

Wallasey Corporation Act, 1958

6 & 7 ELIZ. 2 Ch. 1

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Incorporation of Lands Clauses Acts.
4. Interpretation.

PART II

LANDS

5. Purchase of land for certain undertakings.
6. Appropriation and disposal of land.
7. Reservation of easements etc. by Corporation.
8. Application of capital money.
9. Development of land.
10. Loans for erection etc. of buildings.
11. Acquisition of land by agreement.
12. Recovery of deposits under Lands Clauses Acts.
13. Suspension of restrictive covenants.

PART III

WATER

14. Buildings not to be erected without consent over water mains.
15. As to premises deemed to be supplied with water.

PART IV

STREETS

General

Section

16. Interpretation of this Part of Act.

New streets

17. Prohibition of building until street defined.
18. Prohibition of building until street formed and sewered.
19. Termination of new streets.
20. Rounding or splaying off corners at street junctions.
21. Carriage-crossings at ends of private streets.

Improvement of streets

22. Trees grass verges and gardens.
23. Variation of width of carriageways and footways.
24. Enforcement of improvement line.
25. Guard rails in private streets.
26. Attachment of street lamps brackets etc.

Protection and repair of streets

27. Application of building line to structures etc.
28. Protection of grass verges.
29. Retaining walls.
30. Maintenance of forecourts to which the public have access.
31. Fencing of forecourts.
32. Prohibition of parking in front gardens.
33. Forecourts injurious to amenities of street.
34. Restrictions on buildings under footways.
35. Awnings over footways.
36. Mixing of mortar etc. in streets.
37. Removal of trees etc. from streets.
38. Fencing and lighting of obstructions in highways.
39. Urgent repairs of private streets.
40. Evasion by owners of private street works expenses.

Miscellaneous

41. Stopping up and diversion of highways.
42. Temporary stoppage of streets.
43. Means of access to buildings.
44. Pavement lights and ventilators.
45. Decorations in streets.
46. Power to close promenades for certain purposes.

PART V

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

Section

47. Recovery of expenses of sewerage public highway.
48. Recovery of expenses of sewerage prospective street.
49. Prevention of evasion of liabilities under last two foregoing sections.
50. Recovery of cost of maintaining public sewers.
51. Separate sewers for foul water and surface water.
52. Abandoned drains to be cut off.
53. Delegation of power to examine and test drains etc.
54. Summary power to remedy stopped-up drains etc.
55. Power to repair drains and private sewers.
56. Closet accommodation for separate dwellings.
57. Power to cleanse or repair drains etc.
58. Provision of sanitary conveniences at places of public exhibition etc.
59. Loan of temporary sanitary conveniences.
60. Mobile sanitary conveniences.
61. Sanitary conveniences used in common.

Buildings and structures

62. Ruinous and dilapidated buildings and neglected sites.
63. New building overreaching adjoining chimneys.
64. Power to order alteration of domestic chimneys.
65. Defective premises.
66. Demolition of buildings.
67. Dealing with drains and sewers before demolition of buildings.
68. Cellars and rooms below subsoil water level.
69. Food storage accommodation.
70. Provision of bathrooms.
71. Paving of yards and passages.
72. Supply of water to premises where supply cut off.

Filthy or verminous premises or articles

73. Cleansing of filthy or verminous premises.
74. Power to require vacation of premises during fumigation.
75. Prohibition of sale of verminous articles.

PART VI

NUISANCES

76. Tipping of spoil and refuse.
77. Control of Corporation's refuse tips.
78. Lighting ventilation and sanitation of stables.

Section

79. Deposit of dangerous matter in dustbins.
80. Restriction on use of dustbins.
81. Discharge of steam and waste gas.
82. Silencers for internal combustion engines.
83. Noise or vibration nuisance.

PART VII

INFECTIOUS DISEASES

84. Definition of notifiable disease.
85. Entry into premises in case of notifiable disease.
86. Information to be furnished by occupier in case of notifiable disease.
87. Restriction on attendance at public places etc.
88. Exclusion of children from places of entertainment or assembly.
89. Compensation for stopping employment to prevent spread of disease.
90. Prohibition of tuberculous persons from handling food.

PART VIII

FOOD

91. Interpretation of this Part of Act.
92. Animals slaughtered outside slaughterhouse.
93. Slaughter of animals otherwise than for human consumption.
94. Byelaws as to sale etc. of animal feeding meat.
95. Registration of premises used in connection with sale etc. of animal feeding meat.

PART IX

MOVABLE DWELLINGS AND CAMPING GROUNDS

96. Definitions for this Part of Act.
97. Further provisions as to movable dwellings.
98. Byelaws as to camping grounds.
99. Fire appliances at camping grounds.

PART X

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

100. Power to let parks etc. for games.
101. Parking places in parks etc.
102. Boating pools and model yacht lakes.
103. Golf courses.

Section

- 104. Buildings in Central Park.
- 105. Byelaws as to Sandhills.
- 106. Regulation of Leasowe Common.
- 107. Agreements to maintain graves and tombstones.
- 108. Extension of power to maintain burial grounds.
- 109. Powers as to disused part of burial ground.

PART XI

PUBLIC ORDER AND PUBLIC SAFETY

- 110. Barriers in streets.
- 111. Control of sirens etc. used in factories etc.
- 112. Amendment of section 154 of Act of 1936.
- 113. Notice of street processions.
- 114. Removal etc. of dangerous trees.
- 115. Police telephone call boxes and shelters.
- 116. Offences in respect of telephone boxes fire hydrants etc.
- 117. Damage to trees etc. on streets etc.
- 118. Removal of property of Corporation.
- 119. Safety of stands.
- 120. Precautions against fire in certain buildings.
- 121. Further provision for public and other buildings.
- 122. Fireman's switches for luminous tube signs.
- 123. Use of highway for shoring buildings.
- 124. Recovery of expenses of watching etc. dangerous and dilapidated buildings.
- 125. Derelict petrol tanks.
- 126. Dealing in second-hand goods and metals etc.
- 127. Boxing and wrestling entertainments.
- 128. Byelaws as to pleasure fairs and roller-skating rinks.
- 129. Touting hawking etc.
- 130. Further powers to make byelaws as to boats.
- 131. Local extent of byelaws as to boats.
- 132. Licensing of boatmen and pleasure boats.
- 133. Charges for use of landing equipment.

PART XII

WEIGHTS AND MEASURES

- 134. Interpretation and application of this Part of Act.
- 135. Application of Act of 1889.
- 136. Byelaws relating to wood fuel etc.
- 137. Penalty on fraudulent sale of coal etc.
- 138. Sale of coal etc. otherwise than in sacks from a vehicle.
- 139. Sale in sacks of coal etc. in quantities exceeding two hundredweight.

Section

- 140. Requirements as to vehicles carrying coal etc. for sale or delivery on sale.
- 141. Sale of briquettes.
- 142. Drivers of vehicles to take them to weighing-machines on request.
- 143. Notice of certain provisions of this Part of Act.
- 144. Offences by weighing-machine keepers and others.
- 145. Prohibition of double weighing.
- 146. Penalties on persons committing frauds.
- 147. Further offences in relation to weighing-machines.
- 148. Deficient weight measure or number.
- 149. Personal weighing-machines.
- 150. Corporation may provide weighing-machines.

PART XIII

PREMISES USED FOR SALES BY AUCTION

- 151. Definitions for this Part of Act.
- 152. Registration of premises used for sales by auction.
- 153. Exemptions.
- 154. Offences by bodies corporate.
- 155. As to section 287 of Act of 1936.

PART XIV

FERRIES

- 156. Ferry tolls.
- 157. Travel concessions on ferries.
- 158. Operation and discontinuance of ferries.
- 159. Compensation to existing officers.
- 160. Provision against danger to navigation.
- 161. Lost property on ferries.
- 162. Uncollected property on ferry premises.

PART XV

FINANCE AND RATING

- 163. Power to borrow.
- 164. Saving for powers of Treasury.
- 165. Power to issue bonds.
- 166. Discontinuance of insurance fund.
- 167. Art fund.
- 168. Sea defence reserve fund.
- 169. Closing of registers.
- 170. Dividend warrants by post.
- 171. Power to borrow etc. for reconstruction of corporate land.
- 172. Modification of mortgages by endorsement under hand.
- 173. Power to charge in respect of establishment expenses.

Section

- 174. Investment of superannuation fund.
- 175. As to proof of continued existence of pensioners.
- 176. Payment of pension etc. of person of unsound mind.
- 177. Recovery of rates from persons removing.
- 178. Recovery of rates from tenants and lodgers.
- 179. Service of demand notes.

PART XVI

MISCELLANEOUS

- 180. Hairdressers and barbers.
- 181. As to water supply to occupied houses.
- 182. For preventing obstruction to streams by culverts etc.
- 183. Cleansing of rivers streams etc.
- 184. Entry for purposes of last two foregoing sections.
- 185. Maintenance of buildings of architectural interest.
- 186. Pier rates and charges.
- 187. False statements to obtain rent rebate etc.
- 188. Further powers as to libraries.
- 189. Motor bus undertaking.
- 190. Provision of garages.
- 191. Welfare of aged and handicapped persons.
- 192. Prohibition on solicitation of school children to sell or exchange articles etc. at schools.
- 193. Provisions as to motor vehicles let for hire.
- 194. Alteration of prescribed distance for plying of hackney carriages.
- 195. Collection and delivery of washing.
- 196. Illuminations.
- 197. Information centres.
- 198. Advances under Small Dwellings Acquisition Acts etc.
- 199. Appearance of officers in legal proceedings.
- 200. As to minutes of council meetings etc.
- 201. Authentication of documents.
- 202. Custody of ancient documents.
- 203. Robes of office.
- 204. Provision of lectures exhibitions etc.
- 205. Recreational and other facilities for employees.
- 206. Subscriptions to local government and scientific bodies and other expenses.
- 207. Expenses of public entertainment etc.
- 208. Powers to use ladders etc. for entry or inspection.
- 209. Liability of Corporation for work done in default or by request.
- 210. Prizes for garden and allotment competitions.
- 211. Disposal of lost and uncollected property.

PART XVII

GENERAL

Section

- 212. Confirming authority for byelaws.
- 213. Local inquiries.
- 214. Arbitration.
- 215. The appointed day.
- 216. Restriction on right to prosecute.
- 217. Appeals.
- 218. Protection of members and officers of Corporation from personal liability.
- 219. Application of general provisions of Act of 1936.
- 220. Repeal.
- 221. Saving for trusts etc.
- 222. Saving for Cheshire River Board.
- 223. For protection of dock board.
- 224. For protection of certain statutory undertakers.
- 225. For further protection of gas board.
- 226. Works below high-water mark.
- 227. Saving for town and country planning.
- 228. Costs of Act.

SCHEDULES:

First Schedule—Conditions as to construction of dual-purpose vehicles.

Second Schedule—Apportionment and recovery of expenses of constructing sewers.

Third Schedule—Ferry tolls—

Part I—Seacombe Ferry.

Part II—New Brighton Ferry.

Fourth Schedule—Travel concessions on ferries.

Fifth Schedule—Provisions as to bonds.

Sixth Schedule—Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts IV V VI VII VIII and IX and sections 114 119 120 121 122 123 124 and 125 of this Act.

Part III—Sections applied to Parts IV V VI VII VIII IX and XIII and sections 114 119 120 121 122 123 124 125 180 and 191 of this Act.

Part IV—Section applied to Parts IV V VI VII VIII and IX and sections 114 119 120 121 122 123 124 125 128 149 and 180 of this Act.

Seventh Schedule—Enactments repealed.



CHAPTER 1

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Wallasey with reference to lands and to their undertakings to make further provision for the improvement health local government and finances of the borough and for other purposes.
[1st August 1958.]

WHEREAS—

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

(2) It is expedient to confer further powers on the Corporation and to make further provision with reference to lands and the undertakings of the Corporation and the improvement health local government and finances of the borough:

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

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

(5) 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:

(6) In the month of November nineteen hundred and fifty-seven a map marked “ Wallasey Corporation deposited map ” showing the property in the borough known as the Sandhills and

the lands in the borough commonly known as Leasowe Common and as certain common lands at Leasowe was deposited with the town clerk of the borough and is in this Act referred to as "the deposited map" and copies of that map were in the same month deposited in the office of the Clerk of the Parliaments House of Lords and in the Private Bill Office of the House of Commons respectively:

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Wallasey Corporation Act 1958.

Division of Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Water.
- Part IV.—Streets.
- Part V.—Sanitation and buildings.
- Part VI.—Nuisances.
- Part VII.—Infectious diseases.
- Part VIII.—Food.
- Part IX.—Movable dwellings and camping grounds.
- Part X.—Parks cemeteries and other municipal property.
- Part XI.—Public order and public safety.
- Part XII.—Weights and measures.
- Part XIII.—Premises used for sales by auction.
- Part XIV.—Ferries.
- Part XV.—Finance and rating.
- Part XVI.—Miscellaneous.
- Part XVII.—General.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts except sections 127 to 132 and 150 and 151 of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

Interpretation.

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

(2) In this Act unless the subject or context otherwise requires—

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

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

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

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

“ the appointed day ” has the meaning assigned to it by section 215 (The appointed day) of this Act;

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

“ the borough ” means the county borough of Wallasey;

“ the commission ” means the British Transport Commission;

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

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

“ the council ” means the council of the borough;

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

“ the deposited map ” means the map referred to in the preamble to this Act;

“ dock board ” means the Mersey Docks and Harbour Board;

“ dock estate ” means—

(a) the present or future docks basins locks cuts entrances graving docks quays piers warehouses sheds roads lands and other works belonging to or under the management of the dock board and situate on or being lands at the passing of this Act belonging to or under the management of the dock board; and

(b) any lands acquired by the dock board after the passing of this Act and used mainly by them for the purpose of their statutory duties;

“ dock undertaking ” means the dock undertaking of the dock board;

“ the electricity board ” means the Merseyside and North Wales Electricity Board;

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

PART I
—cont.

- “ the ferries undertaking ” means the ferries undertaking of the Corporation for the time being authorised;
- “ financial year ” means a period of twelve months ending on the thirty-first day of March;
- “ food ” has the meaning assigned to that expression by section 135 of the Food and Drugs Act 1955;
- “ the gas board ” means the North Western Gas Board;
- “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;
- “ the generating board ” means the Central Electricity Generating Board;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ the motor bus undertaking ” means the motor bus undertaking of the Corporation for the time being authorised;
- “ open space ” has the same meaning as in the Open Spaces Act 1906;
- “ the pier ” means the New Brighton Pier transferred to the Corporation by the Wallasey Corporation Act 1927;
- “ private street ” means—
- (a) a street to which section 150 of the Public Health Act 1875 or section 40 (Private street works) of the Wallasey Local Board Act 1890 applies; or
 - (b) (if the Corporation adopt the Private Street Works Act 1892 or that Act applies to any street in the borough) a street within the meaning of that Act; or
 - (c) land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947;
- “ private street works ” means works executed under the provisions of any enactment relating to private street works for the time being in force in the borough;
- “ public service vehicle ” has the meaning assigned to that expression by section 39 of the Road Traffic Act 1956;
- “ revenues ” in relation to the Corporation has the meaning assigned to it by section 218 of the Act of 1933;

“service pipe” has the same meaning as in the Third Schedule to the Water Act 1945;

“statutory borrowing power” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;

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

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

“the town clerk” “the medical officer of health” “the surveyor” “the treasurer” and “the public health inspector” mean respectively the town clerk the medical officer of health the surveyor the treasurer and any public health inspector of the borough;

“the water board” means the West Cheshire Water Board.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

(4) References in this Act to a subsequent offence against any provision of this Act shall be construed as references to an offence against that provision committed after a previous conviction for such an offence.

PART II

LANDS

5.—(1) The Corporation by means of an order made by the Corporation and submitted to the Minister of Transport and Civil Aviation and confirmed by him may be authorised to purchase compulsorily land whether within or outside the borough for the purposes of the motor bus undertaking and of the ferries undertaking. Purchase of land for certain undertakings.

(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 the said Act of 1946.

6.—(1) Section 163 of the Act of 1933 shall apply to any land acquired by the Corporation under this Act whether or not the land is required for the purposes for which it was acquired or has since been appropriated or is being used. Appropriation and disposal of land.

PART II
—cont.

(2) Notwithstanding anything in subsection (1) of the said section the purpose for which the Corporation may appropriate any such land shall not require the approval of the Minister unless it was acquired under section 11 (Acquisition of land by agreement) of this Act.

(3) The Corporation may sell lease exchange (paying or receiving or without paying or receiving money for equality of exchange) or otherwise dispose of any such land as aforesaid or any land acquired by the Corporation under the Wallasey Corporation Act 1927 or any land belonging to the Corporation and adjacent to such last-mentioned land in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form):

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

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

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

Reservation
of easements
etc. by
Corporation.

7. On selling any land the Corporation—

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

(b) may make the sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the deposit or discharge of manure sewage or other impure matter or otherwise as they think fit.

Application
of capital
money.

8.—(1) Subject to the provisions of this section section 166 of the Act of 1933 shall apply to capital money received by the Corporation in respect of the sale leasing exchange or other disposition of land under section 6 (Appropriation and disposal of land) of this Act as it applies to capital money received in respect of a transaction under section 164 or 165 of that Act.

(2) So much of subsection (1) of section 166 of the Act of 1933 as requires the approval of the Minister of the manner in which capital money may be applied towards the discharge of any debt of

the Corporation shall not apply to capital money received in respect of the sale leasing exchange or other disposition of land under the said section 6.

PART II
—cont.

9.—(1) The Corporation may lay out and develop any land for the time being belonging to them and may on any such land erect and maintain houses shops offices cinematograph theatres dance halls skating rinks chalets places of amusement conference halls hotels boarding-houses cafes houses for the sale of intoxicating liquor for consumption on the premises industrial buildings garages (including underground garages) warehouses and other buildings and construct sewer drain pave channel and kerb streets: Development of land.

Provided that—

(a) the powers of this section shall not be exercised with respect to any land—

(i) in any county district in the administrative county of the county palatine of Chester without the consent of the council of the county district in which the land is situate and of the county council of the said county; or

(ii) in the county borough of Birkenhead without the consent of the mayor aldermen and burgesses of that county borough;

but any such consent shall not be unreasonably withheld and any question whether any such consent is or is not unreasonably withheld shall be determined by the Minister;

(b) nothing in this section shall apply to land acquired by the Corporation under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections;

(c) the Corporation shall not—

(i) under the powers of this section erect and maintain cinematograph theatres dance halls skating rinks chalets places of amusement conference halls hotels boarding-houses cafes or houses for the sale of intoxicating liquor except with the consent of the Minister and except upon—

(A) lands acquired by them before the passing of this Act under the powers of the Wallasey Corporation Act 1927 and not required for the purposes of the works authorised by that Act;

(B) lands belonging to the Corporation at the passing of this Act and adjacent to such last-mentioned lands; and

PART II
—cont.

- (c) lands (not exceeding ten acres in extent) acquired by the Corporation after the passing of this Act and adjacent to any lands referred to in sub-paragraph (A) of this paragraph and any lands referred to in sub-paragraph (B) of this paragraph;
- (ii) except with the consent of the Minister exercise any of the powers of this subsection other than those specified in paragraph (i) of this proviso on lands other than those mentioned in the said paragraph (i).
- (d) nothing in this section shall authorise the Corporation to carry on trade or business as proprietors or managers of any shop cinematograph theatre place of amusement hotel boarding-house house for the sale of intoxicating liquor for consumption on the premises industrial building or warehouse;
- (e) nothing in this section shall authorise the Corporation—
- (i) to sell motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles; or
- (ii) to carry on the business of maintaining or repairing motor vehicles;
- (f) nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the sale of intoxicating liquor.

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

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

- (a) the making of any article or part of any article; or
- (b) the altering repairing ornamenting finishing cleaning washing packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business and for the purposes of this definition the expression “article” means an article of any description including a ship or vessel.

(4) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exercisable by the Corporation and may be exercised in respect of the lands known as Harrison Park notwithstanding any covenant contained in any deed or other document to the contrary and notwithstanding any rights existing thereover at the date of the passing of the Wallasey Corporation Act 1927.

10.—(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:

PART II
—cont.
Loans for
erection etc.
of buildings.

Provided that any such advance shall not exceed in the case of a building being a house 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 or in the case of any other building three-quarters of that amount.

(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

PART II
—cont.

(ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf;

(h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

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

Acquisition
of land by
agreement.

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

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

(3) The Corporation shall not acquire land under section 158 of the Act of 1933.

Recovery of
deposits under
Lands
Clauses Acts.

12. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Corporation in the bank in pursuance of section 76 of that Act or deposited by the Corporation in the bank by way of security in pursuance of section 85 of that Act to order upon application by the Corporation that the money so deposited or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

Provided that upon the application of any party making claim to the money deposited as aforesaid or any part thereof or to the lands in respect of which the same shall have been deposited or any part of such lands or any interest in the same the High Court may order such money as has been repaid or transferred to the Corporation under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the court shall think fit.

13.—(1) If the Corporation—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land;

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise as to the user thereof or the building thereon the council may subject to the provisions of this section by resolution suspend the operation of such restriction.

(2) The Corporation shall in two successive weeks publish in one or more local newspapers circulating in the locality in which the land is situated a notice of the passing of the resolution specifying the time (not being less than twenty-one days from the first publication of the notice) within which and the manner in which objection to the suspension of the restriction can be made.

(3) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the Minister within the period specified in the notice and by sending a copy thereof to the Corporation.

(4) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the Minister and before confirming the resolution the Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(5) (a) If no objection is duly made under subsection (3) of this section the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date on which the Corporation acquire the land (whichever is the later).

(b) If objection is duly made as aforesaid and the Minister confirms the resolution the restriction shall be suspended on and after such date as the Minister shall determine not being earlier than the date on which the Corporation acquire the land.

(6) The Corporation shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act 1845 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(7) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners

PART II

---cont.

Suspension of
restrictive
covenants.

PART II
—cont.

of the land to which the restriction relates and if compensation is paid by the Corporation under subsection (6) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person.

PART III

WATER

Buildings
not to be
erected
without
consent
over water
mains.

14.—(1) Where plans for the erection of a building or of an extension of a building have been deposited with the Corporation in pursuance of building byelaws and the plans show that the building or extension will be constructed over a water main of the Corporation the Corporation shall reject the plans unless they are satisfied that in the circumstances of the particular case they may properly consent to the erection of the proposed building or extension either unconditionally or subject to compliance with any requirement specified in their consent.

(2) If the Corporation reject the plans under the authority of this section the notice to be given under 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) Any question arising under this section between the Corporation and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the site on which it is proposed to erect the building or extension is over any water main of the Corporation or whether and if so on what conditions a consent ought to be given by the Corporation may on the application of that person be determined by a magistrates' court.

(4) No person shall erect over a water main a building or extension of a building to which the exemption conferred by section 71 of the Act of 1936 applies except with the consent of the Corporation which consent shall not be unreasonably withheld and may be given either unconditionally or subject to compliance with any reasonable requirement specified in the consent.

(5) Any question as to whether any consent under this subsection is unreasonably withheld or as to whether any such requirement is reasonable shall be determined by a magistrates' court on the application of the person concerned.

(6) If any person shall erect a building or extension in contravention of the provisions of subsection (4) of this section he shall be liable to a fine not exceeding fifty pounds and the Corporation shall be entitled to divert so much of the water main as lies under such building or extension and recover the cost of so doing from such person.

15. Where the owner or occupier of any premises in the borough which are not supplied with water by the Corporation frequently and habitually obtains for use in or about those premises or in connection with the washing of any vehicle kept therein water which has been supplied to other premises by the Corporation he shall pay to the Corporation such charges as he would be liable to pay if the premises owned or occupied by him were supplied with water by the Corporation.

PART III
—cont.

As to premises deemed to be supplied with water.

PART IV

STREETS

General

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

Interpretation of this Part of Act.

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

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

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

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

New streets

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

Prohibition of building until street defined.

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

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

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

PART IV
—cont.

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

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

Prohibition of building until street formed and sewered.

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

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

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

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

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

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

Termination of new streets.

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

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

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

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

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

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

Rounding or splaying off corners at street junctions.

(2) Any such notice—

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

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

(3) The Corporation shall pay compensation to any person injuriously affected by the exercise of powers conferred by this section and in default of agreement the amount thereof shall be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

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

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

21.—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any highway in the borough so repairable and the use of such street involves passage across or interference with any part of such highway the Corporation may by notice require that a carriage-crossing shall be constructed of such materials and in such manner

Carriage-crossings at ends of private streets.

PART IV
—cont.

as they may prescribe at the expense of the person by whom such street has been or is being laid out or constructed and such notice shall indicate whether the carriage-crossing shall be constructed by the Corporation or by such person.

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

(3) If the Corporation make any requirement under subsection (1) of this section and indicate that the carriage-crossing shall be constructed by them they may execute such works as may be necessary to secure compliance with that requirement and recover the expenses of so doing from the person by whom the street has been or is being laid out or constructed.

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

(5) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where the town clerk or surveyor has before the date of the passing of this Act certified that the street had before that date been completed in accordance with plans and specifications required and approved by the Corporation as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at such date been taken over by the Corporation.

Improvement of streets

Trees grass
verges and
gardens

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

PART IV
—cont.

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.

Enforcement
of
improvement
line.

24.—(1) At any time after prescribing the improvement line of any street under section 33 of the Public Health Act 1925 or under section 51 (Council may define future lines of existing streets) of the Wallasey Tramways and Improvement Act 1906 the Corporation may by notice require the owner of any building which or any part of which was beyond or in front of the improvement line when it was prescribed to demolish set back or alter the said building within such reasonable period as may be prescribed by the notice not being less than six months from the service of the notice so that it shall not project beyond or in front of the improvement line.

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

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

- (a) he has an interest in land abutting on so much of the improvement line as immediately before the service of the said notice intersected or abutted on the building or land occupied in connection therewith; and
- (b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

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

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

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

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

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

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

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

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

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

(b) 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.

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

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 or upon the approaches to any such bridge without the consent in writing of the railway undertakers concerned:

(6) Nothing in this section contained shall apply to or affect any house or building (not being a house or building used as offices) held or used by the commission for the purposes of their railways without their consent provided that such consent shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

PART IV
—cont.

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

Guard rails
in private
streets.

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

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

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

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.

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

(4) Subsections (1) and (2) of section 278 of the Act of 1936 shall have effect as if references therein to that Act included a reference to this section.

26.—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps pipes electric lines and apparatus (hereafter in this section referred to as “attachments”) as may be required for the purposes of street lighting.

Attachment
of street
lamps
brackets etc.

(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

PART IV
—cont.

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 as amended by the Lands Tribunal Act 1949.

(6) In this section—

“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 last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest	The Minister.
Building owned by a highway authority or railway canal dock or inland navigation undertakers	The Minister of Transport and Civil Aviation.
Building owned by electricity or gas undertakers	The Minister of Power.
Building owned by statutory water undertakers	The Minister.

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

shall be construed

and repair of streets

shall be given except with the consent of the Corporation and shall be given subject to such terms and conditions as may be determined by the Corporation (fit) erect or bring forward beyond the front of any building or structure any projecting or overhanging part or putting on a street in the borough any structure or structure of any height than six feet six inches above the ground level at the nearest boundary of the street.

Application
of building
line to
structures etc.

Who contravenes the provisions of subsection (1) shall be liable to a fine not exceeding five pounds.

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

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

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

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

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

(ii) (without prejudice to the generality of the foregoing expression) any petrol pump notice board or show case.

PART IV
—cont.

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

- (a) any wall erected on land belonging to any railway or dock undertakers so long as that land is used by those undertakers primarily for the purposes of their railway or dock undertaking; or
- (b) any structure erected before the passing of this Act on land belonging to the gas board so long as that structure is used for the purpose of the supply of gas.

28. Section 15 (Protection of footways) of the Wallasey Local Protection Board Act 1890 shall have effect as if after the word “footway” wherever that word occurs in subsection (1) and after the words “footway (whether paved or not)” in subsection (2) there were inserted the words “or grass verge”.

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

- (a) serves or is intended to serve as a support for earth or other material on one side only; and
- (b) does not form part of a permanent building;

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

- (i) any cross-section whereof is wholly or partly within twelve feet of a street in the borough; and
- (ii) which is at any point of a greater height than six feet above the level of the ground at the boundary of the street nearest that point.

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

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

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

- (a) is in such disrepair as to be liable to endanger persons using the street; or
- (b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid;

PART IV
—cont.

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

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

- (a) a retaining wall erected on land belonging to any railway undertakers so long as that land is used by those undertakers primarily for the purpose of their railway undertaking; or
- (b) a retaining wall which is erected on land belonging to the water board so long as that land is used primarily for the purposes of works in connection with the provision of a supply of water; or
- (c) a retaining wall which is erected on land belonging to the gas board so long as that land is used in whole or in part for the purposes of works in connection with the provision of a supply of gas.

Maintenance of forecourts to which the public have access.

30.—(1) Where the forecourt of any premises (not being part of a highway repairable by the inhabitants at large) abutting upon a street in the borough 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.

(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.

Fencing of forecourts.

31.—(1) Where the forecourt of any premises abutting on a street in the borough or any steps or projection or goods

(whether for sale or not) placed in any such forecourt is or are a source of danger obstruction or inconvenience to the public the Corporation may by notice require the owner or occupier of the premises to fence the forecourt from the street.

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

32.—(1) (a) If representation is made in manner hereinafter mentioned to the Corporation that the amenities of the neighbourhood are prejudiced by the habitual use of the front garden of any private dwelling-house in a street in the borough as a parking place for one or more heavy commercial vehicles or caravans the Corporation on complying with the provisions of this section may make an order precluding the use of the front gardens of the private dwelling-houses in that street or any part thereof as a parking place for heavy commercial vehicles or caravans.

Prohibition
of parking in
front gardens.

(b) A representation under the foregoing paragraph shall be made in writing and signed by not less than ten local government electors residing in private dwelling-houses in the street concerned or in any street within one hundred yards thereof.

(2) (a) If the Corporation consider that such an order should be made they shall publish a notice thereof in a local newspaper circulating in the borough and stating where the draft order can be inspected and copies purchased and that objections to the said order may be made in writing within one month after the date of the first publication of the notice.

(b) The Corporation shall consider all such objections and shall afford to the owner or occupier of every dwelling-house abutting or fronting on such street or such part thereof who has made objection an opportunity of being heard by a committee of the council before the order is made.

(3) (a) After considering any objections made under the last foregoing subsection the Corporation may make an order prohibiting the use of the front garden of any dwelling-house in the street or part of a street specified in the order as a parking place for one or more heavy commercial vehicles or caravans.

(b) Any such order shall come into operation at the expiration of the period of one month after the first publication in pursuance of subsection (4) of this section of the notice of the order or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine but without prejudice to their power to make a further order in the same manner as the original order.

(4) When an order has been made by the Corporation under this section they shall give notice thereof and of the right of appeal by publication in a local newspaper circulating in the borough

PART IV
—cont.

and the owner or occupier of a dwelling-house in the borough who is aggrieved by the order may appeal to a magistrates' court:

Provided that in its application to an appeal under this section section 300 of the Act of 1936 shall have effect as if the time within which such an appeal may be brought were one month after the first publication in pursuance of this subsection of the notice of the order to which the appeal relates.

(5) For the purposes of this section—

“caravan” means any van or other conveyance (whether on wheels or not) constructed or adapted for use for human habitation;

“dual-purpose vehicle” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description being a vehicle of which the unladen weight does not exceed two tons and which either—

(a) satisfies the conditions as to construction specified in the First Schedule to this Act; or

(b) is so constructed or adapted that the driving power of the engine is or by the appropriate use of the controls of the vehicle can be transmitted to all the wheels of the vehicle;

“heavy commercial vehicle” means any vehicle (not being a dual-purpose vehicle) whether mechanically propelled or not constructed or adapted for the carriage of goods and having an unladen weight exceeding thirty hundredweight;

“front garden” means so much of a garden or land belonging to or used in connection with a private dwelling-house as lies in front of—

(a) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 147 of the Housing Act 1957; or

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

“ private dwelling-house ” means a dwelling-house of which no part is used for the purposes of any trade or business and includes a block of flats no part of which is used for the purposes of any trade or business.

(6) The occupier of any front garden or part thereof or the person having control of a front garden or part thereof who permits the same to be used in contravention of an order under this section and any person who parks a heavy commercial vehicle or caravan in a front garden in contravention thereof shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

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

Forecourts
injurious to
amenities of
street.

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

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

34.—(1) After the date of the passing of this Act no part of any building (including the foundations) shall except with the consent of the Corporation be constructed so as to extend under the footway of any street in the borough at a less depth than six feet below the surface of such footway.

Restrictions
on buildings
under
footways.

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

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

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

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

PART IV
—cont.

(b) the Corporation after giving him notice of their intention so to do may remove the part of the building concerned and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a fine for any day after that on which the Corporation have given him notice of their intention to remove the part of the building.

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

Awnings over
footways.

35.—(1) No part of any awning over the footway of a street in the borough being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than two feet from the outer edge of the footway or be placed so as to obscure any traffic sign from the view of drivers of vehicles on the carriageway.

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

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

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

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

Mixing of
mortar etc.
in streets.

36.—(1) No person shall mix mortar cement plaster or any like substance in any street in the borough 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 and will prevent the same from being washed into any gully drain or sewer:

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

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

37.—(1) Where any tree or structure or any part thereof falls on or across any street in the borough the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situated from the occupier thereof.

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

(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.

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

Fencing and
lighting of
obstructions
in highways.

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

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

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

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.

PART IV
—cont.

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

Evasion by owners of private street works expenses.

40.—(1) If—

- (a) the owner of land fronting adjoining or abutting on a private street in the borough transfers the land or any part of it; and
- (b) any expenses of private street works in or in relation to that street are apportioned on the land transferred; and
- (c) the Corporation are unable to recover those expenses in whole or in part from the person to whom the land was transferred or by the sale thereof; and
- (d) a magistrates' court is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works;

then the expenses so apportioned or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from the person who made the transfer as if he had not made it and may be recovered from him in the manner in which expenses of private street works may be recovered.

(2) In this section the expression "transfer" includes any disposal of land whether by way of sale lease exchange gift or otherwise and "transfers" shall be construed accordingly.

Miscellaneous

Stopping up and diversion of highways.

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

- (a) if satisfied on the application of the Corporation that a highway within the borough is unnecessary may by order authorise the stopping up thereof; and
- (b) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) An order under this section—

- (a) may provide for the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway;
- (b) may be made with respect to any part of a highway;
- (c) may be made with respect to two or more highways or parts of highways which are connected with each other;

and in relation to any order in respect of a part of a highway or two or more highways or parts of highways any reference in the

PART IV
--cont.

- (2) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or
- (3) so as to obstruct or interfere with the access to or exit from—
 - (a) any station or depot of any railway or passenger road transport undertakers; or
 - (b) any works or depot of the generating board or of the electricity board; or
 - (c) any works depot or apparatus of the water board; or
- (4) so as to obstruct or interfere with the access to any apparatus of the gas board.

Means of
access to
buildings.

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

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

- (a) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936; or
- (b) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun;

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

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

(4) Whenever the Corporation by notice given under this section require the carrying out of work in a street they shall send a copy of such notice to the gas board and the gas board shall be entitled to execute such works as may be reasonably necessary for the protection of their apparatus and the cost reasonably incurred by them in so doing shall be recoverable by them in any court of competent jurisdiction or (where the amount recoverable does not exceed twenty pounds) summarily as a civil debt from the person by whom or on whose behalf the plans were deposited.

that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (12) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(12) As soon as the whole or any part of any highway has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in paragraph (a) of subsection (11) of this section shall commence to run from the date on which such notice is sent.

(13) In this section the expressions "alter" and "alteration" have the same meanings as in the Telegraph Act 1878.

42. For the purpose of—

Temporary
stoppage
of streets.

(a) making any new street; or

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

the Corporation may break up and for any reasonable time stop up divert and interfere with any street in the borough and divert the traffic therefrom and prevent persons using it:

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

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

PART IV
—cont.

foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 and of the provisions of the Magistrates' Courts Act 1952 with respect to appeals to quarter sessions where more than two persons were heard or claimed to be heard in opposition to the application it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk of the court but without prejudice to the right of any of those persons to appear as respondents to the appeal.

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

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

(9) Every order made under this section—

- (a) shall have annexed thereto a plan signed by the chairman of the court; and
- (b) shall be transmitted by the clerk of the court to the clerk of the peace of the county palatine of Chester together with any written consents produced to the court under subsection (5) of this section;

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

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

(11) Where any highway or part of a highway is stopped up in pursuance of an order made under this section the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however

following provisions of this section to a highway shall be construed as a reference to that part or those highways or parts of highways as the case may be.

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

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

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

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

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

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

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

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

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

(7) An appeal against a decision of a magistrates' court under this section may be brought to quarter sessions by any person (including the Corporation) who was entitled under the last

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

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

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

(2) In giving their consent under this section the Corporation may attach thereto such terms and conditions as they think fit and such terms and conditions shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

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

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

(2) If any person wilfully removes or damages any flag-pole pylon socket or slot erected or provided under this section or any flags or decorations he shall be liable to a fine 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 or in any street belonging to or repairable by the commission without the consent of the commission.

46.—(1) The Corporation may from time to time use or permit the use of the whole or any part of any of the promenades in the borough for the purposes of processions carnivals sports motor races motor cycle races cycle races and similar purposes and at such times may close the whole or any part of such promenades against the public and may demand and take or permit to be demanded or taken such reasonable sums for the exclusive occupation of such promenades or any portion thereof or for the admission of persons vehicles goods and things to such promenades or any portion thereof as they may think fit and may exclude Power to close promenades for certain purposes.

PART IV
—cont.

therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded:

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

- (a) on more than twelve days in any year; or
- (b) on more than three Sundays in any year; or
- (c) on more than four consecutive days; or
- (d) for more than twelve hours in any period of twenty-four hours; or
- (e) so as to deprive any person bona fide going to or from any house or premises abutting on any promenade of reasonable access to or egress from such house or premises except so far as may be necessary in the interests of safety or demand any sum for the admission of such person to such promenade.

(2) In this section the expression “the promenades” means the Tower Promenade the Marine Promenade the King’s Parade and the sea defence works lying to the west of King’s Parade.

PART V

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

Recovery of expenses of sewerage public highway

47.—(1) Where the council—

- (a) resolve to construct a sewer in a street or part of a street in the borough being a street or part which is repairable by the inhabitants at large and has not been previously sewerage; 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 Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the sewer:

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

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

(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;

PART V
--cont.

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

48. Where land in the borough in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Second 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.

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

Prevention of evasion of liabilities under last two foregoing sections.

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

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

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

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

(2) Any such order may direct—

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

PART V
—cont.

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

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

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

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

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

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

Recovery of cost of maintaining public sewers.

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

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

Separate sewers for foul water and surface water.

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

(2) Subsection (2) of section 16 (Provisions as to separate system of sewerage) of the Wallasey Improvement Act 1901 shall be repealed as from the date of the coming into operation of any byelaws made under the powers of this section.

PART V

—cont.

Abandoned
drains to
be cut off.

52.—(1) Where after the passing of this Act any person shall within the borough—

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

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

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

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

Delegation
of power to
examine
and test
drains etc.

(2) Where it appears to the medical officer of health 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 or cause to be examined 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 or on behalf of the medical officer of health and make good any damage done by or on behalf of him.

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

Summary
power to
remedy
stopped-up
drains etc.

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

PART V
—cont.

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

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

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

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

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

Power to
repair drains
and private
sewers.

55.—(1) If any drain or private sewer in the borough—

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

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

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

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

- (a) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable; and
- (b) whether any apportionment made by the surveyor was fair;

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

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

PART V
---cont.

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

56. For the purposes of section 44 of the Act of 1936 any part of a building in the borough being a part occupied as a separate dwelling shall be treated as a separate building:

Closet
accommoda-
tion for
separate
dwellings.

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

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

Power to
cleanse or
repair drains
etc.

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

Provision
of sanitary
conveniences
at places of
public
exhibition
etc.

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

(3) If any person fails to comply with a notice served on him under this section within such reasonable period after the date of the service of the notice as may be specified therein and the public are thereafter admitted to the premises or place for any such exhibition performance amusement game or sport he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings:

Provided that—

(a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address

PART V
--cont.

their notice to him and not to the occupier or as the case may be the owner of the premises; and

(b) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section if on the date when the public are admitted to the premises or place in respect of which the notice was served he has ceased to be the owner or occupier thereof.

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

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

(5) The provisions of this section shall not apply to any premises or place in respect of which byelaws for preserving sanitary conditions may be made by the Corporation under section 128 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act.

Loan of
temporary
sanitary
conveniences.

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

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

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

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

PART V
—cont.

60. The Corporation may adapt for use as mobile sanitary conveniences any omnibuses or other vehicles belonging to them and not required for the purpose for which they were acquired and may provide equip and let on hire vehicles for use as mobile sanitary conveniences and make such charges therefor as they think fit: Mobile sanitary conveniences.

Provided that the Corporation shall not permit any such vehicle to remain on hire on any one site outside the borough for a period of more than seven consecutive days.

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

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

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

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

Buildings and structures

62.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof. Ruinous and dilapidated buildings and neglected sites.

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

(a) to execute such works of repair or restoration; or

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

as may be necessary in the interests of amenity.

PART V
—cont.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the borough is lying on the site of the building or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section and in their application to a notice given under subsection (2) of this section—

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

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

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

(6) In this section the expression “building” includes any structure and (without prejudice to the generality of the expression) the expression “structure” includes a fence but does not include a hedge.

New building
overreaching
adjoining
chimneys.

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

(a) any person erects or raises a building in the borough (in this section referred to as the “taller building”) to a greater height than an adjoining building; and

(b) any chimneys or flues of the adjoining building are in the party wall or in an external wall of the adjoining building;

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:

PART V
—cont.

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 notice (in this section referred to as a "counter-notice") that he elects to carry out the work himself the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and recover the cost of doing so from that person.

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

(3) If—

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

he shall be liable to a fine 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.

64.—(1) If a magistrates' court is satisfied upon a complaint by the Corporation that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the borough is prejudicial to the health of any of the inhabitants of the borough or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

Power to
order
alteration of
domestic
chimneys.

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

PART V
—cont.

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

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

Defective
premises.

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

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

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

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

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

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

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

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

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

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

- (i) the Corporation as well as the person to whose default or sufferance the original defendant alleges that the defective state of the premises is due shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and
- (ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the premises as may be specified in the notice notwithstanding the fact that other

PART V
—cont.

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 or any other enactment in relation to any such other defect in such premises.

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

Demolition
of buildings.

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

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

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

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

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

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

(4) Nothing in this section shall be deemed to prohibit the execution in cases of emergency of any such works as may be reasonably necessary but without prejudice to the right of the Corporation to impose such reasonable terms and conditions in accordance with subsection (1) of this section in such manner as if any such works had not been commenced.

(5) 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.

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

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

(8) 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.

(9) In any case where the Corporation in pursuance of subsection (1) of this section require the shoring up of adjacent buildings they shall give notice to the owner thereof of their requirements.

(10) 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 fine not exceeding five pounds.

(11) This section shall not apply to—

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

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

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

(b) any plant-house orchard-house summer-house conservatory garden tool-house poultry-house greenhouse coal shed or cycle shed or other similar structure; or

(c) any building belonging to any statutory undertakers and held by them for the purposes of their undertakings:

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

PART V
—cont.

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

(12) 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 17 or section 44 respectively of the Housing Act 1957 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in the demolition order or clearance order (as the case may be) and the provisions of this section (except subsection (3)) shall apply accordingly.

Dealing with
drains and
sewers before
demolition
of buildings.

67.—(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—

- (a) by counter-notice served within six weeks from the receipt of a notice under the last foregoing section; or
- (b) in any demolition order or clearance order made by them under section 17 or section 44 respectively of the Housing Act 1957;

require the person giving such notice or the owner or owners of any building to which the demolition order or clearance order applies (as the case may be) either—

- (i) to seal any sewer or drain on in or under the site of the building to which the notice or order relates; or
- (ii) 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 after giving to the Corporation not less than twenty-four hours' notice of their intention to do so 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 (i) or paragraph (ii) of this subsection.

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

(3) Section 11 of the Housing Act 1957 shall apply in relation to any requirement made under this section in a demolition order under section 17 of that Act as if such requirement was made in such order under Part II of that Act and the Fourth and Fifth Schedules to the Housing Act 1957 shall apply in relation to any requirement made under this section in a clearance order under section 44 of that Act as if the power to make such requirement in such order was conferred by that Act.

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

PART V
—cont.
Cellars and
rooms below
subsoil water
level.

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

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

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

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

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

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

(6) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 as to the avoidance for want of registration as a local land charge of any prohibition or restriction imposed by virtue of any such conditions.

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

69.—(1) Every house erected in the borough after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the borough not so provided shall if reasonably practicable be so

Food storage
accommoda-
tion.

PART V
—cont.

provided within one month from the service by the Corporation on the owner thereof of a notice requiring it to be so provided.

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

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

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

(5) For the purposes of this section—

(a) the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling;

(b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and

(c) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act:

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

Provision of
bathrooms.

70.—(1) Where plans of a house have been deposited with the Corporation in pursuance of building byelaws the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath with the necessary water supply pipe and fittings and waste pipe connected to a suitable drain.

(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 rejected.

(3) For the purpose of this section the expression "house" includes any part of a building which is intended to be occupied as a separate dwelling.

Paving of
yards and
passages

71. Where in the borough any court or yard is appurtenant to or any passage gives access to commercial or industrial premises as well as to a house or houses the Corporation may exercise the

powers of section 56 of the Act of 1936 relating to the paving and drainage of yards and passages in respect of any such commercial or industrial premises as though they were a house.

PART V
—cont.

72.—(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the absence or defective state of a service pipe or the cutting off of the supply of water through that pipe or the absence or defective state of any fittings the Corporation may without prejudice to any action or proceedings which they may take under any other enactment repair or renew the pipe or execute such works and provide or repair such fittings and do such other things as they may consider necessary to secure that the supply of water to the house is restored and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

Supply of
water to
premises
where supply
cut off.

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

Provided that the court shall not under this subsection 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 at the instance of the defendant has had due notice of the proceedings and an opportunity of being heard.

(3) (a) Where two or more houses in the occupation of different persons being houses supplied with water by a common pipe belonging to the owners or occupiers of those houses or some of them have ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the defective state of the pipe or the cutting off of the supply of water through that pipe the Corporation may give notice to the owners requiring them within such reasonable period as may be stated in the notice to repair or renew the pipe or execute any other works as may be necessary to secure that the supply of water to any such houses is restored:

Provided that if after reasonable inquiry the names and addresses of the owners cannot be ascertained the Corporation may if they think fit repair or renew the pipe or execute such other works as aforesaid and may recover any expenses reasonably

PART V
—cont.

incurred by them in so doing from the owners or occupiers of the houses in such proportions as may be determined by the Corporation or in case of dispute by a magistrates' court.

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

(c) Nothing done under this subsection shall prejudice or affect the rights and obligations as between themselves of the owner and the occupier of any house.

(4) The powers and functions of the Corporation under the foregoing provisions of this section may be exercised by the medical officer of health.

(5) The Corporation may if they think fit themselves bear the whole or any part of any expenses recoverable by the Corporation under this section.

Filthy or verminous premises or articles

Cleansing of
filthy or
verminous
premises.

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

“(1) Where the local authority upon consideration of a report from any of their officers or other information in their possession are satisfied that any premises other than a factory within the meaning of the Factories Act 1937 or a mine or quarry within the meaning of the Mines and Quarries Act 1954—

(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.”

PART V
—cont.

74.—(1) If the Corporation serve notice under subsection (3) of section 83 of the Act of 1936 as amended by the last foregoing section 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 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 fine not exceeding five pounds and to a daily fine 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.

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

(a) prepare for sale;

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

(c) deposit for sale or preparation for sale;

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

Prohibition of sale of verminous articles.

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

(a) being prepared or offered by a dealer for sale; or

(b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale;

the medical officer of health or the public health inspector may cause the article to be disinfested or destroyed as the case may

PART V
—cont.

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 of health or the public health 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 fine 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) references to “preparation for sale” do not include references to disinfestation.

PART VI

NUISANCES

Tipping of
spoil and
refuse.

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

(2) Byelaws made by virtue of this section may—

- (a) contain provisions for imposing on persons offending against the byelaws fines not exceeding fifty pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;
- (b) provide that any spoil or refuse tip placed kept or used in breach of the byelaws shall be a statutory nuisance for the purposes of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulate or control the tipping of spoil or refuse—

- (a) by railway undertakers for the purpose of constructing widening altering or maintaining any railway works; or
- (b) by the dock board for the purpose of constructing altering or maintaining any dock works within the dock estate; or
- (c) by the water board for the purpose of constructing or maintaining works forming part of their undertaking.

(4) (a) No byelaw under this section shall extend to regulate or control the tipping of hardcore by or on behalf of any person on land during building works thereon or in the course of preparation for such works.

(b) In this subsection—

the expression “hardcore” means bricks stone or other hard material free from dust and dirt to such an extent as not to cause a nuisance;

the expression “building works” includes engineering works road making and other constructional works.

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

Control of Corporation's refuse tips.

78. The Corporation may make byelaws—

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

Lighting ventilation and sanitation of stables.

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

Provided that this section shall not apply to any building so used for horses which work in a mine or quarry within the meaning of the Mines and Quarries Act 1954 and for such horses only.

79. Any person who deposits in a dustbin or other receptacle for removal by or on behalf of the Corporation whether as house refuse or trade refuse any or any part of any fluorescent tubes cathode ray tubes or corrosive substances or inflammable liquids whether in containers or not or any other similar dangerous matter whereby injury to the health of the Corporation's employees may be caused shall be liable to a fine not exceeding five pounds.

Deposit of dangerous matter in dustbins.

80.—(1) No person shall—

(a) deposit in a dustbin or other receptacle for removal by or on behalf of the Corporation as house refuse anything other than house refuse; or

(b) use any such dustbin or receptacle for any purpose other than the deposit of house refuse.

Restriction on use of dustbins.

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

PART VI
—cont.

(3) In this section the expression "house refuse" includes dust and ashes but does not include refuse of a liquid or partially liquid character or soot.

(4) Nothing in section 72 of the Act of 1936 shall require the Corporation to remove soot.

Discharge of
steam and
waste gas.

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

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

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

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

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

Silencers for
internal
combustion
engines.

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

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

PART VI
—cont.

Provided that in the exercise of the powers conferred by this section—

- (a) on any premises belonging to the commission and used by them for the purposes of their railways such officer shall conform to such reasonable requirements of the commission as are necessary to prevent obstruction to or interference with the working of the traffic of the commission; and
- (b) on any premises belonging to the gas board and used by them for the manufacture or storage of gas such officer shall conform to such reasonable requirements of the gas board as are necessary to prevent obstruction to or interference with the manufacture or storage of gas.

83.—(1) Any excessive or unreasonable or unnecessary noise or vibration 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 or vibration nuisance.

Provided that—

- (a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise or vibration 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 or vibration having regard to the cost and to other relevant circumstances;
- (b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise;
- (c) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

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

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

PART VII

INFECTIOUS DISEASES

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

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

PART VII
—cont.

Entry into premises in case of notifiable disease.

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

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

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

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

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

Provided that no such warrant shall authorise him—

(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 of health 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.

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

86.—(1) On the application of the medical officer of health the occupier of any building in the borough 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 that officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the 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 fine 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.

PART VII
—cont.

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

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

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”.

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

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 subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a fine 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.

89. 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;

Compensation for stopping employment to prevent spread of disease.

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

PART VII
—cont.Prohibition
of
tuberculous
persons from
handling food.

90.—(1) If the medical officer of health certifies—

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

the medical officer of health 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 fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

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

PART VIII

FOOD

Interpreta-
tion of this
Part of Act.

91. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

“ animal feeding meat ” means any flesh of cattle horses asses mules swine sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance but does not include any residuals which have been sterilised in a manner not less effective than that prescribed by byelaws made under section 94 (Byelaws as to sale etc. of animal feeding meat) of this Act for the time being in force resulting from the refining or processing of any such flesh at premises to which the provisions of sections 107 and 108 of the Act of 1936 are applicable ;

“ authorised officer ” means any officer who is by virtue of the Food and Drugs Act 1955 an authorised officer for the purposes of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption;

“ flesh ” includes any part of an animal;

“ slaughterhouse ” has the same meaning as in section 135 of the Food and Drugs Act 1955;

“ knacker’s yard ” means any premises used in connection with the business of slaughtering flaying or cutting up animals the flesh of which is not intended for human consumption;

“ premises ” does not include a knacker’s yard or slaughterhouse.

92.—(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 borough 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 slaughterhouse.

(2) If the provisions of this section are contravened the occupier of the slaughterhouse and also the person by whom the carcase is prepared or dressed shall be liable to a fine not exceeding five pounds.

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

“ Public Health (Meat) Regulations ” means the Public Health (Meat) Regulations 1924 to 1952 as continued in force and having effect by virtue of subsection (2) of section 136 of and the Twelfth Schedule to the Food and Drugs Act 1955 or as amended under section 13 of that Act and includes any regulations made under the said section 13 which replace those regulations;

“ animal ” and “ meat ” have the same meanings as in the Public Health (Meat) Regulations.

93.—(1) As from the appointed day the following provisions shall have effect in the borough with respect to the slaughter of any of the following animals namely horses cattle sheep goats or pigs where the animal is slaughtered owing to emaciation or disease and the Public Health (Meat) Regulations do not have effect in relation to the slaughtering by reason of its not being for human consumption. Slaughter of animals otherwise than for human consumption

PART VIII
—cont.

(2) The owner of any such animal shall comply with the following provisions:—

(a) Except in the cases mentioned in paragraph (b) of this subsection he shall not slaughter it or cause it to be slaughtered until he has given notice to an authorised officer of the intended slaughter of it and not less than twenty-four hours from the giving of the notice have expired;

(b) If by reason of accidental injury illness or exposure to infection it is necessary to slaughter it either before the expiration of twenty-four hours from the giving of such a notice as is required by paragraph (a) of this subsection or without giving such a notice he may so slaughter it or cause it to be so slaughtered but—

(i) if the slaughter is before the expiration of the said twenty-four hours he shall retain the carcase intact until the expiration of that period or until its disposal is approved by an authorised officer whichever first occurs; or

(ii) if the slaughter is without giving such a notice he shall give notice thereof to an authorised officer as soon as practicable thereafter and retain the carcase intact until the expiration of twenty-four hours from the giving of that notice or until its disposal is approved by an authorised officer whichever first occurs;

(c) He shall on the application of an authorised officer made within two weeks from the date of its slaughter furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcase or any part thereof.

(3) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned he may permit a veterinary surgeon or veterinary practitioner—

(a) to send at any time during that period to a laboratory a specimen taken from the carcase or the whole carcase; or

(b) to take such a specimen or the whole carcase into his possession at any time during that period and to retain it;

but where the owner gives such a permission and it is acted upon he shall give to an authorised officer notice of the action taken within twenty-four hours from the time when it is taken.

(4) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned if the slaughter was in a knacker's yard or the carcase

is moved to a knacker's yard immediately after the slaughter the owner may take or cause to be taken from the carcase during that period any part or organ which in the opinion of the owner it is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcase but if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from what carcase it was taken.

PART VIII
—cont.

(5) If the owner of an animal—

- (a) contravenes this section or fails to discharge an obligation thereby imposed on him; or
- (b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

he shall be liable to a fine not exceeding ten pounds.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of the Minister of Agriculture Fisheries and Food made granted or done thereunder or having effect by virtue of section 89 thereof.

(7) In this section "Public Health (Meat) Regulations" means the Public Health (Meat) Regulations 1924 to 1952 as continued in force and having effect by virtue of subsection (2) of section 136 of and the Twelfth Schedule to the Food and Drugs Act 1955 or as amended under section 13 of that Act and includes any regulations made under the said section 13 which replace those regulations.

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

- (a) for regulating the construction and equipment of any premises in the borough 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;

Byelaws as to sale etc. of animal feeding meat.

- (b) for regulating the cleanliness and sanitary condition 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;

PART VIII
—cont.

- (ii) the dates at which such deliveries and such 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 bona fide supplied to a zoological garden or to a menagerie for consumption only by carnivorous animals in such zoological garden or menagerie 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.

(2) Nothing in any byelaw made under paragraph (a) or (b) of subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

- (a) in tins or other containers effectually sealed and having attached thereto a notice of adequate size distinctly and legibly printed and conspicuously visible to the effect that the animal feeding meat is for animal consumption only;
- (b) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

(3) 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.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of any Minister made granted or done thereunder or having effect by virtue of subsection (2) of section 89 thereof.

95.—(1) (a) As from the appointed day and subject to the provisions of this subsection no premises in the borough 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 a person who uses any premises in contravention of the provisions of this subsection shall be liable in the case of a first offence to a fine not exceeding ten pounds and in the case of a subsequent offence to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such a fine and such imprisonment.

PART VIII
—cont.
Registration
of premises
used in
connection
with sale
etc. of
animal
feeding meat.

(b) Subject to the following provisions of this subsection 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 subsection.

(c) If it appears to the Corporation that any premises for the registration of which application has been made under this subsection or which are registered under this subsection do not satisfy the requirements of any byelaws made under 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.

(d) If a person on whom a notice is served under the last foregoing paragraph 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.

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

(f) 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

PART VIII
—cont.

make any necessary alteration in their register. If a person required to give a notice under this paragraph fails to do so he shall be liable to a fine not exceeding five pounds.

(2) Nothing in subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

(a) in tins or other containers effectually sealed and having attached thereto a notice of adequate size distinctly and legibly printed and conspicuously visible to the effect that the animal feeding meat is for animal consumption only;

(b) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

(3) 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 IX

MOVABLE DWELLINGS AND CAMPING GROUNDS

Definitions
for this Part
of Act.

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

“movable dwelling” includes—

(a) any tent;

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

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

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

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

(ii) any tent structure or vehicle temporarily used for the service of the Corporation or any statutory undertakers or other public authority;

(iii) any vessel as defined in section 742 of the Merchant Shipping Act 1894;

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

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

(vi) any tent structure van or similar vehicle belonging to any statutory undertakers and any trailer drawn by such van used by those undertakers for the purposes of their undertaking;

“camping ground” means any area of land occupied or intended for occupation by movable dwellings;

“occupier” in relation to a movable dwelling shall be deemed to include the owner of such dwelling or any person in charge thereof.

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

Further provisions as to movable dwellings.

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

(b) Any person aggrieved by the withholding by the Corporation of their consent under paragraph (a) of this subsection may appeal to a magistrates' court.

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

98. The Corporation for the purpose of securing the amenities of the borough in relation to the use of camping grounds and movable dwellings situated thereon may make byelaws—

Byelaws as to camping grounds.

(a) for preventing the amenities of the borough from 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 or visitors to the borough by the conduct of the occupiers of or persons frequenting movable dwellings situate on any such camping ground:

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

(i) any camping ground during such temporary period as the camping ground is being used for the purpose of any entertainment specified in subsection (3) of

PART IX
—cont.

section 128 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act; or

- (ii) the use of any camping ground or 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.

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.

Fire appliances
at camping
grounds.

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

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

- (a) during such temporary period as the camping ground is being used for the purpose of any entertainment specified in subsection (3) of section 128 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act; or
- (b) provided by or belonging to the Boy Scouts Association or the Girl Guides Association or the Salvation Army or any other camping ground while such camping ground is being exclusively used for camping by members of an organisation established by either of such associations or the Salvation Army in pursuance of their charter or other enabling powers.

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

PART X

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

Power to let
parks etc.
for games.

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

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

subject to such charges and conditions as the Corporation think fit:

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

PART X
—cont.

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

101. For the purpose of providing a parking place under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Corporation may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control:

Parking places
in parks etc.

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

102.—(1) The Corporation may—

- (a) in any park pleasure ground or open space provided by them or under their management and control; and
- (b) on any land forming part of or adjoining the promenades and belonging to the Corporation;

Boating pools
and model
yacht lakes

provide boating pools and model yacht lakes.

(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 or model yacht lake under this section and references in the following provisions of this section to a boating pool or model yacht lake so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such building or pool or lake 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 or model yacht lake 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.

PART X
—cont.

(5) The Corporation may make byelaws for regulating the use of model yacht lakes provided under this section and for securing the good and orderly conduct of persons using them and for the safety of the public.

(6) In this section the expression “the promenades” means the Seacombe Promenade the Sandon Promenade the Egremont Promenade the Magazines Promenade the Tower Promenade the Marine Promenade the King’s Parade and the sea defence works lying to the west of King’s Parade.

Golf courses.

103.—(1) The Corporation may provide and shall be deemed always to have had power to provide 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 borough:

Provided that the powers of this section shall not be exercised with respect to any land within the administrative county of the county palatine of Chester.

(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 either—

- (a) themselves manage any golf course provided by them 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 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 managed by them whether within or without the borough and the conduct of persons using them or resorting thereto.

104. Notwithstanding the covenants which are contained in a conveyance made the thirty-first day of December eighteen hundred and ninety between Richard Christopher Naylor of the first part William Pickford Thomas Alfred Royds Littledale and John Bolton Littledale of the second part the Honourable Sir Ford North Frederick North and John Cavendish Orred of the third part Anne Catherine Littledale of the fourth part Frederick North of the fifth part and the Wallasey Local Board of the sixth part and an indenture made the sixth day of August eighteen hundred and ninety-one between the same parties respectively and an indenture made the fifth day of November eighteen hundred and ninety-one between the said Wallasey Local Board of the one part and the said Frederick North of the other part and an indenture made the sixth day of September nineteen hundred between the said Frederick North of the one part and the Wallasey Urban District Council of the other part it shall be lawful and shall be deemed always to have been lawful for the Corporation and their lessees to erect provide and maintain in the land in the borough known as Central Park pavilions conservatories waiting refreshment concert assembly and reading rooms shelters public conveniences club houses and other similar buildings:

Provided that—

- (a) the Corporation and their lessees shall not under the powers of this section erect or maintain buildings so as to cover an area exceeding one-twentieth of the area of the said land known as Central Park;
- (b) nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the sale of intoxicating liquor.

105.—(1) In this section the expression “ the Sandhills ” means the property in the borough which is coloured yellow on the deposited map.

(2) The Corporation may make byelaws—

- (a) for prohibiting any person without lawful authority from digging cutting damaging or taking turf sods gravel sand clay or other substance on or from the Sandhills and from removing cutting felling or injuring any starr or bent grass gorse heather timber or other tree shrub brushwood or other plant growing on the Sandhills;
- (b) for prohibiting the removal of or interference with or damage to any works for the protection of the Sandhills or the stabilisation of sand;

PART X
—cont.

- (c) for prohibiting or regulating any person without lawful authority from bringing or causing to be brought on to the Sandhills or permitting to remain thereon any caravan barrow truck machine or vehicle;
- (d) for prohibiting any person from riding any bicycle tricycle or other similar machine on any part of the Sandhills;
- (e) for prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on the Sandhills;
- (f) for prohibiting the lighting of fires on the Sandhills;
- (g) for regulating games to be played and other means of recreation to be exercised on the Sandhills and assemblages of persons thereon;
- (h) for prohibiting or regulating the driving riding exercising or breaking in of horses without lawful authority on the Sandhills;
- (i) for prohibiting or regulating camping on the Sandhills and the erection of tents thereon;
- (j) generally for prohibiting or regulating any act or thing tending to injury or disfigurement of the Sandhills.

(3) Nothing in this section or any byelaws made thereunder shall prejudice or affect the rights of the Corporation to use or develop or permit the use or development of the Sandhills as they may from time to time think fit.

Regulation of
Leasowe
Common.

106.—(1) In this section “the common” means the lands in the borough commonly known as Leasowe Common and as certain common lands at Leasowe and coloured red on the deposited map.

(2) A person shall not except in the exercise of any lawful right or privilege bring or cause to be brought on the common or permit to remain thereon—

- (i) any caravan; or
- (ii) any barrow truck machine or vehicle other than—
 - (a) a wheeled bicycle tricycle or other similar machine;
 - (b) a wheel-chair perambulator or chaise drawn or propelled by hand and used solely for the conveyance of a child or an invalid:

Provided that where the Corporation set apart a space on the common for the parking of any class of vehicle this section shall be deemed not to prohibit the driving to or parking on that space of any vehicle of the class for which it is so set apart.

(3) A person shall not except in the exercise of any lawful right or privilege ride any bicycle tricycle or other similar machine on any part of the common.

(4) Any person contravening the provisions of this section shall be liable to a fine not exceeding forty shillings and to a daily fine not exceeding twenty shillings.

PART X
—cont.

(5) Subsection (4) of section 193 of the Law of Property Act 1925 shall cease to apply to the common.

107.—(1) The Corporation may agree with any person in consideration of the payment of a capital sum by him to maintain in perpetuity or for a fixed period specified by the agreement a grave or tombstone in a burial ground or crematorium provided by the Corporation and the following provisions shall apply in relation to any such agreement:—

Agreements
to maintain
graves and
tombstones.

(a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities;

(b) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;

(c) The Corporation may—

(i) in the case of an agreement so to maintain a grave or tombstone for a fixed period at the expiration of such fixed period or on the exercise of their powers under section 108 (Extension of power to maintain burial grounds) of this Act in respect of such grave or tombstone whichever shall be the earlier;

(ii) in the case of an agreement so to maintain a grave or tombstone in perpetuity on the exercise of their powers under the said section 108;

apply the capital of the said sum in any manner in which capital money may properly be applied by them under any enactment;

(d) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the burial ground or crematorium.

(2) In this section—

the expression “burial ground” includes a cemetery;

the expression “grave” includes a grave space niche or urn;

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

108.—(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 or memorial therein;

(b) to level any grave therein;

PART X
—cont.

- (c) to remove any tombstone or memorial on any grave therein or any railings surrounding any grave therein or any such tombstone or memorial;
 - (d) to alter the position of any such tombstone memorial or railings.
- (2) Before exercising a power conferred by paragraph (b) (c) or (d) of the foregoing subsection the Corporation shall—
- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough with an interval between the dates of publication of not less than six clear days;
 - (b) display a notice thereof in a conspicuous position in the burial ground; and
 - (c) serve a notice thereof upon the owner of the grave or upon a relative of a deceased person whose remains are interred therein if after reasonable inquiry the name and address of the owner or of a relative of such a person can be ascertained.
- (3) Each of the notices shall—
- (a) contain brief particulars of the Corporation's proposals and if necessary specify an address at which full particulars of the proposals can be obtained;
 - (b) specify the date on which it is intended that the Corporation will begin to carry out the proposals which shall not be earlier than the fourteenth day after the date of the later of the two publications of the notice or than the twenty-first day after the date on which the notice is first displayed in the burial ground or where notice is required to be served than the twenty-first day after the date of such service; and
 - (c) state the effect of the next following subsection.
- (4) If notice of objection to a proposal and of the ground thereof is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection that proposal shall not be carried out without the consent of the Minister unless the notice is withdrawn.
- (5) The Corporation may put to such use as they think appropriate or destroy any tombstone memorial or railings removed under this section unless it or they is or are claimed within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section or where notice has been served under paragraph (c) thereof after the date of such service whichever is the later.
- (6) Where a tombstone is removed under this section the Corporation may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each tombstone or memorial taken from the burial ground under this section containing—

PART X
—cont.

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the tombstone or memorial a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work a faculty or licence of a consistory court.

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence and subsection (5) thereof shall not have effect in relation to any tombstone memorial or railings for whose removal such a faculty or licence was obtained.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“tombstone” includes a kerb.

109.—(1) Where part of a burial ground for the time being belonging to the Corporation is disused (other parts being still used for interments) the Corporation may subject to the provisions of section 11 of the Open Spaces Act 1906 manage the disused part remove or change the position of any tombstone monument or kerb therein and lay out and maintain the same as a garden but the public shall not have access thereto except to such extent as the Corporation may permit.

Powers as to
disused part
of burial
ground.

(2) Where part of a burial ground in the borough not belonging to the Corporation is disused the owner thereof may convey such part to or grant a lease for any term of years or other limited interest therein to or make any agreement with the Corporation for the purposes of this section and the Corporation may accept such conveyance thereof or grant of interest therein and enter into such agreement.

(3) Where the Corporation acquire a limited interest in or enter into any agreement under this section in respect of part of a burial ground they may subject to the terms upon which such interest was acquired or of any such agreement exercise the powers of subsection (1) of this section in such part of the burial ground:

Provided that the Corporation shall not exercise any of the powers conferred upon them by this subsection with reference to any consecrated burial ground except subject to and in accordance with the provisions of section 11 of the Open Spaces Act 1906.

PART X
—cont.

(4) The Corporation shall cause a record to be made of each tombstone or memorial taken from the burial ground under this section containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the tombstone or memorial a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

(5) In this section the expressions “owner” and “burial ground” have the same meanings as in the Open Spaces Act 1906 and “disused” shall be construed according to the meaning of the expression “disused burial ground” in that Act.

PART XI

PUBLIC ORDER AND PUBLIC SAFETY

Barriers in
streets.

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

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

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

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

(c) as respects any street forming an approach to any works or depot of the generating board or of the electricity board so as to obstruct or interfere with the access to or exit from any such works or depot without the consent of such board; or

(d) as respects any street belonging to or repairable by the water board and forming the approach to any works or depot of that board or so as to obstruct or interfere with the access to or exit from any such works or depot without the consent of that board; or

(e) 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 provisos (b) and (c) 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 fine not exceeding five pounds.

111. As from the appointed day section 2 of the Steam Whistles Act 1872 shall in its application to the borough have effect as if for the words "steam whistle or steam trumpet" there were substituted the words "mechanically operated whistle trumpet siren or hooter". Control of sirens etc. used in factories etc.

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

113. Section 89 (As to processions) of the Wallasey Corporation Act 1927 shall have effect as if the words "at any point within a radius of three miles from the town hall" were omitted. Notice of street processions.

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

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included timber.

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

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

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

PART XI
—cont.Police tele-
phone call
boxes and
shelters.

115.—(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 positions in any street park or public place in the borough as they think fit.

(2) Nothing in this section shall authorise the transmission of a 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 a street being a trunk road; or

(b) without the consent of the undertakers concerned—

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

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

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

(c) without the consent of the owner of the premises concerned in any street or in a park or public place abutting on any street so as to obstruct the existing access to premises abutting on the 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.

(6) In this section the expression “transport undertakers” means any railway dock or passenger road transport undertakers.

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

- (a) obstructs the access to a police telephone call box provided by the Corporation or to a shelter or box so provided for the use of police constables or to a fire alarm so provided; or
- (b) interferes with equipment in such a call box or in such a shelter or box or in such a fire alarm; or
- (c) removes obliterates alters defaces or obscures a mark provided by the Corporation for indicating the position of such a call box or of such a shelter or box or of a fire alarm or a fire hydrant;

Offences in respect of telephone boxes fire hydrants etc.

he shall be liable to a fine not exceeding five pounds and the Corporation may recover from him the expenses of removing the obstruction or of making good or replacing the mark.

(2) If any person telephones or causes to be telephoned—

- (a) from a police telephone call box provided by the Corporation any statement which he knows to be false; or
- (b) from a telephone call box provided in the borough by the Postmaster-General a statement which he knows to be false made for the purpose of instigating police fire brigade or ambulance action;

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

117.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street or open space within the borough—

Damage to trees etc. on streets etc.

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

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

(3) Nothing in this section shall apply to any open space in respect of which the Corporation have made byelaws regulating the matters referred to in subsection (1) of this section.

PART XI
—cont.Removal of
property of
Corporation.

118.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall remove or otherwise interfere with any property vested in the Corporation in any street or public place within the borough.

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

Safety of
stands.

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

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

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

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

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

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

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

(6) If any person—

(a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or

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

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

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

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

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

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

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

(a) any stand erected in the dock estate; or

(b) any stand erected by the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such; or

(c) any stand erected or secured to the satisfaction of the surveyor in pursuance of section 37 of the Public Health Acts Amendment Act 1890.

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

120.—(1) Where plans for the erection of a building have been deposited with the Corporation in pursuance of building byelaws and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as they 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.

Precautions
against fire in
certain
buildings

PART XI
—cont.

(2) If the Corporation reject the plans under the authority of this section the notice to be given under 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) Any question arising under this section between the Corporation and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

Further provision for public and other buildings.

121.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building in the borough 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;

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

Provided that—

(i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Acts 1909 and 1952 is for the time being in force;

(ii) nothing in this subsection shall authorise the owner or occupier to alter or otherwise interfere with any electrical apparatus belonging to the generating board or the electricity board and installed for the purpose of affording a supply of electricity to the building;

(iii) 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 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Fireman's switches for luminous tube signs.

122.—(1) Any luminous tube sign or other similar apparatus requiring the transforming of electrical energy to a higher voltage fitted externally or internally on or in any premises in the borough other than such apparatus which is fitted internally in any premises and is attended when in operation or is used for lighting only and is already fitted with a readily accessible switch in the low voltage side of the apparatus shall be provided with a cut-off switch on the low voltage side of the transforming apparatus.

(2) Before any apparatus to which subsection (1) of this section applies is fitted on or in any premises in the borough the owner or occupier of the premises shall at least fourteen days before the work of fitting the apparatus is begun give notice to the Corporation that such apparatus is about to be fitted indicating the position in which it is proposed that the cut-off switch required under subsection (1) of this section will be placed and in the case of any such apparatus to be fitted internally in any premises shall inform the Corporation of the pattern of the cut-off switch which it is proposed to provide.

(3) The owner or occupier of the premises in respect of which notice is given under subsection (2) of this section shall take into consideration any representations which may be made by the Corporation within ten days of the receipt of such notice in order to secure that the cut-off switch will be placed in a position in which it will be readily recognisable by and accessible to firemen and in the case of any such apparatus to be fitted internally in any premises the work of fitting the apparatus shall not be begun until the pattern and position of the cut-off switch have been approved by the Corporation:

Provided that where the pattern and position of any cut-off switch to be provided in connection with such apparatus to be fitted internally in any premises complies with the provisions of the Institution of Electrical Engineers' regulations the pattern and position shall be deemed to have been approved by the Corporation.

(4) The provisions of this section shall not prejudice or affect the requirements of the Electricity Supply Regulations 1937 or any regulations or other provisions amending or replacing the same.

(5) This section shall not apply to premises or any part of premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that where any luminous tube sign to which but for this subsection subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

123.—(1) The owner or occupier of any premises fronting adjoining or abutting on a highway in the borough may with the consent of the Corporation use for such period as the Corporation may approve a part of such highway for the purpose of any works which may be necessary for shoring up any building or structure forming part of such premises if such building or structure is in a dangerous condition or is in course of reconstruction.

Use of highway
for shoring
buildings.

PART XI
—cont.

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

(3) No consent given under this section shall affect the powers of the Corporation under section 58 of the Act of 1936 as amended by section 62 (Ruinous and dilapidated buildings and neglected sites) of this Act.

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

124.—(1) Where it appears to the Corporation that any building or part of a building in the borough is in such a condition as to be dangerous to persons in such building or in any adjoining premises or using any street upon which such building abuts the Corporation may until—

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

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

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

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

Derelict petrol tanks.

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

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

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding five pounds and the Corporation may take such

steps as may be reasonably necessary to prevent danger from the container to which the warning relates and may recover from such person the expenses incurred by them in so doing.

PART XI
—cont.

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

126.—(1) In this section—

Dealing in
second-hand
goods and
metals etc.

the expression "dealer" means—

(a) a retail broker or retail dealer in second-hand goods (other than mechanically propelled vehicles clothing waste paper waste rubber waste rags or books) who buys for resale; and

(b) any person who from time to time in any way deals by way of purchase in any old metal except by way of exchange for manufactured goods or for the purpose of himself manufacturing or using such metal;

the expression "metal" means aluminium copper iron lead magnesium nickel tin zinc or any other base metal or brass bronze gunmetal solder steel white metal or any other alloy containing such base metals or tool tips or dies made of hard metal or of cemented or sintered metallic carbides.

(2) As from the appointed day no person shall carry on the business of a dealer in any premises within the borough unless he is registered by the Corporation under this section and his place of abode and all the premises (if any) within the borough at which he carries on or intends to carry on the business of a dealer are registered.

(3) On application in that behalf made to the Corporation by any person for registration and on his furnishing them with particulars of his place of abode and the premises (specifying the room or other parts of the premises used or intended to be used for the purposes of such business) the Corporation shall register the applicant and the place of abode and the premises and issue to the applicant a certificate of registration (hereafter in this section referred to as a "dealer's certificate").

(4) There shall be specified in every dealer's certificate the name and place of abode of the person registered and the premises in which such business is authorised to be carried on and the particular room or other parts of such premises intended to be used for the purposes of such business.

(5) (a) The registration of a dealer under this section shall be in force for a period of three years and at the expiration of that period the person so registered shall deliver up his dealer's certificate to the Corporation.

PART XI
—cont.

(b) Before or after the expiration of the said period the person registered may make application to the Corporation under subsection (3) of this section for further registration.

(6) So often as any person registered under this section shall change his place of abode he shall within seven days give notice thereof in writing signed by him to the Corporation specifying his new place of abode and such person shall at the same time produce his dealer's certificate to the Corporation who shall cause to be endorsed thereon a memorandum specifying the particulars of such change.

(7) If any person registered under this section shall desire to change his place of business or to carry on the same in any other part of the premises than is specified in the dealer's certificate he shall before so doing give notice to the Corporation specifying his proposed new place of business or the additional or other part of the premises proposed to be used for the purposes of the said business as the case may be and the Corporation shall cause to be endorsed upon the dealer's certificate of the person so applying a memorandum specifying the particulars thereof.

(8) No person shall give a false name or address when selling or otherwise disposing of any article to a person carrying on business as a dealer.

(9) (a) Any officer of the police of the borough may enter any place of business registered under this section or any other premises in the borough which there is reasonable cause to believe are being used for the business of a dealer and may inspect the premises and all stock therein and the records relating to the business.

(b) Section 287 of the Act of 1936 shall apply in relation to this section as if in subsection (1) for the words "any premises at all reasonable hours" and paragraphs (a) to (d) there were substituted the following words:—

"at all reasonable hours any premises in the borough which are not registered under this section and which there is reasonable cause to believe are being used for the business of a dealer and to inspect such premises for the purpose of ascertaining whether such premises should have been registered under the provisions of this section".

(10) The Corporation may make byelaws for all or any of the following purposes with respect to any person who shall carry on the business of a dealer (namely):—

(a) for requiring every person carrying on such business to enter in a book the description and the price of all articles purchased acquired sold or disposed of by him in the course of carrying on such business and the date and time when and the name and address of the person from whom the same are purchased or acquired or

to whom the same are sold or disposed of and the registration number of any vehicle used to bring such articles as aforesaid to a dealer;

- (b) for securing that all such entries in a book as aforesaid are kept for such period as may be specified not being more than two years from the date of the last entry in the book;
- (c) for preventing any person carrying on such business as aforesaid from purchasing any new or second-hand goods or articles from any person apparently under the age of sixteen years;
- (d) for applying with such exemptions adaptations and modifications as may be specified the provisions of this section to itinerant dealers and their vehicles.

(11) Any person offending against any provision of—

- (a) this section (other than subsection (8)) or any byelaws made under subsection (10) of this section (other than byelaws made under paragraph (c) of that subsection) shall be liable to a fine not exceeding for a first offence twenty pounds and for any subsequent offence fifty pounds;
- (b) subsection (8) of this section or any byelaws made under paragraph (c) of the said subsection (10) shall be liable to a fine not exceeding ten pounds.

(12) Nothing in this section shall extend to—

- (a) pawnbrokers who are duly licensed for that purpose; or
- (b) persons who shall only occasionally deal in second-hand goods or articles and whose chief or principal occupation or business shall not be the dealing therein.

(13) For the purposes of this section the expression “place of abode” in relation to a company means the registered or principal office of the company and it shall not be obligatory under this section to register the private address of any director of the company.

(14) As from the appointed day section 86 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the borough and section 127 (As to dealers in old metal and marine stores) of the Wallasey Tramways and Improvements Act 1906 shall be repealed.

127.—(1) As from the appointed day the provisions of Part IV of the Public Health Acts Amendment Act 1890 shall in their application to the borough extend to any place ordinarily used for any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music: Boxing and wrestling entertainments.

PART XI
—cont.

Provided that the said provisions shall not extend to any premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under that Act are complied with as though a boxing or wrestling entertainment were a stage play.

(2) For the purposes of this section the expression “boxing or wrestling entertainment” means any public contest or display of boxing or wrestling except such as may be provided or given—

- (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 university college college of a university training college establishment of further education or school.

Byelaws as to
pleasure fairs
and roller-
skating rinks.

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

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

(2) In this section—

- (a) the expression “pleasure fair” means any place—
 - (i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies; and
 - (ii) for admission to which or for the use of the contrivances in which a charge is made;
- (b) the expression “roller-skating rink” means any place which is for the time being used wholly or mainly for roller-skating and for admission to which a charge is made.

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

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

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

PART XI
—cont.

(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.

129.—(1) As from the appointed day no person shall at any place in the borough to which this section applies— Touting
hawking etc.

- (a) importune any person by touting for any hotel lodging-house refreshment-house or shop or any pier garden theatre or place of amusement or any boat hackney carriage or public service vehicle; or

PART XI
—cont.

(b) without the consent of the Corporation which may be given on such terms and conditions as they think fit—

(i) hawk sell or offer for sale any article or commodity; or

(ii) take any photograph by way of trade or business of any person except as mentioned in subsection (3) of this section.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons.

(3) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical or carries on a business which consists in or includes selling or supplying photographs for such publication.

(4) This section applies to any place—

(a) in or on any esplanade parade promenade marine drive or public walk;

(b) in any park pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation or under their management and control;

(c) in any street or part of a street to which this section may be applied by byelaws made by the Corporation under this section.

(5) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection (1) of this section or by any terms or conditions attached to such consent may appeal to a magistrates' court.

(6) If any person contravenes any of the foregoing provisions of this section or any term or condition upon which any consent is given thereunder he shall be liable to a fine not exceeding five pounds.

(7) The provisions of this section shall not prevent the Corporation as owners of the foreshore or any person with their consent exercising any rights which they and he could have exercised if this section had not been enacted.

130.—(1) For the prevention of noise or of danger obstruction or annoyance to persons boating or bathing or using the foreshore the Corporation may make byelaws—

PART XI
—cont.

Further powers
to make
byelaws as
to boats.

- (a) requiring the fitting of effectual silencers on boats propelled by internal combustion engines;
- (b) prohibiting regulating or controlling the keeping or landing of boats on such parts of the foreshore as may be specified in the byelaws.

(2) Byelaws made under this section may contain different provisions for different classes or descriptions of boats.

(3) No byelaw made under this section shall—

- (a) affect any right or privilege of owners of boats engaged in the fishing industry which may exist at the time of the making of the byelaw; or
- (b) prevent the owner of any part of the foreshore or any person with his consent exercising any rights which he could have exercised if the byelaw had not been made; or
- (c) in the case of a byelaw made under paragraph (a) of subsection (1) of this section apply to any boat which is ordinarily kept outside the borough and is not required to be licensed by the Corporation.

131.—(1) The power of the Corporation to make byelaws as to boats whether under this Act or under any other enactment shall include power to provide that any such byelaw shall operate not only within the borough but also within a distance seaward from the borough of three miles from low-water mark of ordinary spring tides:

Local extent
of byelaws
as to boats.

Provided that no such byelaw shall—

- (a) operate within the county borough of Birkenhead; or
- (b) apply to any vessel belonging to the mayor aldermen and burgesses of that county borough.

(2) Any offence committed within the said distance against any byelaw so operating may be enquired into and dealt with as if it had been committed within the borough.

132. As from the appointed day section 68 (Power to license pleasure boats) of the Wallasey Improvement Act 1901 shall have effect as if—

Licensing of
boatmen and
pleasure boats.

- (a) in subsection (1) the words “not exceeding one shilling” were omitted;

PART XI
--cont.

(b) there were inserted at the end of subsection (1)—

“ Provided that the fee so charged in respect of a licence for a period of twelve months shall not exceed—

(a) in the case of a boat or vessel twenty shillings;
or

(b) in the case of a boatman or other person twenty shillings for his first licence or five shillings for any subsequent licence ”;

(c) in subsection (2) the words “ for a year or such less period ” were substituted for the words “ for such period ”;

(d) the following subsection were substituted for subsection (3):—

“ (3) No person shall—

(a) let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel; or

(b) carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel unless the boat or vessel and the boatman in charge thereof and the navigator are so licensed or at any time during the suspension of the licence for the boat or vessel or the boatman or navigator:

Provided that this subsection shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for profit.”

Charges for use of landing equipment.

133. The Corporation may make and recover such charges as they may think fit from any person who places on the foreshore in the borough owned by the Corporation any apparatus or thing which is used for the purpose of enabling or assisting persons to embark upon or disembark from any pleasure boat or pleasure vessel let for hire or used for carrying passengers for hire.

PART XII

WEIGHTS AND MEASURES

Interpretation and application of this Part of Act.

134. In this Part of this Act unless the subject or context otherwise requires the following expressions have the following meanings:—

“ the Act of 1889 ” means the Weights and Measures Act 1889;

“briquette” means solid fuel manufactured mainly from coal each whole briquette being not less than one pound in weight;

“coke” includes any solid fuel derived from coal or of which coal or coke is a constituent and includes briquettes;

“sacks” includes other receptacles;

“vehicle” includes any lorry cart handcart waggon truck or other means of conveying goods or commodities by land but does not include a railway truck or waggon.

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

Application
of Act of
1889.

(a) sections 20 to 22 and 24 to 26 and 29 of the Act of 1889 as extended by this section to coke wood fuel or peat fuel; and

(b) the following sections of this Act:—

Section 138 (Sale of coal etc. otherwise than in sacks from a vehicle);

Section 139 (Sale in sacks of coal etc. in quantities exceeding two hundredweight);

Section 141 (Sale of briquettes);

Section 145 (Prohibition of double weighing);

Section 148 (Deficient weight measure or number).

(2) (a) In their application to the borough sections 20 to 22 24 to 26 and 28 and 29 of and the Third Schedule to the Act of 1889 shall extend to coke and those sections and schedule except section 28 shall extend to wood fuel and peat fuel and accordingly any reference in the said sections and schedule to coal in unspecified quantities shall be construed as a reference to coal coke wood fuel or peat fuel and—

(i) any reference in the said sections 21 22 and 24 to coal in quantities exceeding or not exceeding two hundredweight shall be construed as a reference to coal coke wood fuel or peat fuel in quantities respectively exceeding or as the case may be not exceeding two hundredweight; and

(ii) the reference in the said section 28 to coal in quantities not exceeding two hundredweight shall be construed as a reference to coal or coke in quantities respectively not exceeding two hundredweight:

Provided that—

(A) the said section 20 shall not require wood fuel or peat fuel in quantities respectively less than fourteen pounds to be sold by weight only; and

PART XII
—cont.

(B) the said section 25 shall not require the weighing of wood fuel or peat fuel on a stamped weighing instrument where the quantity that it is agreed to sell is less than fourteen pounds.

(b) In their application to the borough in relation to coke wood fuel and peat fuel such of the said sections as are hereinafter mentioned shall be construed as if the words "in the borough" were inserted—

- (i) in subsection (1) of section 20 after the word "sold" where it first occurs;
- (ii) in subsection (1) of section 21 after the word "delivered" where it first occurs;
- (iii) in subsection (1) of section 22 after the word "conveyed";
- (iv) in section 24 after the word "delivers";
- (v) in subsection (1) of section 25 after the word "place" where it first occurs;
- (vi) in subsection (1) of section 29 after the word "place" where it first occurs and after the word "stop".

(3) There shall be deemed to be no contravention of the provisions of any byelaws made under section 28 of the Act of 1889 with respect to the marking of sacks—

- (a) by reason only of the fact that any sack is so marked as to refer to a fuel other than and in addition to the fuel for the time being carried therein; or
- (b) if the weight of the fuel carried in any sack (being coke as defined in section 134 (Interpretation and application of this Part of Act)) is the same as the weight of coal which could lawfully be carried in the sack.

Byelaws
relating to
wood fuel etc.

136. The Corporation may make byelaws—

- (a) regulating for the purposes of this Part of this Act and of the Act of 1889 the sale of wood fuel and peat fuel in quantities of fourteen pounds or over but not exceeding two hundredweight; and
- (b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which wood fuel or peat fuel is carried for sale or delivery to a purchaser.

Penalty on
fraudulent
sale of
coal etc.

137.—(1) If in the borough any coal coke wood fuel or peat fuel is being or has been sold delivered offered for sale exposed for sale or carried on a vehicle for sale and any person makes any false statement as to the weight thereof or wilfully increases the weight of any such coal coke wood fuel or peat fuel by damping the same or wilfully does any other act by which the

seller or the purchaser or prospective purchaser of coal coke wood fuel or peat fuel is or may be defrauded not being a false statement or an act (as the case may be) to which section 146 (Penalties on persons committing frauds) of this Act applies he shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence twenty pounds and in respect of any offence the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding two months.

(2) In any proceedings under this section in respect of an alleged false statement it shall be a defence for the defendant to prove to the satisfaction of the court that the false statement was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the statement from being false.

138.—(1) Any person selling or exposing for sale or carrying for sale or delivery on sale in the borough coal coke wood fuel or peat fuel from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Corporation and stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal coke wood fuel or peat fuel on such vehicle.

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

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

139.—(1) Where in the borough—

(i) any quantity exceeding two hundredweight respectively of coal coke wood fuel or peat fuel is carried by means of any one vehicle on any one journey for delivery to more than one purchaser or for delivery to any one purchaser at more than one premises if one or more of such premises are within the borough; or

(ii) any person sells or exposes or offers or carries for sale coal coke wood fuel or peat fuel from or on any vehicle in quantities exceeding two hundredweight;

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

and such coal coke wood fuel or peat fuel or any part thereof is carried on such vehicle in sacks the net weight of coal coke wood fuel or peat fuel in any one sack shall be equal to one hundredweight or one-half of a hundredweight and each 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 carried in such sack:

Provided that this subsection shall not apply when the complete load of a vehicle is delivered to one purchaser at one point of

PART XII
—cont.

delivery and there is stated on the ticket or delivery note referred to in section 21 of and the Third Schedule to the Act of 1889 the number of sacks to which the ticket or note refers.

(2) The person in charge of such vehicle shall at the request of an inspector of weights and measures of the Corporation weigh any one or more of such sacks on a weighing-machine carried on such vehicle or on any other suitable weighing-machine stamped by an inspector of weights and measures.

(3) (a) If any of the requirements of subsection (1) of this section are contravened the seller of the coal coke wood fuel or peat fuel or the person responsible for loading the coal coke wood fuel or peat fuel on such vehicle shall be liable to a fine not exceeding ten pounds and if the net weight of coal coke wood fuel or peat fuel in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in the said section 21 of the Act of 1889 the said persons or the person in charge of such vehicle shall be liable to the like fine:

Provided that there shall be deemed to be no contravention of the provisions of subsection (1) of this section or of any byelaws referred to therein with respect to the marking of sacks—

- (A) by reason only of the fact that any sack is so marked as to refer to a fuel other than and in addition to the fuel for the time being carried therein; or
- (B) if the weight of the fuel carried in any sack (being coke as defined in section 134 (Interpretation and application of this Part of Act)) is the same as the weight of coal which could lawfully be carried in the sack.

(b) The person in charge of any such vehicle who shall not after being requested in accordance with subsection (2) of this section weigh any such sack shall be liable to a fine not exceeding five pounds.

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

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

PART XII
—cont.

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

140.—(1) Every vehicle carrying coal coke wood fuel or peat fuel for sale or for delivery on sale in the borough shall have the seller's name and place of business conspicuously marked on such vehicle in letters not less than one inch in height and visible from the near side thereof:

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

Provided that vehicles belonging to or used by the National Coal Board or the North Western Gas Board shall sufficiently comply with the provisions of this section if the words "National Coal Board" or "North Western Gas Board" (as the case may be) are conspicuously marked and visible as aforesaid on such vehicles.

(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 fine not exceeding five pounds.

141.—(1) Notwithstanding anything to the contrary contained in this Part of this Act briquettes may be sold by number in the borough and the following provisions shall apply to briquettes which are sold or intended to be sold by number instead of the provisions of subsection (2) of section 135 (Application of Act of 1889) section 138 (Sale of coal etc. otherwise than in sacks from a vehicle) and section 139 (Sale in sacks of coal etc. in quantities exceeding two hundredweight) of this Act:—

Sale of
briquettes.

- (a) If any seller delivers or causes to be delivered to the purchaser or his agent a less number of briquettes than is purported to be sold he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds;
- (b) (i) Where more than twenty-five briquettes are delivered by means of a vehicle to a purchaser the seller shall therewith deliver or cause to be delivered to the purchaser or his agent before any of the briquettes are unloaded a ticket or note stating in legible figures the number of briquettes upon which the purchase price is based;
- (ii) If default is made in complying with the requirements of this paragraph with respect to the delivery of a ticket

PART XII
—cont.

- or note or if the number is less than the number expressed in the ticket or note the seller of the briquettes or the person in charge of the vehicle as the case may be shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds;
- (iii) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser fails to deliver it as required by this paragraph or on being requested so to do to exhibit it to any inspector of weights and measures of the Corporation he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds;
- (c) (i) Every person who within the borough sells or offers or exposes for sale any briquettes shall cause his name and place of business and residence to be registered with the Corporation;
- (ii) On each occasion on which a person whose name is registered under this paragraph shall change his registered place of business or residence he shall—
- (A) in the case of a change of his registered place of business within a period of seven days from the date on which he changes his registered place of business or (if he shall not within that period sell or offer or expose for sale any briquettes) before selling or offering or exposing for sale any briquettes; or
- (B) in the case of a change of residence within a period of seven days from the date on which he changes his residence;
- cause particulars of such change to be registered with the Corporation;
- (iii) If any person contravenes the provisions of this paragraph he shall be liable to a fine not exceeding five pounds.

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

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

PART XII
—cont.

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

142.—(1) The driver of any vehicle in the borough loaded with any goods (including coal coke wood fuel or peat fuel) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures of the Corporation take such vehicle with or without the loading thereof to be weighed or reweighed at 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) If the distance to the nearest suitable and available weighing-machine to which such vehicle shall be required to go for weighing or reweighing exceeds one mile from the regular course of the road by which it would otherwise be necessary for such 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.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing or reweighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to the weighing-machine to which he is required to go shall be liable to a fine not exceeding ten pounds and the driver of any such vehicle who shall refuse to give all reasonable assistance in the weighing or reweighing of the same shall be liable to a fine not exceeding five pounds.

(5) Section 27 of the Act of 1889 shall cease to apply to the borough.

PART XII
—cont.

(6) The provisions of this section shall not apply with respect to any vehicle of the gas board if the driver of the vehicle satisfies the person requiring the vehicle to be taken to be weighed that the vehicle is not loaded with goods to be sold as aforesaid and consigned for delivery within the borough.

(7) In this section the expression "driver" includes the owner and any person in charge of any vehicle.

Notice of
certain
provisions
of this Part
of Act.

143.—(1) The provisions of this Part of this Act hereinafter mentioned shall come into operation in the borough on the first day of January nineteen hundred and fifty-nine.

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

Section 138 (Sale of coal etc. otherwise than in sacks from a vehicle);

Section 139 (Sale in sacks of coal etc. in quantities exceeding two hundredweight);

Section 140 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);

Section 141 (Sale of briquettes);

Section 142 (Drivers of vehicles to take them to weighing-machines on request).

(3) (a) The Corporation shall forthwith after the passing of this Act cause public notice to be given to the effect of the said sections by advertisement in one or more newspapers circulating in the borough and otherwise in such manner as the Corporation think fit.

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

Offences by
weighing-
machine
keepers and
others.

144.—(1) Any person keeping or purporting to act on behalf of a keeper of a weighing-machine in the borough who shall—

(a) during such hours as may be fixed by the Corporation wilfully neglect on application duly to weigh with or without its loading any vehicle that shall come to the machine kept by him to be weighed which does not exceed the dimensions of the weighing platform or the maximum load which that machine is constructed to weigh;

(b) not fairly weigh any such vehicle with or without its loading;

(c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading;

(d) give to any person a false ticket or account of the weight of such vehicle or the loading thereof;

- (e) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein;
- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively;
- (g) fail to make immediately after the weight of any vehicle with or without its loading has been ascertained a true record of the weight thereof and retain such record for a period of six months; or
- (h) issue particulars of any vehicle with or without its loading which he has not personally ascertained;

shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence fifty pounds and in respect of any such subsequent offence if the court is of opinion that such offence was committed with intent to defraud the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding three months:

Provided that paragraphs (a) and (b) of this subsection shall not impose an obligation to weigh any vehicle or loading upon any person so far as the said paragraphs relate to a weighing-machine not available for the public or upon the keeper of any such weighing-machine.

(2) The hours fixed by the Corporation for the purpose of paragraph (a) of subsection (1) of this section in relation to any weighing-machine kept within the dock estate shall not extend beyond the usual working hours of the keeper of that machine.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice of the hours fixed under paragraph (a) of subsection (1) of this section.

(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.

PART XII
—cont.Prohibition
of double
weighing.

145.—(1) It shall not be lawful to use a weighing-machine in the borough to ascertain the gross or tare weight of any vehicle or combination of vehicles unless the weighing-machine has a platform or platforms of sufficient size to accommodate completely such vehicle or combination of vehicles and is of sufficient capacity to permit of the weighing of such vehicle or combination of vehicles when so accommodated on the platform or platforms:

Provided that—

- (a) it shall not be a contravention of this section to weigh a vehicle or combination of vehicles otherwise than in accordance with the provisions of this section if at the time of weighing there is not available in the borough a weighing-machine of such size and capacity as aforesaid;
- (b) when the gross or tare weight of a combination of vehicles has to be ascertained it shall not be a contravention of this section if each vehicle shall be entirely disconnected and weighed separately and a weight certificate issued in respect of each separate vehicle.

(2) If any person who keeps or acts as keeper of a weighing-machine contravenes the provisions of this section he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

Penalties on
persons
committing
frauds.

146.—(1) Any person who in regard to the weighing of any vehicle at a weighing-machine—

- (a) at or before the time of weighing the vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof;
- (b) shall alter any ticket denoting the weight of the vehicle or of the loading thereof;
- (c) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly give a false statement to a weighing-machine keeper respecting the weight of the vehicle or the loading thereof;
- (d) after the weighing of the vehicle with the loading thereof shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket;
- (e) after the vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or shall for the purpose of fraud change the wheels of the vehicle which shall have been so weighed or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;

(f) when the vehicle shall have been weighed with the loading thereof at such weighing-machine if required shall refuse to bring back the same without alteration to be weighed without the loading at the same machine; or

(g) shall be guilty of any other fraudulent contrivance touching the weight of the vehicle or of the loading thereof;

shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a fine impose any term of imprisonment not exceeding three months.

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

147.—(1) Any person who in the borough knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or acting as a keeper of a weighing-machine to denote the weight of a different vehicle or loading shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence fifty pounds.

Further offences in relation to weighing-machines.

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

148.—(1) If any person in the borough—

- (a) sells or delivers or makes up or exposes for sale or delivery by weight or measure; or
- (b) sells or delivers or sets apart keeps or exposes for sale or delivery in numbers;

Deficient weight measure or number.

any article or articles of which the weight measure or number (as the case may be) is less than the weight measure or number thereof which has been represented by such person he shall be guilty of an offence and shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence twenty pounds.

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

- (a) enter any building or other place in the borough in which he has reasonable cause to believe that any article is sold

PART XII
—cont.

or is made up or exposed for sale by weight or measure or that any articles are sold or are set apart or kept or exposed for sale in numbers; or

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

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

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

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

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

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

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be a defence for the defendant to prove to the satisfaction of the court either—

(a) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that

he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency; or

- (b) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency; or
- (c) in case of a prepacked article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being contravened.

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

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

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

(9) Where it appears to the Corporation that an offence has been committed in respect of which proceedings might be taken under this section against some person and the Corporation are reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (7) of this section they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person. In any such proceedings the defendant may be charged with and on proof that the contravention was due to his act or default be convicted of the offence with which the first-mentioned person might have been charged.

PART XII
—cont.

(10) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and nature of the alleged offence has been served on or sent by registered post to the defendant nor unless in the case of any alleged deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight measure or number of the article or articles in respect of which such allegation is made.

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

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

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

Personal
weighing-
machines.

149.—(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 borough.

(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 fine not exceeding for a first offence forty shillings and for any subsequent offence five pounds and 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.

(b) On or 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 is not so marked or stamped shall be liable to a fine not exceeding for a first offence forty shillings and for any subsequent offence five pounds and 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 by any inspector of weights and measures.

(5) If any person forges counterfeits or (not being an inspector of weights and measures of the Corporation) removes any such mark or stamp as is referred to in the last foregoing subsection or unlawfully marks or stamps a machine with any such mark or stamp or knowingly exposes for use any personal weighing-machine on which there is any such forged or counterfeit mark or stamp he shall be liable to a fine not exceeding five pounds and the machine shall be liable to be forfeited.

PART XII
—cont.

(6) (a) Any inspector of weights and measures of the Corporation may—

- (i) verify any personal weighing-machine submitted for the purpose;
- (ii) at all reasonable times examine inspect and test any personal weighing-machine which is in use;
- (iii) seize and detain any personal weighing-machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section;
- (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 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 fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

(7) For the purposes of this section—

(a) a personal weighing-machine shall not be deemed to be used in the borough 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 shall not be deemed to be marked or stamped by reason of its bearing a cancelled distinguishing mark or stamp.

(8) For the purposes of this section a person shall not be held to be in possession or in charge of a personal weighing-machine by reason solely of the fact that it is situate on his premises by virtue of a licence or agreement under which some other person is responsible for the maintenance of such machine:

Provided that the name and address of such other person shall be clearly marked on such machine and in any such case such other person shall for the purposes of this section be held to be in possession or in charge of the personal weighing-machine concerned.

(9) 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.

PART XII
—cont.

(10) (a) The provisions of subsections (5) (6) and (7) of this section shall come into operation on 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 borough.

(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.

(11) Not less than one month before making any byelaws under this section the Corporation shall submit a draft of the proposed byelaws to the Amusement Caterers' Association and on submitting the byelaws to the Board of Trade for confirmation the Corporation shall furnish that board with a copy of any representations made to the Corporation by the said association and a statement showing the effect (if any) given to any such representation.

150. The Corporation may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof. Corporation may provide weighing-machines.

PART XIII

PREMISES USED FOR SALES BY AUCTION

151.—(1) In this Part of this Act—

the expression “premises” includes land;

the expression “prescribed articles” means any plate plated articles linen china glass books pictures prints furniture jewellery articles of household or personal use or ornament or any musical or scientific instruments or apparatus; and

the expression “sale by auction” includes any public sale at which a salesman invites an assembly of persons or any of them to acquire prescribed articles by competitive bidding.

Definitions
for this Part
of Act.

(2) This Part of this Act applies to any sale by auction on any premises in the borough of any prescribed article whether or not in combination with the sale by auction of any other articles or things.

PART XIII
—cont.
Registration
of premises
used for sales
by auction.

152.—(1) As from the appointed day no premises in the borough shall be used for the conduct of any sale by auction to which this Part of this Act applies unless they are registered under this section for that purpose by the Corporation.

(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 such premises register those premises under this section and shall issue to the applicant a certificate of registration.

(3) If—

(a) it appears to the Corporation—

(i) that any premises for the registration of which application has been made under this section or which are registered under this section are unsuitable for use for the purpose of conducting sales by auction; or

(ii) that any such premises have been used for the purpose of conducting otherwise than in good faith any sale by auction;

(b) the applicant for registration or the occupier for the time being of any such premises has been convicted of any offence involving fraud or dishonesty;

the Corporation shall if they propose to take the matter into consideration serve on the applicant or occupier as the case may be a notice stating the place and time not being less than seven days after the date of the service of the notice at which they propose to do so 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 notice is served under the last preceding 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 was based.

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

(6) The occupier of any premises registered under this section shall keep a copy of his certificate of registration displayed in the said premises and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and to a daily fine not exceeding ten shillings.

(7) (a) In the event of the occupier of premises registered under this section ceasing to occupy the premises otherwise than by reason of his death he shall within seven days after so ceasing give to the Corporation notice in writing thereof.

(b) If a person required to give notice under this subsection fails to do so he shall be liable to a fine not exceeding five pounds.

(8) In the event of the occupier of premises registered under this section dying or ceasing to occupy the premises the registration of the premises then in force shall (unless previously cancelled under this section) continue in force for a period of three months from the date of death or cesser of occupation but shall upon the expiration of that period cease to have effect.

(9) Any person who conducts or assists in conducting a sale by auction to which this Part of this Act applies on any premises in the borough which are not registered under this section and any person who knowingly permits any such premises to be used for the purpose of conducting a sale by auction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

153. Notwithstanding anything in the last preceding section sales by auction to which this Part of this Act applies of the under-mentioned classes may be conducted on premises which are not registered under that section:— Exemptions.

- (a) sales at intervals of not less than six months of property so long as no substantial part of the property was brought on to the premises for the purposes of the sale;
- (b) sales for the purpose of assisting the funds of any voluntary organisation if the whole or substantially the whole of the proceeds of sale are devoted to the funds of the organisation.

154. Where an offence punishable under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance or be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Offences by
bodies
corporate.

155. 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 Part of this Act shall be provisions which it is the duty of the Corporation to enforce. As to
section 287
of Act of
1936.

PART XIV

FERRIES

Ferry tolls.

156.—(1) Notwithstanding anything contained in any previous enactment the Corporation may demand and receive for the use of their ferries any tolls not exceeding those set forth in the Third Schedule to this Act:

Provided that the Corporation shall not be under any obligation to carry on their ferries anything other than passengers.

(2) The Corporation may charge increased tolls (not in any case exceeding one additional shilling for each crossing) in respect of every person (whether or not such person has entered into a composition under subsection (4) of this section) using their ferries or any of them between half-past eleven o'clock in the evening and six o'clock in the morning.

(3) The Corporation may permit persons to land at or depart from their piers and landing stages or any of them from or into any boats or vessels not belonging to the Corporation upon payment of such tolls as the Corporation may from time to time think fit.

(4) The Corporation may enter into a composition with any person with respect to the payment of any tolls under this section but so that no preference be in any case given to any person.

(5) Sections 42 to 44 and 46 to 50 of the Wallasey Improvement Act 1858 (which relate to the levying recovery and collection of ferry tolls) shall be incorporated with this section and shall apply to tolls authorised to be levied under this section as if the same were ferry tolls authorised to be levied under the Wallasey Improvement Act 1858 and the Wallasey Improvement Act 1864 or either of them.

Travel concessions on ferries.

157.—(1) Notwithstanding anything in any other enactment or in any rule of law to the contrary it shall be lawful for the Corporation to make arrangements for the granting of travel concessions to qualified persons travelling on the ferries of the Corporation.

(2) In this section—

the expression “qualified persons” means persons mentioned in any of the paragraphs in the first column of the Fourth Schedule to this Act or any description of any such persons;

the expression “travel concession” means in relation to qualified persons of any description—

(a) the travel concessions set out in the second column of the said schedule and the relevant terms conditions and limitations set out in the third column of the said schedule; or

(b) any less travel concession.

(3) In respect of travel concessions granted by them to qualified persons the Corporation may if they think fit from time to time transfer to the credit account of the ferry undertaking sums from the general rate fund being sums not exceeding the cost to them of granting the concessions or so much of that cost as would not fall to be met out of the general rate fund apart from this subsection.

PART XIV
—cont.

(4) Any expenditure of the Corporation incurred before the passing of this Act which would have been lawful if this section had then been in force shall be deemed to have been lawfully incurred.

158.—(1) For the removal of doubt it is hereby enacted and declared that the Corporation have power (and shall be deemed always to have had power) to suspend any of their ferry services for such periods or during such times of the day or night as they may from time to time think fit.

Operation and
discontinuance
of ferries.

(2) The Corporation may with the consent of the Minister of Transport and Civil Aviation permanently discontinue and abandon any of their ferry services.

(3) Section 51 (Local board to regulate the use of ferries) of the Wallasey Improvement Act 1858 shall have effect as if the words from “But no such byelaw” to the end of the section were omitted.

159.—(1) Every existing officer of the Corporation who suffers loss of employment or diminution of emoluments which is attributable to the permanent discontinuance and abandonment of any ferry services under subsection (2) of the last foregoing section shall be entitled to have his case considered for the payment of compensation by the compensating authority in accordance with the provisions of the Local Government (Compensation) Regulations 1948 and subject to the provisions of this section those regulations shall apply accordingly.

Compensation
to existing
officers.

(2) For the purpose of this section and the said regulations as applied thereby—

(a) the expression “compensating authority” means the Corporation;

(b) the expression “existing officer” means a person who immediately before such permanent discontinuance and abandonment as aforesaid devoted the whole of his time and had devoted the whole of his time for a period of not less than eight years previously after attaining the age

PART XIV
—cont.

of eighteen years without a break of more than twelve months at any one time either—

(i) to any of the following employments or to two or more or to any combination of such employments (namely):—

(A) employment under the Crown or in the local government service; or

(B) employment under any officer engaged in any such employment as aforesaid for the purpose of the functions of the employing authority; or

(ii) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (i) of this subsection or any combination thereof;

(c) the expression “material date” means the date of such permanent discontinuance and abandonment as aforesaid; and

(d) the expression “service” includes service with the Corporation and such war service as aforesaid.

(3) (a) If after the passing of this Act regulations relating to compensation payable to officers and servants of local authorities come into operation the Minister may by order amend the provisions of this section by substituting such regulations for the Local Government (Compensation) Regulations 1948 and by making such consequential amendments to this section as may be necessary.

(b) An order under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provision
against
danger to
navigation.

160. If the Corporation permanently discontinue and abandon any of their ferry services under the provisions of subsection (2) of section 158 (Operation and discontinuance of ferries) of this Act the following provisions shall have effect:—

(1) (a) In case of injury to or destruction or decay of the works or any part thereof so far as the same are on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the owners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the

Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken;

- (b) If the owners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding ten pounds and to a daily fine not exceeding one pound:
- (2) (a) Where any of the works situate wholly or partially on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides are abandoned or suffered to fall into decay the Minister of Transport and Civil Aviation may by notice in writing either require the owners at their own expense to repair and restore such part of the works as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister of Transport and Civil Aviation may think proper;
- (b) Where any part of the works which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister of Transport and Civil Aviation may include any such part of the works or any portion thereof in any notice under this section;
- (c) If during the period of thirty days from the date when the notice is served upon the owners they have failed to comply with such notice the Minister of Transport and Civil Aviation may execute the works required to be done by the notice at the expense of the owners and the amount of such expense shall be a debt due from the owners to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport and Civil Aviation summarily as a civil debt:

(3) In this section—

the expression “the works” means all quays piers steps landing and shipping places floating landing stages roads approaches sewers drains moorings bridges vestibules offices sheds stores workshops and other rooms buildings works and conveniences held or constructed by the Corporation for the purposes of the ferry the services of which are permanently discontinued and abandoned as aforesaid; and

PART XIV
—cont.

the expression “ the owners ” means the Corporation or their successors in title or assigns as owners of the works for the time being.

Lost property
on ferries.

161.—(1) In this section the expression “ lost property ” means any property coming into the custody of the Corporation after being left on any of the Corporation’s ferries or in any premises forming part of the ferries undertaking.

(2) If any lost property is not within three months of coming into the custody of the Corporation proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

(3) If any lost property appears to the Corporation to be of a perishable nature and is not claimed and proved to the satisfaction of the Corporation to belong to a claimant within forty-eight hours from the time when it was found the Corporation may thereupon destroy or otherwise dispose of it as the Corporation may think fit:

Provided that any property which is or becomes objectionable may be destroyed or disposed of at any time in the discretion of the Corporation or of their duly appointed officer.

(4) If after the expiration of the period mentioned in subsection (2) or (as the case may be) subsection (3) of this section the Corporation sell any lost property the Corporation may apply the proceeds of such sale in such manner as they may in their discretion think fit.

(5) Any person who shall claim any lost property shall pay to the Corporation such fee (not exceeding sixpence for any article) as the Corporation may prescribe.

Uncollected
property on
ferry
premises.

162. If any vehicle bicycle or article—

(1) is deposited in any shed garage cloakroom or parcels store provided by the Corporation primarily for the use of the public in connection with the ferries undertaking; and

(2) (in the case of a mechanically propelled vehicle after notice has been given to the owner unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner) is not claimed and proved to the satisfaction of the Corporation to belong to any claimant within six months after the expiration of the period in respect of which the charges of the Corporation for the deposit thereof have been paid;

it shall thereupon vest in the Corporation.

PART XV

FINANCE AND RATING

163.—(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— Power to borrow.

(a) such sums as may be necessary for any of the purposes of this Act;

(b) without the consent of any sanctioning authority the sum requisite for the payment of the costs charges and expenses of this Act.

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

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

164. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. Saving for powers of Treasury.

165. (1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called Wallasey Corporation Bonds (in this Act referred to as “bonds”) in accordance with the provisions of this Act. Power to issue bonds.

(2) Where the Corporation raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

- Section 209 (Notice of trusts);
- Section 210 (Receipts on behalf of joint holders and infants);
- Section 211 (Appointment of receiver);
- Section 212 (Repayment of moneys borrowed on mortgage);
- Section 213 (Sinking fund);
- Section 214 (Adjustments of sinking fund).

PART XV
—cont.

(3) The provisions set out in the Fifth Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Discon-
tinuance of
insurance
fund.

166.—(1) The council may by resolution either discontinue the insurance fund established under section 182 (Insurance fund) of the Wallasey Corporation Act 1927 or exclude any risks from those for which the fund is intended to provide.

(2) If the council pass a resolution under subsection (1) of this section the moneys for the time being in the insurance fund or (as the case may be) so much of those moneys as the Corporation may determine shall be transferred to the general rate fund and shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(3) Notwithstanding the passing of a resolution under subsection (1) of this section the Corporation may at any time thereafter again establish the insurance fund in accordance with the provisions of the said section 182 or (as the case may be) include in the risks for which the fund is intended to provide any risk previously excluded.

Art fund.

167.—(1) The Corporation may if they think fit establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historic interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in any building owned or occupied by the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister:

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

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

PART XV
—cont.

(2) (a) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

168.—(1) The Corporation may establish a fund to be called “the sea defence reserve fund” to which they may apply from the general rate fund any sum not exceeding in any financial year the equivalent of a rate of twopence in the pound as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925 and the maximum amount standing to the credit of such fund shall from time to time be determined by the Corporation.

Sea defence
reserve fund.

(2) (a) Pending the application of the moneys in the sea defence reserve fund to the purposes authorised by subsection (3) of this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the sea defence reserve fund in the manner provided by the foregoing paragraph and any income arising from the application of the fund to the purposes authorised shall be carried to the general rate fund and (subject to the limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the sea defence reserve fund.

(3) The sea defence reserve fund shall be applicable to the construction of works as a defence against the sea and to make good any damage and to meet any extraordinary claim or demand arising from accident to any of such works and so that if at any time the fund be reduced it may thereafter be again restored to the maximum sum determined by the Corporation and so from time to time as often as such reduction happens.

(4) Resort may be had to the sea defence reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the maximum sum determined by the Corporation.

PART XV
—cont.

Closing of registers.

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

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

Dividend warrants by post.

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

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

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

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

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

Power to borrow etc. for reconstruction of corporate land.

171. The layout and development of any corporate land (as defined by section 305 of the Act of 1933) for the time being belonging to the Corporation and the alteration enlargement improvement extension reconstruction or rebuilding of any building thereon shall be purposes for which the Corporation may borrow or may expend money out of the general rate fund.

172. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

173. Whenever under any enactment (other than the Act of 1936) the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

174. In its application to the Corporation subsection (3) of section 21 of the Local Government (Superannuation) Act 1937 shall have effect as if for the obligation to invest certain moneys forming part of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

- (1) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or
- (2) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof respectively; or
- (3) in or upon any of the stocks bonds mortgages or securities of any municipality county or district council or local or public authority or board in the United Kingdom or any such dominion commonwealth union dependency colony province or state as aforesaid

PART XV
—cont.

authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or

- (4) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or
- (5) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or
- (6) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof shall have at least sixty years to run; or
- (7) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that no investment shall be made under the powers of paragraph (5) of this section—

- (a) unless the company shall have paid interest or dividends thereon (as the case may be) at the rate of at least five per centum per annum for not less than four years prior to the date of investment; and
- (b) so long as the value of all the investments made under the said paragraph (5) which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund.

As to proof of continued existence of pensioners.

175. 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.

176.—(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.

PART XV
—cont.

Payment of
pension etc.
of person of
unsound
mind.

(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 of 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.

(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 in writing 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 give to the Corporation notice in writing that they object 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 withdraw the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said powers.

PART XV
—cont.Recovery of
rates from
persons
removing.

177.—(1) If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any water rent or charge which may be due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons.

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

Recovery of
rates from
tenants and
lodgers.

178. 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 borough 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.

Service of
demand notes.

179. 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.

PART XVI

MISCELLANEOUS

Hairdressers
and barbers.

180.—(1) As from the appointed day a person shall not carry on the business of a hairdresser or barber in the borough on premises occupied by him unless he is registered by the Corporation under this section and the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for registration of the applicant or of any premises and (if the application relates to premises) on his furnishing them with particulars of the premises the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

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

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

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

(4) If any person carries on business in contravention of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

(5) If any person contravenes or fails to comply with any byelaw made under subsection (3) of this section he shall be liable to a fine not exceeding five pounds and if he is registered the court by which he is convicted may instead of or in addition to imposing a fine order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice of appeal to quarter sessions have expired:

Provided that if notice of appeal is given within the said fourteen days an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(7) Where the registration of any person is cancelled by order of a court under subsection (5) of this section —

(a) he shall within seven days deliver up to the Corporation the cancelled certificates of registration and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine 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.

(8) The occupier of premises registered under this section shall keep a copy of the said byelaws and of the certificate of registration displayed in the premises and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings.

(9) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence.

(10) 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 XVI
—cont.

As to water supply to occupied houses.

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

For preventing obstruction to streams by culverts etc.

182.—(1) Where any obstruction is or may be caused to any river stream watercourse or ditch by any inadequate or insufficient culvert channel or other work the Corporation may within the borough reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work:

Provided that before exercising the powers of this subsection in respect of any part of a culvert channel or work the Corporation shall give notice of their intention so to do to the owner and occupier of any lands abutting on that part.

(2) The Corporation and any person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

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

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

(4) Nothing in this section shall authorise the Corporation to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Cleansing of rivers streams etc.

183.—(1) If any river stream watercourse or ditch or any part thereof within the borough is or is likely to become in such a state that the proper flow of water along the same is or may be obstructed or impeded the Corporation may by notice require the owner or occupier of any lands abutting on any part of such river stream watercourse or ditch which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river stream watercourse or ditch is or may be obstructed or impeded to cleanse or put in proper order such river stream watercourse or ditch or part thereof so as to allow the proper flow of water in such river stream watercourse or ditch.

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

PART XVI
—cont.

(3) Nothing in this section shall authorise the Corporation to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

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

Entry for purposes of last two foregoing sections.

- (a) inspecting any river stream watercourse or ditch or any culvert channel or other work;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under the last two foregoing sections;
- (c) taking any action or executing any work authorised or required by the last two foregoing sections to be taken or executed by the Corporation:

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

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

(3) The provisions of this section shall not authorise any officer of the Corporation to enter any lands or works belonging to the commission and used by them for the purposes of their railways without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

PART XVI

—cont.

Mainten-
ance of
buildings
of archi-
tectural
interest.

185.—(1) Where a building preservation order is in force as respects any building in the borough and it appears to the Corporation that reasonable steps are not being taken for properly preserving the building the Corporation may with the consent of the Minister make such contribution as they may think fit towards the cost of the maintenance of such building.

(2) In this section the expression “building preservation order” has the meaning assigned to it by section 29 of the Act of 1947.

Pier rates
and charges.

186.—(1) The Corporation may demand and recover such rates and charges as they may think fit from every person entering on or using the pier or any part thereof and may demand and recover different rates and charges at different times of the day but so that no preference shall be given to any person.

(2) Section 51 (Power to close pier) of the Wallasey Corporation Act 1927 shall have effect as if—

(a) in subsection (2) the words “not exceeding one shilling” were omitted; and

(b) subsection (3) were omitted.

(3) Section 56 (Power to lease undertaking or rates) of the said Act of 1927 shall have effect as if in subsection (1) for the words “this Part of this Act” there were substituted the words “the Wallasey Corporation Act 1958”.

False
statements
to obtain
rent
rebate etc.

187. If any person for the purpose of obtaining for himself or any other person—

(a) a rebate in the rent of any house belonging to the Corporation;

(b) a reduction in the amount of any payment due to the Corporation under the Education Acts 1944 to 1953 the Children Act 1948 or any regulations made under those Acts;

(c) any advance from the Corporation by way of mortgage under the Small Dwellings Acquisition Acts 1899 to 1923 the Housing Act 1949 or the Housing Act 1957;

(d) a reduction in the amount of any rate or water charge due to the Corporation—

(i) knowingly makes to the Corporation or any of their employees a false statement or false representation relating to his or that other person’s ability to pay the rent or make the payment or relating to the application for the advance; or

(ii) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular;

he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such fine and imprisonment and the court may order such person to repay to the Corporation an amount not exceeding the amount of the rebate or reduction so obtained.

PART XVI
—cont.

188.—(1) 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—

Further powers as to libraries.

- (a) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article;
- (b) the power to prescribe a period not being less than seven days within which any article borrowed from such library must be returned thereto;
- (c) the power to recover from any person who fails within such prescribed period to return to such library any article 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 article together with any expenses incurred by the Corporation in sending to such person notices in respect of such article;
- (d) the power to prohibit any such person from borrowing any other article from any library provided by the Corporation under those Acts until such person has paid any such sum as is due to the Corporation under paragraph (c) of this subsection;
- (e) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

Provided that the sums prescribed by the Corporation for the purposes of paragraph (c) of this subsection shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

(2) In this section the expression “article” includes a book gramophone record picture film film strip lantern slide map plan print engraving or photograph.

189. As from the passing of this Act the tramway undertaking of the Corporation shall be known as the motor bus undertaking.

Motor bus undertaking.

190. Subject to the provisions of section 163 of the Act of 1933 the Corporation may erect provide and maintain garages on any land in the borough which they may for the time being possess and may let the same for such periods and on such terms and conditions as they may think fit:

Provision of garages.

PART XVI
—cont.

Provided that nothing in this section shall empower the Corporation—

- (a) to sell motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles; or
- (b) to carry on the business of maintaining or repairing motor vehicles.

Welfare of aged and handi-capped persons.

191.—(1) The Corporation may make arrangements for—

- (a) providing aged persons and persons to whom section 29 of the National Assistance Act 1948 applies with meals and for providing aged persons with other domiciliary services in their own homes;
- (b) providing aged persons with recreational facilities in their own homes or elsewhere.

(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 to such aged persons and such persons to whom the said section 29 applies as are resident in the borough.

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

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

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

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

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

Provisions as to motor vehicles let for hire.

193. The provisions of the Town Police Clauses Act 1847 and of section 82 (Byelaws as to hackney carriages) of the Wallasey Corporation Act 1920 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to any such vehicle which is kept by any person in connection with any business carried on by such person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

PART XVI
—cont.

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.

194.—(1) For the purpose of the provisions of the Town Police Clauses Acts 1847 and 1889 with respect to hackney carriages the borough shall be the prescribed distance except with respect to any hiring taking place within the borough in which case eight miles measured in a straight line beyond the boundary of the borough shall be the prescribed distance.

Alteration of prescribed distance for plying of hackney carriages.

(2) In the case of any such hiring within the borough any offence against any byelaw of the Corporation with respect to hackney carriages whether such offence shall have been committed within the borough or not may be brought before and determined by any magistrates' court in the borough.

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

Collection and delivery of washing.

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

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

196.—(1) The Corporation may in on or over any of the structures streets gardens parks and places in the borough belonging to the Corporation or (with the consent of the owner or occupier) any other structures streets gardens parks and places in the borough provide or arrange on such terms and conditions as they may think fit for the provision of illuminations and may

Illuminations.

PART XVI
--cont.

for such purposes provide fit up maintain and operate all such brackets lamps fittings equipment apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith:

Provided that the Corporation—

(a) shall not continue any illumination under this section which hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway;

(b) shall on being reasonably so requested by the dock board cease any illumination under the powers of this section which will be likely to interfere with or endanger navigation and any question whether a request under this paragraph is reasonable shall be determined by the Corporation of Trinity House of Deptford Strond.

(2) The provisions of section 26 (Attachment of street lamps brackets etc.) of this Act shall extend and apply to such brackets lamps fittings equipment apparatus and appurtenances as may be required for the purposes of this section as if they had been mentioned in that section.

(3) Any illuminations and any brackets lamps fittings equipment apparatus or appurtenances provided fitted up maintained or operated under this section shall be so provided fitted up maintained and operated 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.

Information centres.

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

Advances under Small Dwellings Acquisition Acts etc.

198.—(1) Section 22 of the Housing &c. Act 1923 shall have effect in its application to the borough as if in paragraph (d) (which limits the amount of any advance) the words “ninety per cent. of” were omitted.

(2) Section 4 of the Housing Act 1949 shall have effect in its application to the borough as if in paragraph (b) of subsection (3) the words “ninety per cent. of” where those words first occur were omitted.

(3) Section 104 of the Housing Act 1957 shall have effect in its application to the borough as if in subsection (1) for the words “part thereof” there were substituted the words “the whole or part thereof”.

(4) Section 92 of the Housing Act 1935 shall have effect in its application to the borough as if in subsection (2) (which

relates to the rate of interest on advances) for the words "one quarter" there were substituted the words "one half".

PART XVI
—cont.

199. A resolution of the council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

Appearance
of officers in
legal
proceedings.

200. Notwithstanding anything in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the council or of any committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the council or committee (as the case may be) by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof and for the purposes of sub-paragraph (2) of the said paragraph shall be deemed to have been made and signed in accordance with sub-paragraph (1) thereof.

As to
minutes of
council
meetings etc.

201.—(1) Any notice order consent demand or other document which the Corporation are authorised or required by or under any enactment to give make or issue may be signed on their behalf—

Authentication
of documents.

(a) by the town clerk or his lawful deputy;

(b) by the surveyor the medical officer of health the treasurer or their respective lawful deputies as respects documents relating to matters within their respective provinces;

(c) by any officer of the Corporation authorised by them in writing to sign documents of the particular kind or (as the case may be) the particular document.

(2) (a) 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 Corporation 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 Corporation.

(b) In this subsection the expression "signature" includes a facsimile of a signature by whatever process reproduced.

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

Custody of
ancient
documents.

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

Robes of
office.

PART XVI
—cont.

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

Provision of lectures exhibitions etc.

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

- (a) to provide suitable lecture rooms in the borough and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures; and
- (b) to provide suitable rooms in the borough for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that—

- (i) the sum to be expended by the Corporation in any financial year on the provision of lectures; and
- (ii) the sum to be expended by the Corporation in any financial year on the provision of art exhibitions;

shall not in either case exceed the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925 in addition to any moneys received by the Corporation under the provisions of this section.

(2) The Corporation may use or allow to be used or let any part of any public library art gallery or museum provided by them and not at the time required for the purpose for which it is provided for public and other meetings and for lectures exhibitions and performances for or in connection with the advancement of art education drama science music or literature.

(3) The Corporation may provide and sell or authorise the provision and sale of programmes of any lectures exhibitions or performances given or provided in pursuance of this section.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any other public entertainment of the like kind or a cinematograph exhibition.

Recreational and other facilities for employees.

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

(2) For the purposes aforesaid the Corporation may—

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

- (c) make such charges as they think fit for the use of such premises; and
- (d) make regulations for the management of such premises.

PART XVI
—cont.

206. The Corporation may pay reasonable subscriptions (whether annually or otherwise) to the funds of any association formed for the purpose of consultation as to matters affecting the Corporation or of interest to them as a corporation or of discussion of such matters or to the funds of any scientific or other society or body (not carrying on business for profit) which is or the members of which are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any members or officers of the Corporation at or of persons nominated by the Corporation to attend conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Subscriptions to local government and scientific bodies and other expenses.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

207.—(1) The Corporation may make reasonable payments (including payments for travelling expenses) for or in connection with—

Expenses of public entertainment etc.

- (a) the provision of public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing;
- (b) the arrangement and conduct of ceremonies relative to or arising out of any statutory functions of the Corporation;
- (c) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the borough and persons representative of or connected with local government or other public services and the supply of information to any such persons;
- (d) the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

(2) The Local Authorities (Expenses) Act 1956 shall have effect in its application to the Corporation as if the expression "members of the council" in that Act included members of committees or of sub-committees of the council who are not themselves members of the council.

208.—(1) Any power conferred on an officer of the Corporation by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use

Powers to use ladders etc. for entry or inspection.

PART XVI
—cont.

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 fine not exceeding five pounds.

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

209.—(1) Where under any enactment—

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

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

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

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

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

(2) In this section the expression “damages” includes fines costs and charges.

Prizes for garden and allotment competitions.

210. The Corporation may provide prizes in connection with competitions for their tenants’ gardens or for allotments provided by the Corporation or for both but shall not expend more than two hundred and fifty pounds in any one year under this section.

Disposal of lost and uncollected property.

211.—(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.

(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 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.

PART XVI
—cont.

(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 left in any premises occupied by the Corporation to which the public have access not being premises forming part of the ferries undertaking; and

the expression “uncollected property” means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public otherwise than as part of the ferries undertaking in which there is exhibited a notice containing a statement to the effect of subsection (2) of this section.

PART XVII

GENERAL

212. 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:—

1	2
Section 94 (Byelaws as to sale etc. of animal feeding meat)	Minister of Agriculture Fisheries and Food.
Section 102 (Boating pools and model yacht lakes)	Secretary of State.
Section 103 (Golf courses)	Secretary of State.
Section 105 (Byelaws as to Sandhills)	Secretary of State.
Section 126 (Dealing in second-hand goods and metals etc.)	Secretary of State.
Section 128 (Byelaws as to pleasure fairs and roller-skating rinks)	Secretary of State.
Section 129 (Touting hawking etc.)	Secretary of State.
Section 130 (Further powers to make byelaws as to boats)	Secretary of State.
Section 136 (Byelaws relating to wood fuel etc.)	Board of Trade.
Section 149 (Personal weighing-machines) ...	Board of Trade.

PART XVII
—cont.Local
inquiries.

213.—(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.

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

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

Arbitration.

214. 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:—

1	2
Provision of Act	Person appointing arbitrator
Subsection (8) of section 41 (Stopping up and diversion of highways)	The Minister of Transport and Civil Aviation.
Paragraph (a) of subsection (5) of section 115 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Subsection (4) of section 182 (For preventing obstruction to streams by culverts etc.)	The Minister of Agriculture Fisheries and Food.
Subsection (3) of section 183 (Cleansing of rivers streams etc.)	The Minister of Agriculture Fisheries and Food.
Subsection (3) of section 184 (Entry for purposes of last two foregoing sections)	The Minister of Agriculture Fisheries and Food.
Subsections (2) and (3) of section 223 (For protection of dock board)	The Minister of Transport and Civil Aviation.
Paragraph (12) of section 224 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Paragraph (9) of section 225 (For further protection of gas board)	The President of the Institution of Civil Engineers.

The appointed
day.

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

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

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

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

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

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

(4) Either—

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

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the 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 217 (Appeals) of this Act.

216. Proceedings in respect of an offence created by or under this Act (except Part XI (Public order and public safety) and Part XII (Weights and measures) and section 35 (Awnings over footways) section 105 (Byelaws as to Sandhills) section 106 (Regulation of Leasowe Common) section 192 (Prohibition on solicitation of school children to sell or exchange articles etc. at schools) and section 193 (Provisions as to motor vehicles let for hire) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation. Restriction on right to prosecute.

217.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to appeals to a court of summary jurisdiction under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly. Appeals.

PART XVII
—cont.

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

Protection of members and officers of Corporation from personal liability.

Application of general provisions of Act of 1936.

218. 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.

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

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

- Part IV (Streets);
- Part V (Sanitation and buildings);
- Part VI (Nuisances);
- Part VII (Infectious diseases);
- Part VIII (Food);
- Part IX (Movable dwellings and camping grounds);

and to the following sections of this Act:—

- Section 114 (Removal etc. of dangerous trees);
- Section 119 (Safety of stands);
- Section 120 (Precautions against fire in certain buildings);
- Section 121 (Further provision for public and other buildings);
- Section 122 (Fireman's switches for luminous tube signs);
- Section 123 (Use of highway for shoring buildings);
- Section 124 (Recovery of expenses of watching etc. dangerous and dilapidated buildings);
- Section 125 (Derelict petrol tanks).

(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 Parts and sections of this Act mentioned in subsection (2) of this section and also to Part XIII (Premises used for sales by auction) and the following sections of this Act:—

Section 180 (Hairdressers and barbers);

Section 191 (Welfare of aged and handicapped persons).

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts and sections of this Act mentioned in subsection (2) of this section and also to sections 128 (Byelaws as to pleasure fairs and roller-skating rinks) 149 (Personal weighing-machines) and 180 (Hairdressers and barbers) of this Act.

220.—(1) The enactments mentioned in the Seventh Schedule to this Act are hereby repealed.

(2) The approval of tolls rates and charges given by the Minister of Transport and Civil Aviation under subsection (1) of section 188 (As to ferry tolls) of the Wallasey Corporation Act 1927 on the twenty-sixth day of March nineteen hundred and fifty-four is hereby revoked.

(3) The Wallasey Corporation Ferries (Revision of Charges) Order 1957 made by the Minister of Transport and Civil Aviation in exercise of his powers under section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 is hereby revoked.

221. Subject to the provisions of subsection (4) of section 9 (Development of land) of this Act no power conferred upon the Corporation by the following sections of this Act (namely):—

Section 9 (Development of land);

Section 100 (Power to let parks etc. for games);

Section 101 (Parking places in parks etc.);

Section 102 (Boating pools and model yacht lakes);

Section 103 (Golf courses);

Section 190 (Provision of garages); and

Section 205 (Recreational and other facilities for employees);

shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to

PART XVII
—cont.

the donor or any other person, the power to vary the trust) without the consent of the donor or that other person; or

- (b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Corporation) subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

Saving for
Cheshire
River Board.

222. The powers conferred upon the Corporation by section 102 (Boating pools and model yacht lakes) section 182 (For preventing obstruction to streams by culverts etc.) and section 183 (Cleansing of rivers streams etc.) of this Act shall not be exercised in respect of any culvert or stream forming part of the river Fender or the river Birket or any other main river of the Cheshire River Board without the consent in writing of that board which consent may be given subject to such reasonable terms and conditions as the said board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture Fisheries and Food.

For pro-
tection of
dock board.

223. For the protection of the dock board the following provisions shall unless otherwise agreed in writing between the Corporation and the dock board apply and have effect:—

- (1) The following provisions of this Act shall not extend or apply to or in relation to any street drain structure building or other premises or thing within the dock estate used or intended to be used for the purposes of the dock undertaking or to a telephone call box shelter or fire alarm on the dock estate:—

Section 17 (Prohibition of building until street defined);

Section 18 (Prohibition of building until street formed and sewered);

Section 19 (Termination of new streets);

Section 20 (Rounding or splaying off corners at street junctions);

Section 25 (Guard rails in private streets);

Section 27 (Application of building line to structures etc.);

- Section 29 (Retaining walls);
- Section 30 (Maintenance of forecourts to which the public have access);
- Section 31 (Fencing of forecourts);
- Section 33 (Forecourts injurious to amenities of street);
- Section 34 (Restrictions on buildings under footways);
- Section 37 (Removal of trees etc. from streets);
- Section 38 (Fencing and lighting of obstructions in highways);
- Section 39 (Urgent repairs of private streets);
- Section 42 (Temporary stoppage of streets);
- Section 43 (Means of access to buildings);
- Section 45 (Decorations in streets);
- Section 51 (Separate sewers for foul water and surface water);
- Section 52 (Abandoned drains to be cut off);
- Section 110 (Barriers in streets);
- Section 115 (Police telephone call boxes and shelters);
- Section 116 (Offences in respect of telephone boxes fire hydrants etc.);
- Section 125 (Derelict petrol tanks):

(2) Section 81 (Discharge of steam and waste gas) of this Act shall not extend or apply to any steam waste gas or condensing water—

(a) discharged on the dock estate by the dock board in the course of their statutory duties; or

(b) discharged from any ship or vessel in any dock of the dock board; or

(c) discharged from any engine or boiler into any dock of the dock board:

(3) Section 82 (Silencers for internal combustion engines) of this Act—

(a) shall not empower the Corporation to recover from the dock board the expenses referred to in subsection (3) thereof; and

(b) shall not extend or apply to an engine used on the dock estate by the dock board for the purpose of their statutory duties:

PART XVII
—cont.

- (4) (a) Section 83 (Noise or vibration nuisance) of this Act shall not extend or apply to any noise or vibration occasioned on or within the dock estate in the course of operating any railway or by any ship or vessel or by the dock board in the course of their statutory duties;
- (b) The Corporation shall not serve on the dock board any abatement notice under section 93 of the Act of 1936 in respect of any noise or vibration occasioned within the dock estate;
- (c) Paragraph (a) of the proviso to section 93 of the Act of 1936 shall not apply in respect of a nuisance arising from noise or vibration occasioned within the dock estate:
- (5) (a) The Corporation the medical officer of health or the public health inspector (as the case may be) shall not exercise within the dock estate the powers conferred upon them by the sections of this Act mentioned in sub-paragraph (b) of this paragraph except with the consent of the dock board which shall not be unreasonably withheld and any question whether any such consent is or is not unreasonably withheld shall be referred to arbitration;
- (b) The provisions hereinbefore referred to are the following:—
- Section 53 (Delegation of power to examine and test drains etc.);
 - Section 54 (Summary power to remedy stopped-up drains etc.);
 - Section 55 (Power to repair drains and private sewers);
 - Section 62 (Ruinous and dilapidated buildings and neglected sites);
 - Section 65 (Defective premises);
 - Section 71 (Paving of yards and passages);
 - Section 73 (Cleansing of filthy or verminous premises):
- (6) Section 120 (Precautions against fire in certain buildings) of this Act shall not except with the consent of the dock board which shall not be unreasonably withheld extend or apply to any building within the dock estate intended or adapted for use by the dock board for the purposes of or in connection with the dock undertaking and any question whether any such consent is or is not unreasonably withheld shall be referred to arbitration.

224. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers concerned apply and have effect:—

PART XVII
—cont.

For
protection
of certain
statutory
undertakers.

- (1) In this section unless the subject or context otherwise requires—

“ apparatus ” means—

(a) in relation to the generating board and the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either of those boards;

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

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

and includes any works constructed for the lodging therein of apparatus;

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

“ operational land ” has the same meaning as in section 119 of the Act of 1947;

“ position ” includes depth;

“ undertakers ” means the generating board the electricity board the gas board the water board or any of them:

- (2) For the purposes of section 17 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:
- (3) Nothing in section 18 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including an electricity sub-station a feeder pillar and a pressure governor or meter house) on land abutting on any new street before such new street is constructed or sewered in accordance with street byelaws:
- (4) Nothing in section 22 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

PART XVII
—cont.

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

- (5) Nothing in the following sections of this Act shall relieve the Corporation or the surveyor or any person acting by the requirement of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the Corporation or the surveyor or such person shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 22 (Trees grass verges and gardens);

Section 25 (Guard rails in private streets);

Section 31 (Fencing of forecourts);

Section 38 (Fencing and lighting of obstructions in highways);

Section 45 (Decorations in streets);

Section 110 (Barriers in streets);

Section 115 (Police telephone call boxes and shelters);

Section 123 (Use of highway for shoring buildings):

- (6) At least twenty-eight days before the Corporation in the exercise of the powers of section 23 (Variation of width of carriageways and footways) of this Act add to the carriageway of a street any portion of a footway in which any apparatus is situate the Corporation shall give to the undertakers concerned notice of their intention so to do accompanied by a plan of the intended alteration and the undertakers if it is reasonably necessary may and if reasonably required by the Corporation shall alter the position of such apparatus to such other position in the carriageway or footway as may be reasonable:

- (7) Before the Corporation give any consent pursuant to section 34 (Restrictions on buildings under footways) or section 44 (Pavement lights and ventilators) or section 68 (Cellars and rooms below subsoil water level) of this Act they shall give not less than fourteen days' notice to the undertakers concerned of their intention to do so and any such consent shall contain such conditions as may be required to secure that the owner or occupier of the premises or the person to whom such consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus:

(8) Whenever by virtue of the provisions of section 41 (Stopping up and diversion of highways) of this Act any highway or part of a highway in which any apparatus is situate is stopped up or diverted the undertakers shall notwithstanding such stopping up or diversion continue to have the same powers and rights in respect of any apparatus remaining in the highway or part of a highway so stopped up or diverted as if it had remained a highway or may and if reasonably required by the Corporation shall—

(a) remove the apparatus and relay or replace it in the highway (if any) substituted for the highway or part of the highway so stopped up or diverted or in such other position as the undertakers may reasonably determine; or

(b) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus:

(9) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (8) of this section and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 224 (For protection of certain statutory undertakers) of the Wallasey Corporation Act 1958":

(10) Notwithstanding the stopping up or diversion temporarily of any street under the powers of section 42 (Temporary stoppage of streets) of this Act or the

PART XVII
—cont.

closing of any promenade under the powers of section 46 (Power to close promenades for certain purposes) of this Act the undertakers their officers engineers and workmen shall be at liberty—

(a) in relation to a street stopped up or diverted under the powers of the said section 42 at all times; and

(b) in relation to a promenade closed under the powers of the said section 46 in case of emergency;

to execute and do all such works and things in upon or under such street or promenade as may be reasonably necessary for inspecting repairing maintaining renewing or removing any apparatus and to enter upon such street or promenade for those purposes or any of them:

(11) Nothing in the following sections of this Act:—

Section 53 (Delegation of power to examine and test drains etc.);

Section 54 (Summary power to remedy stopped-up drains etc.);

Section 55 (Power to repair drains and private sewers);

Section 182 (For preventing obstruction to streams by culverts etc.);

Section 183 (Cleansing of rivers streams etc.);

Section 184 (Entry for purposes of last two foregoing sections);

shall authorise the Corporation to enter on or to execute any works or do anything in under over across along or upon any operational lands of the undertakers without the consent of the undertakers concerned but such consent shall not be unreasonably withheld:

(12) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration;

(b) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For further protection of gas board.

225. For the protection of the gas board the following provisions shall unless otherwise agreed in writing between the Corporation and the gas board apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“apparatus” means pipes and other apparatus belonging to or maintained by the gas board and

includes any works constructed for the lodging therein of apparatus;

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

“ operational land ” has the meaning given to that expression by the Act of 1947;

“ position ” includes depth:

- (2) Nothing in section 9 (Development of land) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:

Provided that—

(a) if any apparatus is situate in land which the Corporation develop or intend to develop under the powers of the said section 9 the gas board shall if reasonably required by the Corporation—

(i) remove the apparatus and relay or replace it in such other position as the gas board may reasonably determine; or

(ii) provide and lay or place other apparatus in such other position as aforesaid in lieu of such existing apparatus; and

(b) the provisions of paragraph (9) of section 224 (For protection of certain statutory undertakers) of this Act shall apply to the reasonable expenses incurred by the gas board of or in connection with the removal and relaying or replacing of apparatus and the provision and laying or placing of new apparatus under the provisions of paragraph (a) of this proviso as if such removal relaying replacing laying or placing had been carried out under paragraph (8) of that section:

- (3) Paragraph (10) of section 224 (For protection of certain statutory undertakers) of this Act shall have effect in its application to the gas board as if in sub-paragraph (b) after the word “ emergency ” there were inserted the words “ for the purpose of continuing to give a supply of gas to any premises in pursuance of the statutory obligation of the gas board ”:
- (4) If the Corporation serve a notice under section 21 (Carriage-crossings at ends of private streets) of this Act requiring a carriage-crossing to be constructed by a person other than the Corporation they shall serve a copy of the notice on the gas board:

PART XVII
—cont.

- (5) Section 34 (Restrictions on buildings under footways) of this Act shall not apply to apparatus:
- (6) The provisions of section 81 (Discharge of steam and waste gas) of this Act shall not extend or apply to or in relation to any steam waste gas or condensing water discharged from any works used at the passing of this Act for the manufacture of gas:
- (7) The provisions of section 119 (Safety of stands) of this Act shall not apply to a stand used in connection with any works used by the gas board for the manufacture of gas:
- (8) No byelaw under section 76 (Tipping of spoil and refuse) of this Act shall extend to regulate or control the tipping by the gas board on operational land of spoil or refuse arising in the manufacture of gas:
- (9) (a) Any difference which may arise between the Corporation and the gas board under this section shall be determined by arbitration;
- (b) In settling any difference between the Corporation and the gas board under this section or under section 224. (For protection of certain statutory undertakers) of this Act the arbitrator shall have regard to any duty or obligation which the gas board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Works below
high-water
mark.

226. Nothing in this Act shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such conditions and restrictions as previous to the works being commenced have been approved by the Minister of Transport and Civil Aviation in writing which approval may be signified under the hand of the acting conservator of the river Mersey.

Saving for
town and
country
planning.

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

Costs of Act.

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

SCHEDULES

FIRST SCHEDULE

CONDITIONS AS TO CONSTRUCTION OF DUAL-PURPOSE VEHICLES

1. The vehicle must be permanently fitted with a rigid roof with or without a sliding panel.
2. The area of the vehicle to the rear of the driver's seat must—
 - (a) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to a side or the floor of the vehicle ; and
 - (b) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than two square feet on each side and not less than one hundred and twenty square inches at the rear.
3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in paragraph 1 of this schedule (or if there is more than one such row of seats the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must when the seats are ready for use be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

SECOND SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.
2. The expenses incurred by the Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:
Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Corporation and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

2ND SCH.
—cont.

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 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 frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land:

(b) At any time after whichever of the following events last occurs (that is to say):—

(i) the erection of the new building; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal;

the Corporation may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand:

Provided that where the drains of the new building are at the time of its erection made to communicate with a sewer other than the sewer the expenses of the construction of which

are apportioned no such demand shall be served in respect of the building unless and until the drains thereof are made to communicate with the last-mentioned sewer:

- (c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein:
- (d) The rate of interest chargeable under this paragraph shall be such rate as the Corporation may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last foregoing paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Corporation may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected:

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Corporation with respect to any such remission may appeal to a magistrates' court.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing 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.

2ND SCH
—cont.

9. For the purposes of this schedule—

(a) a building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date;

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

(i) the re-erection wholly or partially of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) either completely or to such an extent that the part of that wall remaining is less than half the previous height of the building (the height being measured from ground level to the highest point of the building);

(ii) the conversion into a house of any building not originally constructed for human habitation;

(iii) the conversion of any premises into a factory shop or place of public resort;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date;

(c) the expression “the relevant date” means—

(i) in relation to an apportionment under section 47 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the Council the date when the resolution became operative; and

(ii) in relation to an apportionment under section 48 (Recovery of expenses of sewerage prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.

THIRD SCHEDULE

FERRY TOLLS

PART I

SEACOMBE FERRY

For each crossing—

	s.	d.
For each adult passenger (fourteen years of age or over except as provided in the next following item) . . .	9	
For each passenger fourteen years of age or over but under the age of sixteen years and who is undergoing full-time education	6	
For each child passenger (three years of age or over but under the age of fourteen years)	6	

For each crossing—	s. d.	3RD. SCH. —cont.
For each dog	6	
For each pedal cycle or tandem	5	
For each motor assisted pedal cycle or tandem	6	
For each pedal cycle and sidecar	6	
For each motor cycle	1 0	
For each motor cycle and sidecar	1 6	
For each wheelbarrow or small truck	5	
For each parcel or item of unpacked light goods not exceeding 28 lbs.	5	
For each parcel or item of unpacked light goods exceeding 28 lbs. but not exceeding 56 lbs.	6	

PART II

NEW BRIGHTON FERRY

For each crossing—

For each adult passenger (fourteen years of age or over) ...	1 6
For each child passenger (three years of age or over but under the age of fourteen years)	9
For each dog	9
For each pedal cycle or tandem	9
For each motor assisted pedal cycle or tandem	1 0
For each pedal cycle and sidecar	1 0
For each motor cycle	2 0
For each motor cycle and sidecar	3 0
For each wheelbarrow or small truck	9
For each parcel or item of unpacked light goods not exceeding 28 lbs.	9
For each parcel or item of unpacked light goods exceeding 28 lbs. but not exceeding 56 lbs.	1 0

FOURTH SCHEDULE

TRAVEL CONCESSIONS ON FERRIES

Qualified persons	Travel concessions:	Relevant terms conditions and limitations:
(1) Men and women seventy years of age or over who reside within the borough and who are in receipt of a retirement pension under the National Insurance Act 1946 or an old age pension under the Old Age Pensions Act 1936	Free travel on both Seacombe and New Brighton Ferries	(a) Available only between the hours of ten o'clock in the morning and noon and between the hours of two o'clock and four o'clock in the afternoon; (b) Not available on Saturdays Sundays or bank holidays.
(2) Persons under the age of three years	Free travel on both Seacombe and New Brighton Ferries	Such passengers must be accompanied by a toll-paying passenger.

4TH SCH.
—cont.

Qualified persons	Travel concessions	Relevant terms conditions and limitations
(3) Persons three years of age or over but under the age of fourteen years	Seacombe Ferry— Single 2d. New Brighton Ferry— Single 5d.	None.
(4) Persons fourteen years of age or over but under the age of sixteen years and who are undergoing full-time education	Seacombe Ferry— Single 2d.	<p>(a) Limited to travel between the residence of such person and his place of education or for purposes in connection with education received by him thereat;</p> <p>(b) Available on any day except Saturdays and Sundays between the hours of—</p> <p>(i) eight o'clock and ten o'clock in the morning;</p> <p>(ii) noon and two o'clock in the afternoon; and</p> <p>(iii) four o'clock and six o'clock in the afternoon;</p> <p>(c) Available on Saturdays between the hours of eight o'clock and ten o'clock in the morning and between the hours of noon and two o'clock in the afternoon;</p> <p>(d) Not available on Sundays.</p>
(5) Blind persons on the register of blind persons kept by the council under section 29 of the National Assistance Act 1948	Free travel on both Seacombe and New Brighton Ferries	None.
(6) Blind persons who are in possession of an unexpired blind person's travel pass issued by Birkenhead or Liverpool Corporation Transport Departments	Free travel on both Seacombe and New Brighton Ferries	None.
(7) Members of the council	Free travel on both Seacombe and New Brighton Ferries	Limited to travel in the performance of approved duties as defined in section 115 of the Local Government Act 1948.

FIFTH SCHEDULE

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Corporation may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the date specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu hereof.

5TH SCH.
—cont.

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

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.

Date

COUNTY BOROUGH OF WALLASEY

WALLASEY CORPORATION BONDS

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

This is to certify that.....
of
is the registered holder of a bond for.....pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Wallasey under the Wallasey Corporation Act 1958 at.....

The common seal of the mayor
aldermen and burgesses of the
borough of Wallasey was here-
unto affixed in the presence of }

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

WALLASEY CORPORATION BONDS

I
in consideration of the sum of.....
paid by
(hereinafter called "the transferee") do hereby assign and transfer to the transferee
To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid.

As witness our hands and seals this.....day of.....
nineteen hundred and.....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

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

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The Corporation may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

11. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

SIXTH SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS IV V VI VII VIII AND IX AND SECTIONS
114 119 120 121 122 123 124 AND 125 OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises; Power to order payment by instalments.
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 III

SECTIONS APPLIED TO PARTS IV V VI VII VIII IX AND XIII AND
SECTIONS 114 119 120 121 122 123 124 125 180 AND 191 OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint etc.

PART IV

6TH SCH.
—cont.SECTION APPLIED TO PARTS IV V VI VII VIII AND IX AND
SECTIONS 114 119 120 121 122 123 124 125 128 149 AND 180 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

SEVENTH SCHEDULE

ENACTMENTS REPEALED

New Brighton Pier Act 1864 (as amended by section 42 of the Wallasey Corporation Act 1927)—

Section 28 (Tolls to be taken by the Company);

Section 30 (Power to Company to contract with persons for the use of the pier);

Section 31 (Pass tickets and return tickets not to be transferable).

The schedule.

Wallasey Improvement Act 1858—

Section 40 (Tolls to be charged equally);

Section 41 (Ferries to be free on payment of tolls).

Wallasey Improvement Act 1864—

Section 16 (Power to alter ferry rates).

Wallasey Improvement Act 1867—

Section 21 (Ferry tolls to be charged equally);

Section 22 (Ferries to be free on payment of tolls).

Wallasey Tramways and Improvements Act 1906—

Section 64 (Erection of buildings to greater height than adjoining buildings);

Section 82 (Compensation to persons ceasing employment);

Section 91 (Penalty on withholding information from medical officer).

Wallasey Corporation Act 1920—

Section 44 (Cellars not to be constructed below subsoil water level);

Section 45 (Food storage accommodation to be provided in new houses).

Wallasey Corporation Act 1927—

Section 39 (Power to develop lands &c.);

Section 49 (Power to charge higher rates for evening entertainments);

Section 50 (Minister of Transport may reduce rates);

Section 82 (Restriction as to use of ashbins);

Section 88 (Power to stop traffic on occasions of emergency);

Section 176 (Subscriptions to local government associations and other expenses).

Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Wallasey Improvement Act 1858	21 & 22 Vict. c. lxxiii.
Wallasey Improvement Act 1864	27 & 28 Vict. c. cxvii.
New Brighton Pier Act 1864	27 & 28 Vict. c. cclxvii.
Wallasey Improvement Act 1867	30 & 31 Vict. c. cxxxii.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Steam Whistles Act 1872	35 & 36 Vict. c. 61.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Summary Jurisdiction Act 1879	42 & 43 Vict. c. 49.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Town Police Clauses Act 1889	52 & 53 Vict. c. 14.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Wallasey Local Board Act 1890	53 & 54 Vict. c. cxxi.
Stamp Act 1891	54 & 55 Vict. c. 39.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Finance Act 1899	62 & 63 Vict. c. 9.
Wallasey Improvement Act 1901	1 Edw. 7 c. cclxi.
Open Spaces Act 1906	6 Edw. 7 c. 30.
Wallasey Tramways and Improvements Act 1906	6 Edw. 7 c. clxi.
Public Health Acts Amendment Act 1907	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Wallasey Corporation Act 1920	10 & 11 Geo. 5 c. cxxviii.
Housing &c. Act 1923	13 & 14 Geo. 5 c. 24.
Trustee Act 1925	15 Geo. 5 c. 19.
Law of Property Act 1925	15 Geo. 5 c. 20.
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.
Law of Property (Amendment) Act 1926	16 & 17 Geo. 5 c. 11.
Sale of Food (Weights and Measures) Act 1926	16 & 17 Geo. 5 c. 63.
Wallasey Corporation Act 1927	17 & 18 Geo. 5 c. cxxii.
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.
Summary Jurisdiction (Appeals) Act 1933	23 & 24 Geo. 5 c. 38.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Road and Rail Traffic Act 1933	23 & 24 Geo. 5 c. 53.
Housing Act 1935	25 & 26 Geo. 5 c. 40.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.

Short title	Session and chapter
Old Age Pensions Act 1936	26 Geo. 5 & 1 Edw. 8 c. 31.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Education Act 1944	7 & 8 Geo. 6 c. 31.
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.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
National Insurance Act 1946	9 & 10 Geo. 6 c. 67.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Housing Act 1949	12 & 13 Geo. 6 c. 60.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
National Parks and Access to the Countryside Act 1949	12 13 & 14 Geo. 6 c. 97.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
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.
Transport Charges &c. (Miscellaneous Provisions) Act 1954	2 & 3 Eliz. 2 c. 64.
Mines and Quarries Act 1954	2 & 3 Eliz. 2 c. 70.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Local Authorities (Expenses) Act 1956 ...	4 & 5 Eliz. 2 c. 36.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

Ch. 1

Wallasey Corporation Act, 1958 6 & 7 ELIZ. 2

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 7s. 6d. net

PRINTED IN GREAT BRITAIN



CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the Church of Scotland Trust. [18th December 1958.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

26 Geo. 5 & 1
Edw. 8 c. 52.

Be it therefore 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:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Church of Scotland Trust Order Confirmation Act 1958.

Short title.

SCHEDULE

CHURCH OF SCOTLAND TRUST

Provisional Order to authorise the Church of Scotland Trust to transfer to such trusts authorities and organisations of or constituted by the Christian churches or to such other authorities in Asia Africa and the West Indies as may be approved by the said Trust certain properties held by them for the purposes of foreign missions and for other purposes.

WHEREAS the Church of Scotland Trust (hereinafter referred to as "the Trust") was incorporated by the Church of Scotland Trust Order 1932 (hereinafter referred to as "the Order of 1932") and by the Order of 1932 the properties described in the schedule to the Order of 1932 were transferred to and vested in the Trust to be held by the Trust for the same ends uses and purposes as those for which they were held by the several trustees or persons by whom they were held before such transfer and the Trust was also authorised to accept and hold such other properties as any organisation or minister of any congregation of the Church of Scotland (hereinafter referred to as "the Church") might desire to transfer to the Trust:

And whereas the properties transferred to the Trust in pursuance of the Order of 1932 or subsequently vested in the Trust include lands churches institutions missionary residences and other properties situated in Asia Africa and the West Indies which are held by the Trust for the purposes of the foreign missions of the Church:

And whereas it is the policy of the Foreign Mission Committee of the General Assembly of the Church that the work for which they are responsible should progressively become an integral part of the life and work of the Christian churches which have been and are being established in the said continents and territories and the said policy has been approved by the General Assembly of the Church:

And whereas it is expedient that in pursuance of the said policy the Trust should be authorised to transfer by gift from time to time to such trusts authorities and organisations of or constituted by the Christian churches or to such other authorities in the said continents and territories as may be approved by the Church such of the lands churches institutions missionary residences and other properties hereinbefore referred to and such of any lands buildings or other properties which may after the confirming of this Order be vested in and held by the Trust for the purposes of foreign missions as they may think fit:

And whereas it is expedient that certain gifts of property held for the purposes of foreign missions which have been made by the Trust

to the trusts authorities and organisations of or constituted by the Christian churches in the said continents and territories should be sanctioned and confirmed:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:—

1. This Order may be cited for all purposes as the Church of Scotland Trust Order 1958 and this Order and the Church of Scotland Trust Orders 1932 and 1948 may be cited together as the Church of Scotland Trust Orders 1932 to 1958. collective titles.

2. In this Order the following words and expressions have unless there is anything in the subject or context repugnant to such construction the meanings hereby assigned to them respectively (that is to say):— Interpretation.

“appropriate authority” in relation to the transfer of a foreign mission property means—

(a) any trust authority or other organisation in the country or territory in which that foreign mission property is situated which is legally incorporated and as to which the committee and the Trust are satisfied that it is properly constituted for the purpose of holding property on behalf of the Christian church or other Christian body with which the missionary work of the Church in such country or territory has been or is being integrated or associated; or

(b) a governmental or local authority;

“Church” has the same meaning as in the Order of 1932;

“committee” means the Foreign Mission Committee of the General Assembly of the Church;

“foreign mission property” means any of the properties described in (a) Part II of the schedule to the Order of 1932 and numbered 685 to 716 inclusive and (b) Part III of the said schedule and numbered 725 to 727 inclusive together with any other lands churches institutions missionary residences or other properties situated in Asia Africa or the West Indies vested in the Trust after the commencement of the Order of 1932 or which may become vested in the Trust after the confirming of this Order and which are for the time being held by the Trust for the purposes of the foreign missions;

“Order of 1932” means the Church of Scotland Trust Order 1932;

“Trust” means the Church of Scotland Trust incorporated by the Order of 1932.

Powers of Trust
to transfer
foreign
mission
properties to
appropriate
authorities.

3.—(1) The trusts upon which foreign mission property is held by the Trust or has been held by the Trust or shall from time to time be held by the Trust and the Order of 1932 shall empower and shall be deemed always to have empowered the transfer by the Trust of foreign mission property by way of gift to an appropriate authority.

(2) A transfer of a foreign mission property under this section shall not be made unless (a) the committee has by minute requested the Trust to proceed with the transfer of such foreign mission property and (b) the committee and the Trust have been satisfied as to the standing of the appropriate authority to which the property referred to in the said minute is to be transferred.

Discharge of
trustees and
officials in
respect of
previous
transfers of
foreign
mission
property.

4. All members of the Trust and their predecessors and the treasurer and the secretary and clerk of the Trust and all other persons holding office in pursuance of the Order of 1932 and the heirs executors and representatives of any of them who have predeceased or may predecease the confirming of this Order are hereby exonerated acquitted and simpliciter discharged in relation to the trusts referred to in subsection (1) of the immediately preceding section and in relation to the provisions of the Order of 1932 of their whole actings transactions intromissions and management in any way and in whatever capacities in respect of any transfer by way of gift of foreign mission properties made by the Trust before the confirming of this Order.

Costs of Order.

5. The costs charges and expenses of and incidental to the preparation obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Trust out of the funds of the Trust held for the committee.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR 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 4d. net

PRINTED IN GREAT BRITAIN