

# Salford Corporation Act, 1960

8 & 9 ELIZ. 2 Ch. xlvii

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## CHAPTER xlv

An Act to confer further powers on the mayor aldermen and citizens of the city of Salford and to make further and better provisions for the health local government improvement and finances of the city and for other purposes. [29th July 1960.]

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

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

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

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

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

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

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

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

PART I  
PRELIMINARY

- Short title.           1. This Act may be cited as the Salford Corporation Act 1960.
- Act divided into Parts.   2. This Act is divided into Parts as follows:—  
     Part I.—Preliminary;  
     Part II.—Lands streets and buildings;  
     Part III.—Fire prevention;  
     Part IV.—Markets;  
     Part V.—Superannuation;  
     Part VI.—Miscellaneous;  
     Part VII.—General.
- Interpretation.       3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith or by sections 90 and 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.
- (2) In this Act unless the subject or context otherwise requires—  
     “ the Act of 1862 ” means the Salford Improvement Act 1862;  
     “ 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 city ” means the city and county borough of Salford;  
     “ the commission ” means the British Transport Commission;  
     “ contravention ” in relation to any enactment byelaw order rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and “ contravene ” shall be construed accordingly;  
     “ the Corporation ” means the mayor aldermen and citizens of the city acting by the council;  
     “ the council ” means the council of the city;  
     “ daily fine ” means a fine for each day on which an offence is continued by a person after conviction therefor;

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

“the gas board” means the North Western Gas Board;

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

“the town clerk” “the medical officer” “surveyor” and “public health inspector” mean respectively the town clerk the medical officer of health the surveyor and the chief public health inspector of the city and include any person duly appointed by the Corporation to discharge temporarily the duties of any of those officers.

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

## PART II

### LANDS STREETS AND BUILDINGS

4. The whole or any part of the further portion of Peel Park which the Corporation are authorised by section 11 (Further appropriation of portion of Peel Park) of the Salford Corporation Act 1955 to use for the provision of a car park in connection with the Royal Technical College Salford may be used by the Corporation for the erection of buildings in connection with the provision of scientific or technological education by the said college or other educational purposes and subsection (2) of the said section shall apply to such use as it applies to a use authorised by the said section.

Use of portion of Peel Park for building purposes.

5.—(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.

Suspension of restrictive covenants.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Corporation shall—

(a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed describing the land



PART II  
—cont.

and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time (not being less than twenty-one days from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made;

- (b) serve on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the preceding paragraph of this subsection; and
- (c) affix to some conspicuous object or objects on the land to which the resolution relates a notice or notices containing the like particulars to those specified in paragraph (a) of this subsection.

(4) 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.

(5) 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.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or (if more than one) the last objection or the date on which the Corporation acquire the land (whichever is the latest).

(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.

(7) 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.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates or (if the Corporation convey the land to any body for any of the purposes of the Education Acts 1944 to 1959) so long as the land is used by that body for the purpose of those Acts and if compensation is paid by the Corporation under subsection (7) 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:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1959 remain unenforceable only so long as the land is used for that purpose.

(9) If the Corporation dispose of any land to which the restriction relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

6.—(1) No person shall mix mortar cement plaster or any like substance in any street in the city maintainable at the public expense or any street therein constructed under the powers in that behalf contained in the Housing Act 1957 the Highways Act 1959 or the Act of 1947 or in any part of a private street being a part that drains into a gully drain or sewer for the maintenance of which the Corporation are responsible 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:

Mixing of  
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 or for the purposes of undertakers' works as defined in the Public Utilities Street Works Act 1950.

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

7.—(1) Notwithstanding anything contained in any other enactment when the Corporation use road or footpath cleansing vehicles for cleansing any streets in the city being vehicles not exceeding an unladen weight of one ton which are both mechanically propelled and pedestrian-controlled between the hours of twelve o'clock midnight and five o'clock in the forenoon it shall be lawful for such vehicles to be operated over or along any footway or paved area for the purpose of cleansing the same.

Street  
cleansing.

PART II  
—cont.

(2) Between one hour after sunrise and one hour before sunset the provisions of any order under the Road Traffic Act 1930 prohibiting the driving of vehicles on any specified road in the city otherwise than in a specified direction and any provisions applicable to the direction to be followed by vehicles using roads provided with dual carriageways shall not apply to any mechanical road cleansing vehicle provided by the Corporation when engaged in the cleansing of any street.

(3) (a) Nothing in this section shall relieve the Corporation from liability for damage caused to any apparatus in a footway or paved area in the exercise of the powers of subsection (1) of this section.

(b) In this subsection "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.

Supply of  
water to  
premises where  
supply cut off.

8.—(1) Where an occupied house in the city 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 supply pipe (not being a supply pipe which is laid in a highway) 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.

(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 supply pipe (not being a supply pipe which is laid in a highway) 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 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 or the public health inspector.

(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.

(6) The provisions of this section shall not without the consent of the Manchester Corporation (which consent shall not be unreasonably withheld) apply to the restoration by the Corporation of the supply of water to an occupied house where such supply has been cut off by the Manchester Corporation in exercise of their powers as statutory water undertakers.

9.—(1) Section 145 of the Highways Act 1959 shall cease to apply to buildings and structures in the city and section 58 of the Act of 1936 in its application to buildings and structures in the city shall have effect as if—

Dangerous  
buildings and  
structures.

(a) in subsection (1) before the final " or " in paragraph (a) there were inserted the words " or in any street on which the building or structure abuts "; and

(b) subsection (3) were omitted.

(2) If the surveyor is satisfied that a building or structure or part of a building or structure is in such a state or is used to

PART II  
—cont.

carry such loads as to be dangerous and that immediate action should be taken to remove the danger he may take such steps as may be necessary for that purpose.

(3) Before exercising his powers under this section the surveyor shall if it is reasonably practicable to do so give notice of his intention to the owner and the occupier of the building or structure.

(4) The Corporation may recover from the owner the expenses incurred by them or the surveyor under this section but without prejudice to any right of the owner to recover those expenses from another person.

(5) In proceedings by the Corporation to recover expenses incurred as aforesaid it shall be a defence to prove that action under this section instead of under section 58 of the Act of 1936 was unnecessary.

(6) So far as expenses incurred by the Corporation or the surveyor under this section consist of expenses of fencing off the building or structure or arranging for it to be watched the expenses shall not be recoverable by the Corporation in respect of any period after the danger has been removed by other steps under this section or an order made under section 58 of the Act of 1936 for the purpose of its removal has been complied with or has been executed as mentioned in subsection (2) of that section.

(7) Where in the exercise or purported exercise of his powers under this section the surveyor has damaged or demolished any building or structure the owner may apply to a magistrates' court to determine whether the surveyor was justified in so doing and if the court determines that the surveyor was not so justified the owner shall be entitled to compensation which in case of dispute shall be determined in accordance with subsection (2) of section 278 of the Act of 1936.

(8) Nothing in this section shall apply to any operational land (within the meaning of the Act of 1947) of the gas board (other than buildings used as showrooms) without the consent of the gas board but such consent shall not be unreasonably withheld.

## PART III

## FIRE PREVENTION

Precautions  
against fire in  
certain  
buildings.

10.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with the Corporation and the plans show that the building—

(a) will not be provided with such means of access for fire brigade appliances and personnel; or

(b) will not leave or make provision for such means of access for fire brigade appliances and personnel to an existing building or to a proposed building the plans of which have been passed by the local authority;

as the Corporation may consider necessary to enable effective action to be taken by the Corporation in case of fire at such building or existing building or proposed building (as the case may be) the Corporation shall reject the plans.

(2) If the Corporation reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been 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 or as the case may be will leave or make provision for the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

11.—(1) Within the city unless the Corporation consent—

(a) no building shall be erected with a storey or part of a storey at a greater height than—

(i) one hundred feet; or

(ii) eighty feet if the area of the building exceeds ten thousand square feet;

(b) no building or part of a building of a cubical extent exceeding two hundred and fifty thousand cubic feet shall be used for purposes of trade or manufacture unless it is divided by division walls in such manner that no division of the building or part of the building as the case may be is of a cubical extent exceeding two hundred and fifty thousand cubic feet:

Precautions  
against fire in  
certain  
buildings and  
cubical extent  
of buildings.

Provided that—

(i) the Corporation shall not withhold consent under paragraph (a) or (b) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put proper arrangements will be made and maintained for preventing or reducing danger from fire in the building;

(ii) paragraph (b) of this subsection shall not apply to a building erected before the passing of this Act unless and until after the passing of this Act any structural alteration or extension is made in or to the building or any material change (as defined in subsection (2) of section 62 of the Act of 1936) takes place in the purposes for which the building is used.



PART III  
—cont.

(2) In giving their consent under this section the Corporation may attach thereto conditions restricting the user of the building or part of the building or relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building.

(3) Any person who is aggrieved by a decision of the Corporation under this section—

- (i) to withhold consent; or
- (ii) to attach conditions to a consent;

may within twenty-one days from the receipt of notification of the decision appeal to a magistrates' court.

(4) If any person contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section he shall be liable to a fine not exceeding fifty pounds and if—

- (a) that person after conviction of the contravention; or
- (b) any other person after notice of the conviction has been served on him by the Corporation;

uses the building without the consent of the Corporation or in contravention of any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (a) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(b) In this section the expression "cubical extent" in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or lift gear or any like apparatus:

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls with the external surface thereof in a vertical plane extending downwards from the outer edge of the roof.

(6) Nothing in this section shall apply to any building erected on land belonging to the commission and used for the purposes of their undertaking.



(7) This section shall not apply to any building designed or used by the gas board for the manufacture or storage of gas.

PART III  
—cont.

12.—(1) If it appears to the Corporation that for the purpose of preventing fire in any such building in the city as is referred to in paragraphs (a) to (d) of subsection (5) of section 59 of the Act of 1936 or for the purpose of preventing injury or danger to persons resorting thereto—

Further provision for public and other buildings.

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

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 section shall affect the operation of the Factories Acts 1937 to 1959 or any regulation or order made thereunder.

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

13. Section 59 of the Act of 1936 shall have effect in its application to the city as if paragraph (b) of subsection (5) thereof were deleted and the following paragraph were substituted therefor:—

Amendment of section 59 of Act of 1936.

“(b) any restaurant shop store office or warehouse in which more than ten persons are employed”.

14.—(1) Section 60 of the Act of 1936 shall cease to have effect in the city and the following provisions of this section shall have effect in lieu thereof.

Means of escape from fire in case of certain buildings.

(2) This section applies to means of escape in case of fire from each storey of a building mentioned in subsection (5) of this section of which the floor is more than twenty feet above the surface of the street or ground on any side of the said building.

PART III  
—cont.

(3) (a) If it appears to the Corporation that any existing building is not provided with such means of escape as the Corporation deem necessary the Corporation shall by notice require the owner of the building to execute such work or make such other provision in regard thereto as may be necessary.

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

(c) In so far as such a notice requires a person to make provision otherwise than by the execution of works he shall if he fails to comply with the notice be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings:

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

(d) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under paragraph (a) of this subsection in relation to a building in respect of which a notice could not have been given under section 60 of the Act of 1936 before the coming into operation of this section the following provisions shall apply and have effect:—

(i) In the case of expenditure incurred in relation to any premises referred to in paragraphs (a) and (b) of subsection (5) of this section if the owner thereof alleges that any tenant of the premises should meet or contribute towards meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of paragraph (a) of this subsection) apply to the county court for an order making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expenses incurred in executing the works and to other relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances;

(ii) Expenditure incurred in relation to any building referred to in paragraph (c) of subsection (5) of this section shall for the purpose of subsection (1) of section 5 of the Rent Act 1957 be deemed to be expenditure on the improvement of the dwellings within the building and the owner of the building may apply to the county court for an order apportioning such expenditure between the several dwellings comprised in the building and the court may on such application make such order as may be just and equitable in all the circumstances.

(e) Nothing in this subsection shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws by section 71 (c) of that Act.

PART III  
—cont.

(4) (a) Where plans of a proposed building or of an extension of an existing building are in accordance with building byelaws deposited with the Corporation the Corporation shall reject the plans unless they show that the building or (as the case may be) the building as extended will be provided with such means of escape in case of fire as the Corporation deem necessary:

Provided that this paragraph shall not apply to plans of an extension of a building where the building proposed to be extended was not immediately before the passing of this Act a building to which section 60 of the Act of 1936 applied and it is not proposed by the extension to increase the height of the building.

(b) Any question arising under the preceding paragraph between the Corporation and the person by whom or on whose behalf plans are deposited as to whether any means of escape in case of fire proposed to be provided ought to be accepted by the Corporation as satisfactory may on the application of that person be determined by a magistrates' court.

(5) This section applies to any building proposed building or extension of a building which exceeds one storey in height and which is used or is proposed to be used—

(a) wholly or mainly as an inn hotel boarding house hospital nursing home children's home aged persons' home or similar institution; or

(b) wholly or mainly as a restaurant shop office store or warehouse; or

(c) as a house let in flats or lodgings or occupied by the members of more than one family.

15.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to be used for the storage for the purposes of sale or trade of any substances to which this section applies (hereinafter in this section referred to as "the storage part of the building") shall give notice to the Corporation of such use or intention to use (as the case may be) and such notice shall be given—

Parts of buildings used for storage of inflammable substances.

(a) in the case of any part of a building which is so used immediately before the appointed day within 21 days after the appointed day; and

(b) in the case of any part of a building which after the appointed day is intended to be so used not less than 21 days before such user takes place.

PART III  
—cont.

(2) The Corporation may if they are of the opinion that such storage—

(a) is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or

(b) is in such manner as to be liable to cause fire or explosion;

by counter-notice require the occupier of any part of a building in respect of which a notice has been served under subsection (1) of this section to provide within such reasonable period as may be specified in the counter-notice—

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

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;

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

(3) The occupier of any building who—

(a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a requirement of the Corporation under this section; or

(b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such requirement or (as the case may be) to direct the owner of the building or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(4) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with and a certificate to that effect has been granted by the Corporation any material extension or material structural alteration of the building to which the certificate relates is made the Corporation may serve



a further counter-notice varying any requirement made under subsection (2) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the Corporation shall amend the certificate or grant a new certificate in respect of the building but if anything required to be provided in accordance with a further counter-notice served under this subsection is not provided within such reasonable time as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the building.

(5) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section or by a variation of a requirement under subsection (4) of this section may appeal to a magistrates' court on any or all of the following grounds:—

- (i) that the requirement or variation is not justified by the terms of this section;
- (ii) that the requirement or variation is unreasonable in character or extent;
- (iii) that the period specified in the counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

(b) Any person aggrieved by the refusal of the Corporation to grant or amend a certificate under this section or by the cancellation of a certificate under subsection (4) of this section may appeal to a magistrates' court.

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

(7) This section applies to—

- (a) any building which is used or intended to be used partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which any person works if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;
- (b) (i) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable; and
- (ii) any other substance which gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit:

PART III  
—cont.

Provided that the section shall not apply to any building in which no substance to which this section applies is stored other than—

- (i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply; or
- (ii) any substance which does not give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or
- (iii) any substance which does not give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in separate glass or earthenware vessels securely stopped and the aggregate amount of all such substances stored in such manner would not if the whole contents were in bulk exceed twenty-five gallons.

Oil-fired  
boilers.

16.—(1) As from the appointed day any person intending to install or place oil-burning equipment in any building in the city whether erected before or after the passing of this Act or on any land in the city shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) (a) The Corporation may make byelaws for securing that in relation to any oil-burning equipment so installed or placed after the coming into operation of such byelaws proper arrangements will be made for preventing or reducing danger from fire.

(b) Such byelaws may include provisions—

- (i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land the works apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works apparatus fittings and appliances; and
- (ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(c) (i) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under sub-paragraph (ii) of paragraph (b) of this subsection may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

(ii) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(iii) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaws or under this subsection.

(3) (a) If any person installs oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and if—

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

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

uses the oil-burning equipment in contravention of such byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(4) (a) In this section—

the expression “oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner storage tanks and the apparatus fittings devices and catch-pits and any other equipment used for or in connection with the heating of such boiler;

the expression “boiler” means a boiler furnace heater oven or similar plant;

the expression “storage tank” means a tank container or device designed or adapted for the purpose of supplying oil to a boiler;

the expression “apparatus and fittings” includes pipes and pipe fittings taps valves pumps gauges vessels fans and filters.

(b) References in this section to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(5) Nothing in this section shall apply to—

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding seven hundred and fifty gallons; or

(b) the installation of any boiler container device pipes or fittings by the Central Electricity Generating Board the North Western Electricity Board or the gas board for the purposes of their respective undertakings:



PART III  
—cont.

Provided that the exemption conferred by this paragraph shall not extend to houses or buildings used as offices or showrooms.

(6) Nothing in this section shall apply to the installation of any oil-burning equipment by the commission for the purposes of their undertaking:

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

(7) Nothing in this section or the byelaws made thereunder shall apply to any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

(8) As respects any byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Secretary of State and that section in its application to the byelaws shall be construed as if it had been amended by the insertion of the words “or confirm with modifications” after the word “confirm” in the second place where that word occurs in subsection (6) thereof.

Saving in respect of last two foregoing sections.

17.—Nothing in either of the last two preceding sections of this Act shall apply to premises which are subject to the Factories Acts 1937 to 1959 or regulations made under those Acts.

Firemen's switches for luminous tube signs.

18.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding six hundred and fifty volts or other equipment so designed and of the transformers required to raise the voltage so as to operate the signs or equipment not being apparatus which is inside a building and is attended while in operation.

(2) As from the appointed day apparatus in the city to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer and the switch shall be so placed and except in the case of apparatus installed before the appointed day coloured or otherwise marked as to satisfy such reasonable requirements as the Corporation may impose to ensure that it shall be readily accessible to and recognisable by firemen.

(3) Not less than fourteen days before work is begun to install apparatus to which this section applies the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the appointed day the consumer shall not less



than fourteen days before the appointed day give notice to the Corporation—

PART III  
—cont.

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer showing where the switch is placed;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid showing where the switch is to be placed.

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section the proposed or as the case may be actual position of the switch and in the case of apparatus installed after the appointed day the colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless within ten days from the date of service of the notice the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation under subsection (5) of this section may appeal to a magistrates' court and the court if it allows the appeal shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding five pounds and in the case of an offence under subsection (8) of this section to a daily fine not exceeding two pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937 or any regulations that may be made under section 60 of the Electricity Act 1947.

19.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the Corporation may notwithstanding anything in section 64 of the Act of 1936 reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing

Underground  
parking places.

PART III  
—cont.

danger from fire being proposals relating to all or any of the following matters:—

- (a) the construction of the underground parking place and the approaches thereto and the materials to be used in such construction;
- (b) the provision of adequate means of ventilation of the underground parking place;
- (c) the provision of electrical and mechanical and heating equipment in the underground parking place;
- (d) the provision of fire-fighting equipment and appliances in connection with the underground parking place;
- (e) the provision of safe and adequate means of ingress to and egress from the underground parking place;
- (f) the provision of adequate means of access to the underground parking place for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section ; or
- (b) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may on the application of that person be referred to the Secretary of State for determination and the Secretary of State (after holding an inquiry if he thinks fit) shall determine any question submitted to him under paragraph (a) of this subsection or (as the case may be) may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If after plans of any underground parking place have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section it appears to the Corporation that any such proposal has not been carried into effect or is not being observed the Corporation may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground parking place or permits it to be used as an underground parking place without giving effect to or securing the observance of any proposal

specified in the notice he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

PART III  
—cont.

20.—(1) Without prejudice to the provisions of section 19 (Underground parking places) of this Act the Corporation may by notice to the owner or occupier of any underground parking place in the city which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein and in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (f) of subsection (1) of the said section 19 as the Corporation think fit.

Further provision as to underground parking places.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may if he thinks it necessary or desirable cause an inquiry to be held and a report to be made to him by a person appointed by him for the purpose and may if he thinks fit confirm modify alter or annul any requirement made by the Corporation under this section.

21.—(1) In the last two foregoing sections the expression “underground parking place” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which

Interpretation and powers of entry for purposes of last two foregoing sections.

PART III  
—cont.

regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space (either alone or in addition to any other facility or service) for motor cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) 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 the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

PART IV  
MARKETS

Increase of  
market tolls  
etc.

22.—(1) The Corporation may with the sanction of the Minister increase alter or add to the tolls stallages rents and sums of money which the Corporation are authorised to demand and take under and by virtue of section 107 (Powers to provide market places and places for fairs, etc., and for making accommodation and approaches) of the Act of 1862 (hereinafter referred to as “the market tolls”).

(2) Any such altered market tolls shall as from the date when they come into operation be substituted for the market tolls payable under the said section 107 of the Act of 1862 and Schedule (B) of that Act.

Increased tolls  
for weighing  
vehicles and  
their loadings.

23. So much of Schedule (B) to the Act of 1862 as prescribes the tolls to be taken for weighing vehicles and their loadings shall have effect as from the passing of this Act as if the provisions of the First Schedule to this Act were substituted for those in the said Schedule (B) relating to tolls for weighing vehicles and their loadings.

PART V  
SUPERANNUATION

Investment of  
superannuation  
fund.

24.—(1) 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 as mentioned in that subsection moneys forming part of but not for the time being required to meet payments out of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

(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 any province or state having a separate local legislature and forming part of any such dominion commonwealth union dependency or colony; or
- (c) in or upon any of the stocks bonds mortgages or securities of any municipality or county or district council or local or public authority or board in 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 of 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 of the Northern Ireland 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 term thereof has 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 thereof;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that the investment of such moneys as aforesaid in any investment of the nature specified in paragraph (e) of this subsection shall be subject to the following qualifications:—

- (i) no investment shall be made in any such investment as aforesaid 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

PART V  
—cont.

incorporated or has been trading for less than four years before that date unless—

(A) the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; or

(B) in the case of a company which has not been incorporated or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend of at least five per centum on its ordinary stock or shares for each of the four years immediately preceding the date of the amalgamation;

- (ii) no investment shall be made in any such investment as aforesaid 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;
- (iii) being an investment in securities transferable by delivery.

(2) For the purposes of subsection (1) of this section the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

Exclusion of certain remuneration and service for superannuation purposes.

25.—(1) In this section words and expressions to which meanings are assigned in the Local Government Superannuation Acts 1937 to 1953 shall have the same respective meanings and the expression “prescribed authority” shall mean any voluntary organisation undertakers or body approved by the Minister the employees of which participate in the benefits of the superannuation fund maintained by the Corporation by virtue of an agreement made or continued in force as if made under section 15 of the Local Government Superannuation Act 1953.

(2) The salary wages fees and other payments paid or made to a contributory employee employed whole time by the Corporation or any prescribed authority in respect of any part-time employment by the Corporation or any prescribed authority (additional to his ordinary whole-time employment)—

- (a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or
- (b) as a warden of or other employee performing duties at a youth centre; or
- (c) as a civil defence instructor; or
- (d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment;

shall not be remuneration within the meaning of the Local Government Superannuation Acts 1937 to 1953 or of any other enactment affecting the superannuation fund maintained by the Corporation under those Acts and the service of any such contributory employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

PART V  
—cont.

PART VI  
MISCELLANEOUS

26. Paragraph (c) of subsection (3) of section 115 (Reserves) of the Salford Corporation Act 1933 shall be read and have effect as if the word "vehicles" were inserted after the word "buildings".

Amendment of section 115 of Salford Corporation Act 1933.

27. Subject to the provisions of section 163 of the Act of 1933 the Corporation may erect provide and maintain garages for letting on any land in the city 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 for letting.

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.
- (c) to use or let land held by them for allotments otherwise than in accordance with the provisions of the Allotments Acts 1908 to 1922.

28.—(1) Section 76 of the Act of 1936 in its application to the Corporation shall have effect as if—

Extension of powers to treat and sell refuse.

- (a) the power subject to the consent of the Minister to provide plant or apparatus for treating refuse included a power to provide such plant for converting refuse into a saleable commodity; and
- (b) the power of sale conferred by subsection (2) of that section included a power to sell such refuse after conversion into a saleable commodity.

(2) For the purposes of this section conversion shall be deemed to include the addition of any other thing.

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

Welfare of aged and handicapped persons.

- (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.

PART VI  
—cont.

(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 city.

Nuisance from  
pigeons etc.

30.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the city by house-doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act or at common law—

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

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

- (i) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or
- (ii) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

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

Further  
powers as to  
libraries.

31.—(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—

- (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:

PART VI  
—cont.

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.

32. 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 by the person presiding at that meeting or at the next ensuing meeting of the council or committee and any minutes purporting to be so signed shall be received in evidence without further proof.

Loose-leaf  
minute books.

33. As from the passing of this Act section 292 of the Act of 1936 shall apply to the recovery of expenses incurred by the Corporation in removing rubbish in pursuance of the powers in that behalf conferred by section 25 (As to deposit of rubbish) of the Salford Corporation Act 1955.

Application of  
section 292 of  
Act of 1936 to  
recovery of  
expenses under  
section 25 of  
Salford  
Corporation  
Act 1955.PART VII  
GENERAL

34.—(1) For the purposes of section 15 (Parts of buildings used for storage of inflammable substances) section 16 (Oil-fired boilers) and section 18 (Firemen's switches for luminous tube signs) 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.

The appointed  
day.

PART VII  
—cont.

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

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

- (a) of the passing of any such resolution and of the 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.

## 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.

36. Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

PART VII  
—*cont.*  
Restriction on right to prosecute.

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.

Protection of members and officers of Corporation from personal liability.

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:

Application of general provisions of Act of 1936.

Provided that—

- (a) such references shall not include a reference to section 31 (Further powers as to libraries) of this Act; and
- (b) such references in section 287 of the Act of 1936 shall not include a reference to section 30 (Nuisance from pigeons etc.) of this Act.

39. 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.

Saving for town and country planning.

40. 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

## FIRST SCHEDULE

## TOLLS FOR WEIGHING LADEN OR UNLADEN VEHICLES

	£	s.	d.
1. For a vehicle and its contents—			
not exceeding three tons . . . . .			6
exceeding three tons but not exceeding five tons . .			8
exceeding five tons but not exceeding ten tons . .	1		0
exceeding ten tons but not exceeding fifteen tons . .	1		6
exceeding fifteen tons but not exceeding twenty tons . .	2		6
exceeding twenty tons but not exceeding twenty-five tons . . . . .			3 6
exceeding twenty-five tons but not exceeding forty tons	5		0
2. For weighing a vehicle to ascertain its weight for the purpose of the Road Traffic Acts 1930 to 1956 . .	1		0
3. For providing a duplicate ticket . . . . .			4

## SECOND SCHEDULE

## 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.
286	Proof of resolutions 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
Theatres Act 1843 .. .. .	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 18.
Larceny Act 1861 .. .. .	24 & 25 Vict. c. 96.
Salford Improvement Act 1862 .. .. .	25 & 26 Vict. c. ccv.
Public Health Act 1875 .. .. .	38 & 39 Vict. c. 55.
Acquisition of Land (Assessment of Compensation) Act 1919 .. .. .	9 & 10 Geo. 5. c. 57.
Salford Corporation Act 1920 .. .. .	10 & 11 Geo. 5. c. cxlviii.
Trustee Act 1925 .. .. .	15 & 16 Geo. 5. c. 19.
Land Charges Act 1925 .. .. .	15 & 16 Geo. 5. c. 22.
Petroleum (Consolidation) Act 1928 .. ..	18 & 19 Geo. 5. c. 32.
Road Traffic Act 1930 .. .. .	20 & 21 Geo. 5. c. 43.
Local Government Act 1933 .. .. .	23 & 24 Geo. 5. c. 51.
Salford Corporation Act 1933 .. .. .	23 & 24 Geo. 5. c. lxxxix.
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.
National Health Service Act 1946 .. ..	9 & 10 Geo. 6. c. 81.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6. c. 51.
Electricity Act 1947 .. .. .	10 & 11 Geo. 6. c. 54.
National Assistance Act 1948 .. .. .	11 and 12 Geo. 6. c. 29.
Lands Tribunal Act 1949 .. .. .	12 13 & 14 Geo. 6. c. 42.
Public Utilities Street Works Act 1950 ..	14 Geo. 6 c. 39.
Local Government Superannuation Act 1953	1 & 2 Eliz. c. 25.
Protection of Birds Act 1954 .. .. .	2 & 3 Eliz. 2. c. 30.
Salford Corporation Act 1955 .. .. .	4 Eliz. 2. c. xix.
Rent Act 1957 .. .. .	5 & 6 Eliz. 2. c. 25.
Housing Act 1957 .. .. .	5 & 6 Eliz. 2. c. 56.
Highways Act 1959 .. .. .	7 & 8 Eliz. 2. c. 25.

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