



CHAPTER *xlvi*

An Act to make further provision for the improvement health and local government of the county borough of Halifax and for other purposes. [29th July 1959.]

WHEREAS the borough of Halifax (hereinafter called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas it is expedient to confer upon the Corporation powers with respect to the improvement health and local government of the borough:

And whereas it is expedient that the other provisions of this Act should be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by

and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Halifax Corporation Act 1959.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Miscellaneous provisions relating to water undertaking.
 Part III.—Miscellaneous matters.
 Part IV.—Financial provisions.
 Part V.—General.
- Interpretation. 3.—(1) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—
 “ Act of 1924 ” means the Halifax Corporation Act 1924;
 “ Act of 1933 ” means the Local Government Act 1933;
 “ Act of 1936 ” means the Public Health Act 1936;
 “ borough ” means the county borough of Halifax;
 “ commission ” means the British Transport Commission;
 “ Corporation ” means the mayor aldermen and burgesses of the borough;
 “ limits of supply ” means the limits within which the Corporation are for the time being authorised to supply water;
 “ Minister ” means the Minister of Housing and Local Government;
 “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946;
 “ town clerk ” “ medical officer ” and “ public health inspector ” mean respectively the town clerk the medical officer and any public health inspector of the borough.
- (2) Except where the context otherwise requires references in this Act to any enactment shall be construed as references to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

MISCELLANEOUS PROVISIONS RELATING TO WATER
UNDERTAKING

4. The Second Schedule to the Act of 1924 shall have effect as if for the works and purposes specified in that schedule there were substituted the works and purposes specified in the First Schedule to this Act. Amendment of Act of 1924.

5. Where the owner or occupier of any premises within the limits of supply which are not supplied with water by the Corporation habitually obtains for use in those premises water which has been supplied to other premises by the Corporation he shall pay to the Corporation such charges as he would have been liable to pay if the premises used or occupied by him were supplied with water by the Corporation. As to premises deemed to be supplied with water.

6. Section V (Halifax waterworks to be appraised valued and paid for) of the Public Health Supplemental Act 1851 (No. 3) is hereby repealed. Repeal.

PART III

MISCELLANEOUS MATTERS

(a) Hired vehicles

7. The provisions of the Town Police Clauses Act 1847 shall be extended 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 in the borough notwithstanding that such vehicle stands or plies for hire on or from private premises only. Vehicles let for private hire.

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire 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 as defined in the Road Traffic Act 1956 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any

PART III
—cont.

motor vehicles 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.

Hackney
carriages.

8.—(1) Notwithstanding anything in the Town Police Clauses Act 1847 the Corporation may suspend or revoke the licence—

- (a) of a proprietor of a hackney carriage on the ground of the unfitness of the hackney carriage or on the ground that since the granting of the licence the vehicle has been transferred to a person other than the person to whom the licence was granted and is not being used as a hackney carriage; or
- (b) of a driver of a hackney carriage on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty or violence.

(2) Any hackney carriage proprietor or driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

(3) The cost not exceeding twenty shillings per inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether hackney carriage licences should be granted therefor shall if the council so resolve be recoverable from the proprietors thereof.

*(b) Buildings and sanitation*New building
overreaching
adjoining
chimneys.

9.—(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 chimney or flues of the adjoining building are in an external wall of the adjoining building or in a party wall between the two buildings;

the Corporation may by notice—

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

Provided that if the said owner or occupier within fourteen days of the service of the notice on him serves on the first-mentioned person and on the Corporation a notice (in this section

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

PART III
—cont.

(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 has refused to allow 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.

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

Summary
power to
remedy
stopped-up
drains etc.

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

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

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

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

PART III
—cont.

- (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.

Defective
premises.

11.—(1) Where—

- (a) a house in the borough or the roof of a 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) unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by 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 said Act) serve on the person on whom it would otherwise have been appropriate under the said section 93 to serve an abatement notice a notice stating that the Corporation intend to remedy the defective state and specifying the defects that they intend to remedy.

(2) Subject to the next following subsection the Corporation may after the expiration of nine days after service of a notice under the preceding subsection execute such works as may be necessary to remedy the defective state and may recover the expenses reasonably incurred by them in doing so from the person on whom the notice was served.

(3) If within seven days after service of a notice under subsection (1) of this section the person on whom the notice was served serves a counter-notice that he intends to remedy the defects specified in the first-mentioned notice the Corporation shall take no action in pursuance of the first-mentioned notice unless the person who served the counter-notice either—

- (a) fails within what seems to the Corporation a reasonable time to begin to execute works to remedy the said defects; or
- (b) having begun to execute such works fails to make such progress towards their completion as seems to the Corporation reasonable.

(4) In proceedings by the Corporation to recover expenses incurred by them under this section it shall be a defence to prove that the notice served by the Corporation under subsection (1) of this section was not justified by the terms of that subsection.

(5) Where in such proceedings as aforesaid the defendant proves that he served a counter-notice under subsection (3) of this section the Corporation shall not recover the said expenses unless they prove that the defendant failed to begin such works within a reasonable time or failed to make reasonable progress towards their completion.

(6) If the defendant in such proceedings as aforesaid makes a complaint to the magistrates' court before which he is summoned to appear that the defective state is due to the default of another person the court may—

- (a) order that other person to pay the said expenses; or
- (b) apportion the said expenses between the original defendant and that other person in such manner as the court thinks just.

(7) Where a complaint is made under the last preceding subsection the court may make such order for the payment of costs by or to the Corporation the original defendant and the third person as it thinks fit.

(c) *Streets*

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

Trees grass
verges and
gardens.

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

PART III
—cont.

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

Provided that a person who is for the time being in charge of cattle which have entered upon any such grass verge or garden as is mentioned in paragraph (f) of subsection (1) of this section shall not be convicted of contravening such a notice as aforesaid unless it is shown to the satisfaction of the court that such person either—

- (a) deliberately drove such cattle to the intent that they should enter upon any such grass verge or garden as aforesaid; or
- (b) knowing that such cattle had entered upon any such grass verge or garden as aforesaid failed to take such steps to remove them from the said grass verge or garden as were readily and reasonably practicable; or
- (c) failed to exercise such reasonable care and control of the said cattle whilst passing along the road adjacent to any such grass verge or garden as aforesaid as he is able to exercise in the ordinary course of farming operations having regard to all the circumstances of the case.

(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 land before the passing of this Act shall be deemed to have been done under this section.

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

For
protection of
Yorkshire
Electricity
Board and
Central
Electricity
Generating
Board.

13. For the protection of the Yorkshire Electricity Board and the Central Electricity Generating Board (each of whom is in this section referred to as “the undertakers”) the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

- (1) In this section “apparatus” means electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the undertakers:

(2) Nothing in section 12 (Trees grass verges and gardens) 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:

(3) Nothing in the said section shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus in any grass verge or garden):

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

(4) Any difference or dispute which may arise between the Corporation and the undertakers under this section shall be referred to and determined by an arbitrator to be agreed upon between the parties or in default of such agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to the arbitration.

14. If any tree or structure or any part thereof shall fall 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. Removal of trees etc. from streets.

15.—(1) No person shall mix or place 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: Mixing mortar etc. in streets.

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.

16.—(1) In any street in the borough not being a highway maintainable at the public expense the Corporation may execute such repairs as are in their opinion urgently required to prevent Urgent repairs in private streets.

PART III
—cont.

or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the general rate fund:

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed twenty-five pounds for each one hundred yards of the length of the street.

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

(d) Health and welfare

Persons provided with certain accommodation etc.

17.—(1) (a) The Corporation may require any person residing in accommodation provided by them under Part III of the National Assistance Act 1948 whom they have reason to believe may be suffering from a communicable disease to submit himself for examination by the medical officer or a duly registered medical practitioner and if he certifies that that person is suffering from a communicable disease and that serious risk of infection is thereby caused to other persons then the Corporation if satisfied that accommodation is available in a suitable hospital may with the consent of the hospital management committee or board of governors of the hospital order him to be removed thereto.

(b) The Corporation and any officer of the Corporation to whom an order under this subsection is addressed and any officer of the hospital in question may do all acts necessary for giving effect to the order.

(2) In this section—

the expression “hospital” has the meaning assigned to it by section 79 of the National Health Service Act 1946; the expression “communicable disease” means—

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

(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; and

(c) tuberculosis of the respiratory tract.

Research into matters concerning social conditions etc.

18. The Corporation may undertake investigations and research into matters affecting the borough relating to—

(a) social or economic conditions; or

(b) health or hygiene;

and may contribute by grants or otherwise towards the cost of similar investigations and research undertaken by bodies or persons.

19.—(1) The Corporation may make arrangements for—

PART III
—cont.

- (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; Welfare of aged and handicapped persons.
- (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 costs 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.

20.—(1) For the purpose of rehabilitating any family (hereafter in this section referred to as “a special family”) residing in the borough which or any member of which requires special treatment to fit them or him to be useful members of the community the Corporation may— Social rehabilitation.

- (a) either within or without the borough provide equipment and maintain training centres for the accommodation and training of special families or any member thereof;
- (b) employ persons specially skilled by experience or training in the subject of social rehabilitation (hereafter in this section referred to as “special home visitors”) to give advice or training to special families in their homes;
- (c) supply to any special family such furniture fittings and conveniences as the Corporation may think fit and for that purpose buy furniture fittings and conveniences.

(2) (a) Instead of themselves providing training centres and employing special home visitors the Corporation may make arrangements with any voluntary organisation for the provision by that organisation of training centres or for the employment by them of special home visitors as aforesaid.

(b) In this subsection “voluntary” has the same meaning as in the National Health Service Act 1946.

(3) The Corporation may recover from any person to whom any furniture fittings or conveniences have been supplied under paragraph (c) of subsection (1) of this section such charges (if any) as having regard to the cost of the furniture fittings or conveniences the Corporation may determine whether generally or in the circumstances of any particular case.

PART III
—cont.

(4) The provisions of section 58 of the National Health Service Act 1946 shall extend and apply for the purposes of paragraph (a) of subsection (1) of this section as if those purposes were one of the purposes of the said Act of 1946.

(e) *Libraries museums etc.*

Library books. 21. Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of the Corporation under the said Acts in relation to any library provided by them under the said Acts shall include—

(a) the power to prescribe the period or periods not being less than fourteen days within which any book borrowed from such library must be returned thereto:

Provided that the Corporation may prescribe different periods within which different classes of books so borrowed must be returned;

(b) the power to recover from any person who fails within such prescribed period to return to the said library any book so borrowed such reasonable sum not exceeding sixpence as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such book together with any expenses incurred by the Corporation in sending to such person notices in respect of such book;

(c) the power to prohibit any such person from borrowing any other book from the said library or from any other library provided by the Corporation under the said Acts until such person has paid any such sum as is due to the Corporation under paragraph (b) of this subsection;

(d) the power to charge such reasonable sum not exceeding sixpence per book as the Corporation may prescribe for reserving a book for a particular person.

Provision of lectures exhibitions etc.

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

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

(b) to provide suitable rooms for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that—

(i) the sum to be expended by the Corporation in any one financial year on the provision of lectures; and

(ii) the sum to be expended by the Corporation in any one financial year on the provision of art exhibitions;

PART III
—cont.

shall not together exceed the equivalent of two-thirds of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 in addition to any moneys received by the Corporation under the provisions of this section.

(2) The Corporation may use or allow to be used or let any part of any public library provided by them and not at the time required for the purpose of a library for public and other meetings and for lectures and art exhibitions and for 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 or exhibitions given or provided in pursuance of this section.

(4) Nothing in this section shall be taken to dispense with the consent of any Minister of the Crown to any appropriation lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted.

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

23. In connection with their powers under section 22 (Provision of lectures exhibitions etc.) of this Act and under the Public Libraries Acts 1892 to 1919 the Corporation may publish and sell or dispose of books bulletins journals leaflets documents or picture postcards of historical or literary interest having a local connection: Publication of bulletins etc.

Provided that nothing in this section shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

24. Notwithstanding anything to the contrary contained in section 11 of the Public Libraries Act 1892 the Corporation may make such reasonable charges as they think fit for admission to their museums at Shibden Hall and may make such charges on any day.

PART III

—cont.

Parks and
recreation
grounds.*(f) Parks and recreation grounds*

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

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

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

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

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

(2) Notwithstanding anything to the contrary contained in section 57 of the Halifax Extension and Improvement Act 1865 and section 84 of the Halifax Corporation Waterworks and Improvement Act 1868 the Corporation may on the lands owned by the Corporation situate at Skircoat Moor in the borough of Halifax and known as Savile Park or otherwise adjacent thereto erect such pavilions and ancillary buildings as may be required for the purpose of cricket football or any other game or recreation on that portion of the said lands not exceeding in extent one-half of an acre as immediately adjoins the existing refreshment house and public convenience situate on the easterly side of the highway traversing the said park from the church of St. Jude situate in Free School Lane on the north to the junction of Skircoat Moor Road and Birdcage Lane on the south.

(3) No power conferred upon the Corporation by subsection (1) of this section shall be exercised in such a manner—

- (a) as to be at variance with a trust subject to which land or a building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or

- (b) as to contravene a covenant or condition subject to which a gift or lease of land or a 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.

PART III
—cont.

(g) *Administration*

26.—(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;

Liability of
Corporation
for use of
default
powers.

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.

27. Any notice order consent demand or other document which—

Service of
notices.

- (a) is required or authorised by or under any local enactment relating to the Corporation to be given to or served on any person and which is not required to be so given or served in a particular manner; or
(b) is required or authorised by or under any general Act relating to the Corporation to be given to or served on any person and which is not authorised to be so given or served in a particular manner; or
(c) is otherwise given to or served upon any person in connection with the exercise by the Corporation of their powers or duties;

may be given or served under section 285 of the Act of 1936.

PART IV

FINANCIAL PROVISIONS

28.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any

Power to
borrow.

PART IV
—cont.

sanctioning authority the sum requisite for the payment of the costs charges and expenses of this Act and they shall repay the sum so borrowed within such period as the Corporation may determine not exceeding five years from the date of borrowing.

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

Investment of
super-
annuation
fund.

29. The Corporation shall have power to invest any moneys which they are empowered to invest under the provisions of section 21 (Management of superannuation fund and use and investment of moneys) of the Local Government Superannuation Act 1937—

- (a) 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
- (b) 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 of any province or state having a separate local legislature and forming part thereof respectively; or
- (c) 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 authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or
- (d) 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
- (e) 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 or by royal charter

being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or

(f) 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 terms thereof shall have at the time of making the investment at least sixty years to run; or

(g) 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 such moneys as aforesaid shall be invested in any investment of the nature specified in paragraph (e) of this section—

- (i) unless the company has paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; and
- (ii) at any time when the value of all the investments made under the said paragraph (e) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund.

30.—(1) Notwithstanding anything contained in any enactment the Corporation may at any time after the passing of this Act create— Reserve funds.

- (a) a reserve fund out of the revenue of their passenger transport undertaking; and
- (b) a reserve fund out of the revenue of their markets undertaking;

by setting aside in respect of each of the said undertakings such money as they may think reasonable and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of the markets undertaking a sum equal to one-fifth of the aggregate capital expenditure on the undertaking and in the case of the passenger transport undertaking two hundred thousand pounds or such higher sum as may be approved by the Minister.

(2) A reserve fund created in pursuance of this section shall be applicable to answer any deficiency at any time happening in the income from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for the purpose of meeting

PART IV
—cont.

expenses incurred in the replacement renewal and repair of buildings plant vehicles or apparatus forming part of the undertaking in connection with which the fund has been created and for the purpose of extending and improving such buildings plant vehicles and apparatus and so that if that fund at any time be reduced it may thereafter be restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

Provided further that the interest on the reserve fund when such a fund amounts to the prescribed maximum shall be applied as revenue of the particular undertaking.

(3) There shall be carried to the reserve fund of the passenger transport undertaking created pursuant to the provisions of this section such moneys as at the passing of this Act stand to the credit of the reserve fund established pursuant to section 98 (Power to create reserve funds in connection with tramways gas and electricity undertakings) of the Halifax Corporation Act 1902 as amended by section 74 (Reserve funds) of the Halifax Corporation Act 1926.

(4) (a) Pending the application of a reserve fund created in pursuance of this section to the purposes authorised in subsection (2) of this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) and in so far as those moneys are not for the time being required for the purposes of the fund be invested in any security in which trustees are for the time being authorised by law to invest trust moneys.

(b) Any income arising from the investment or use of the moneys in a reserve fund created in pursuance of this section in manner provided by this subsection shall be carried to and form part of the general rate fund of the borough and (subject to the limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to that fund.

(5) The following sections of the under-mentioned Acts are hereby repealed:—

The Halifax Corporation Act 1902—

Section 98 (Power to create reserve funds in connection with tramways gas and electricity undertakings):

The Halifax Corporation Act 1926—

Section 74 (Reserve funds).

Repairs and
renewals
fund.

31. Subsection (3) of section 18 (Repairs and renewals fund) of the Halifax Corporation Act 1949 shall be amended by the insertion therein after the words “fifty thousand pounds” of

the words "or such greater sum as may from time to time be approved by the Minister".

PART IV
—cont.

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

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

33.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament with or without the water rate or charge in respect thereof the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of (a) the general rate and (b) the water rate or charge if so payable by the owner as aforesaid included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments. The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates or water rates and charges respectively. Recovery of rates from certain owners.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply as regards the general rate to any hereditament to which subsection (1) of section 11 of the Rating and Valuation Act 1925 or section 111 (Rates payable by owners of small property) of the Halifax Corporation Act 1911 applies by virtue of a resolution of the council or as regards the water rate or charge to any hereditament to which section 40 (Rates payable by owners of small houses or tenements) of the Halifax Corporation Act 1911 applies by virtue of a resolution of the council.

PART V

GENERAL

34. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under section 7 (Vehicles let for private hire) the confirming authority shall be the Secretary of State. Confirming authority for byelaws.

PART V
—cont.
Appeals.

35.—(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.

(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.

Restriction
on right to
prosecute.

36. Proceedings in respect of an offence created by or under Part III of this Act other than offences created by or under section 7 (Vehicles let for private hire) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Protection
of members
and officers of
Corporation
from personal
liability.

37. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act.

Application
of general
provisions
of Act of
1936.

38. The sections of the Act of 1936 mentioned in the Second Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act:

Provided that such references shall not include a reference to section 21 (Library books) section 22 (Provision of lectures exhibitions etc). or section 25 (Parks and recreation grounds) of this Act.

39. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

PART V
—cont.
Crown rights.

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

Saving for town and country planning.

41. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act.

Costs of Act.

SCHEDULES

Section 4.

FIRST SCHEDULE

WORKS AND PURPOSES TO BE SUBSTITUTED IN THE SECOND SCHEDULE
TO THE HALIFAX CORPORATION ACT 1924

1. Lands rents easements reservoirs aqueducts roads drains tunnels conduits basins pipes and all other works costs and expenses legal or otherwise in connection with the Widdop Warley Moor Dean Head Castle Carr Ogden Mixenden Walshaw Dean and Gorple reservoirs respectively.

2. Lands rents easements reservoirs aqueducts roads drains tunnels conduits basins filters pipes and all other works costs and expenses legal or otherwise in connection with the Ramsden Wood Brookfoot Albert and Victoria reservoirs respectively the waterworks offices in Gibbet Street the Thrum Hall Ogden and Hollin Hall filter houses and the Hebden water gauge and recording house.

3. The following mains:—

main from the Thrum Hall filter house to North Bridge and forward to Pocket Stile meter house;

main from the Thrum Hall filter house to Dewsbury Corporation meter at Wakefield Road Brighouse;

main from the Thrum Hall filter house to Wakefield Road Brighouse;

main from the Thrum Hall filter house to Burnley Road and thence to meter house at Cote Hill;

main from the Thrum Hall filter house to the Calder and Hebble Inn and thence to Elland meter house and branch to Greetland meter house from the said main;

main from the Thrum Hall filter house to Cote Hill thence to Luddenden Foot and forward to Upper Foot to Mytholmroyd meter;

main from Pellon Lane to King Cross via Queen's Road;

main from Albert Reservoir to Thrum Hall filter house;

main from Victoria Reservoir to Thrum Hall filter house;

main from Ogden Reservoir to Brookfoot Reservoir;

main from Brookfoot Reservoir to the top of Mill Lane Mixenden;

main from Roils Head Reservoir to Luddenden Village.

SECOND SCHEDULE

Section 38.

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

Section	Marginal note
271	Interpretation of "provide".
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.
283	Notices to be in writing; forms of notices etc.
284	Authentication of documents.
285	Service of notices etc.
287	Power to enter premises.
288	Penalty for obstructing execution of Act.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses etc.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint etc.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
329	Saving for certain provisions of the Land Charges Act 1925.

Table of Statutes referred to in this Act

Short title	Session and chapter
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Public Health Supplemental Act 1851 (No. 3)	14 & 15 Vict. c. 103.
Halifax Extension and Improvement Act 1865	28 & 29 Vict. c. cxi.
Halifax Corporation Waterworks and Improvement Act 1868	31 & 32 Vict. c. cxxvii.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Public Libraries Act 1892	55 & 56 Vict. c. 53.
Halifax Corporation Act 1902	2 Edw. 7 c. cxxiv.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Halifax Corporation Act 1911	1 & 2 Geo. 5 c. cxiii.
Halifax Corporation Act 1924	14 & 15 Geo. 5 c. xvii.
Trustee Act 1925	15 Geo. 5 c. 19.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Halifax Corporation Act 1926	16 & 17 Geo. 5 c. xxix.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Ministers of the Crown (Transfer of Func- tions) Act 1946	9 & 10 Geo. 6 c. 31.
National Health Service Act 1946	9 & 10 Geo. 6 c. 81.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Halifax Corporation Act 1949	12 13 & 14 Geo. 6 c. xlix.
Arbitration Act 1950	14 Geo. 6 c. 27.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

MISCELLANEOUS PROVISIONS RELATING TO WATER UNDERTAKING

4. Amendment of Act of 1924.
5. As to premises deemed to be supplied with water.
6. Repeal.

PART III

MISCELLANEOUS MATTERS

(a) Hired vehicles

7. Vehicles let for private hire.
8. Hackney carriages.

(b) Buildings and sanitation

9. New building overreaching adjoining chimneys.
10. Summary power to remedy stopped-up drains etc.
11. Defective premises.

(c) Streets

12. Trees grass verges and gardens.
13. For protection of Yorkshire Electricity Board and Central Electricity Generating Board.
14. Removal of trees etc. from streets.
15. Mixing mortar etc. in streets.
16. Urgent repairs in private streets.

(d) Health and welfare

Section

- 17. Persons provided with certain accommodation etc.
- 18. Research into matters concerning social conditions etc.
- 19. Welfare of aged and handicapped persons.
- 20. Social rehabilitation.

(e) Libraries museums etc.

- 21. Library books.
- 22. Provision of lectures exhibitions etc.
- 23. Publication of bulletins etc.
- 24. Shibden Hall.

(f) Parks and recreation grounds

- 25. Parks and recreation grounds.

(g) Administration

- 26. Liability of Corporation for use of default powers.
- 27. Service of notices.

PART IV

FINANCIAL PROVISIONS

- 28. Power to borrow.
- 29. Investment of superannuation fund.
- 30. Reserve funds.
- 31. Repairs and renewals fund.
- 32. Closing of registers.
- 33. Recovery of rates from certain owners.

PART V

GENERAL

- 34. Confirming authority for byelaws.
- 35. Appeals.
- 36. Restriction on right to prosecute.
- 37. Protection of members and officers of Corporation from personal liability.
- 38. Application of general provisions of Act of 1936.
- 39. Crown rights.
- 40. Saving for town and country planning.
- 41. Costs of Act.

SCHEDULES:

First Schedule—Works and purposes to be substituted in the Second Schedule to the Halifax Corporation Act 1924.

Second Schedule—Sections of Public Health Act 1936 applied.