ... ..	1 Edw. 8 & 1 Geo. 6 c. 67.
Hire Purchase Act 1938 ... ..	1 & 2 Geo. 6 c. 53.
Water Act 1945 ... ..	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946.	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act 1946.	9 & 10 Geo. 6 c. 49.
Fire Services Act 1947 ... ..	10 & 11 Geo. 6 c. 41.
Town and Country Planning Act 1947 ... ..	10 & 11 Geo. 6 c. 51.
Local Government Act 1948 ... ..	11 & 12 Geo. 6 c. 26.
Children Act 1948 ... ..	11 & 12 Geo. 6 c. 43.
Special Roads Act 1949 ... ..	12 13 & 14 Geo. 6 c. 32.
Civil Aviation Act 1949 ... ..	12 13 & 14 Geo. 6 c. 67.
Public Utilities Street Works Act 1950 ... ..	14 Geo. 6 c. 39.
Diseases of Animals Act 1950 ... ..	14 Geo. 6 c. 36.
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.
Protection of Birds Act 1954 ... ..	2 & 3 Eliz. 2 c. 30.
Transport Charges &c. (Miscellaneous Provi- sions) Act 1954.	2 & 3 Eliz. 2 c. 64.
British Transport Commission Act 1954 ...	2 & 3 Eliz. 2 c. lv.
Food and Drugs Act 1955 ... ..	4 Eliz. 2 c. 16.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament  
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 8s. 0d. net

PRINTED IN GREAT BRITAIN