

Oldham Corporation Act, 1960

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SCHEDULES:**First Schedule—****Part I—Local Acts.****Part II—Confirmation Acts and orders.****Second Schedule—Tolls stallages and rents to be taken at the markets and fairs.****Third Schedule—Provisions as to bonds.****Fourth Schedule—Sections of Public Health Act 1936 applied—****Part I—Sections applied generally.****Part II—Sections applied to Parts III V VI VII VIII X and XI of this Act.****Part III—Sections applied to Parts III V VI VII VIII X and XI and section 101 (Welfare of aged and handicapped persons and provision of holiday homes therefor) of this Act.****Part IV—Section applied to Parts III V VI VII VIII X and XI (except section 39 (Nuisance from pigeons etc.) of Part VI) of this Act.**



CHAPTER lii

An Act to confer further powers upon the mayor aldermen and burgesses of the county borough of Oldham with reference to lands to make further provision with regard to the water and markets undertakings of the Corporation and for the local government health improvement and finances of the borough to authorise the redemption of gas and water annuities to enact provisions with reference to public entertainments and the welfare of the inhabitants of the borough and for other purposes. [29th July 1960.]

WHEREAS—

(1) The borough of Oldham (hereinafter referred to as “the borough”) is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (hereinafter referred to as “the Corporation”) acting by the council are the urban sanitary authority for the borough:

(2) Under the Oldham Water Acts and Orders 1865 to 1959 and divers other enactments the Corporation are the owners of waterworks and supply water within the borough and elsewhere:

(3) The supply of water now available to the Corporation is inadequate to meet the requirements of the inhabitants within

the limits of supply of water by the Corporation and it is expedient that the Corporation should be relieved from certain of their obligations with respect to the discharge of compensation water into the river Tame and the Piethorn brook and that further powers should be conferred on the Corporation in respect of their water undertaking:

(4) It is expedient to make further and better provision in reference to lands streets and buildings and to the local government health welfare and improvement of the borough and the finances of the Corporation and to confer on the Corporation the further powers contained in this Act:

(5) The Corporation are the owners of a markets undertaking and it is expedient to authorise the Corporation to increase the tolls stallages and rents leviable by them at markets and fairs in the borough to make provision for the better management of such markets and fairs and to confer further powers on the Corporation in regard to their markets undertaking:

(6) It is expedient that the Corporation should be authorised to redeem the gas and water annuities created under the provisions of the Oldham Gas and Water Act 1853:

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

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

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

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

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Oldham Corporation Act 1960.

(2) The local Acts as defined in section 3 (Interpretation) of this Act and this Act may be cited together as the Oldham Corporation Acts and Orders 1865 to 1960.

(3) The Oldham Water Acts and Orders 1865 to 1959 and so much of this Act as relates to water may be cited together as the Oldham Water Acts and Orders 1865 to 1960.

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

- Part I.—Preliminary.
 Part II.—Lands.
 Part III.—Streets.
 Part IV.—Water.
 Part V.—Sanitation and buildings.
 Part VI.—Nuisances and offensive trades.
 Part VII.—Infectious diseases.
 Part VIII.—Food.
 Part IX.—Parks cemeteries and other municipal property.
 Part X.—Public order and public safety.
 Part XI.—Fire precautions.
 Part XII.—Markets.
 Part XIII.—Finance rating and superannuation.
 Part XIV.—Miscellaneous.
 Part XV.—Protective provisions.
 Part XVI.—General.

PART I
—cont.Division of
Act into Parts.

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

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

“ Act of 1865 ” means the Oldham Borough Improvement Act 1865;

“ Act of 1875 ” means the Oldham Corporation Water Act 1875;

“ Act of 1925 ” means the Oldham Corporation Act 1925;

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

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

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

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

“ the annuities ” means the gas and water annuities created under the provisions of the Oldham Gas and Water Act 1853 or the balance thereof remaining unredeemed for the time being and “ annuity ” means one of the annuities;

“ appointed day ” has the meaning assigned to it by section 115 (The appointed day) of this Act;

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

PART I
—cont.

- “borough” means the county borough of Oldham;
- “commission” means the British Transport Commission;
- “contravention” includes a failure to comply and
“contravene” shall be construed accordingly;
- “Corporation” means the mayor aldermen and burgesses
of the borough;
- “council” means the council of the borough;
- “daily fine” means a fine for each day on which an offence
is continued after conviction;
- “the electricity undertakers” means the Central Electricity
Generating Board or the North Western Electricity
Board;
- “enactment” includes an enactment in this Act or in any
general or local Act and any order byelaw scheme or
regulation for the time being in force within the
borough;
- “food” has the same meaning as in section 135 of the
Food and Drugs Act 1955;
- “gas board” means the North Western Gas Board;
- “general rate fund” and “general rate” mean respectively
the general rate fund and the general rate of the
borough;
- “the local Acts” means the local Acts specified in Part I of
the First Schedule to this Act the orders specified in
Part II of the said schedule and so much of the Con-
firmation Acts specified in the said Part II as relates to
those orders and so much of the Oldham and Rochdale
Water Act and Order 1923 and 1949 the Oldham and
Rochdale Order 1930 and the Oldham Ashton-under-
Lyne and Mossley (Extension) Order 1954 as relates to
the Corporation;
- “magistrates’ court” has the same meaning as in sub-
section (1) of section 124 of the Magistrates’ Courts
Act 1952;
- “markets undertaking” means the markets undertaking of
the Corporation as from time to time authorised;
- “Minister” means the Minister of Housing and Local
Government;
- “operational land” has the same meaning as in the Act
of 1947;
- “service pipe” has the same meaning as in the Third Schedule
to the Water Act 1945;

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

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

“water undertaking” means the water undertaking of the Corporation as from time to time authorised.

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

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

PART II

LANDS

4.—(1) The Corporation may (with the consent of the Minister) lay out and develop any land acquired by them under section 25 (Further powers for acquisition of land) of the Act of 1925 and any other land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses flats shops offices industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets: Development of land.

Provided that the powers of this subsection shall not be exercised with respect to any land within the administrative county of the county palatine of Lancaster without the consent of the county council of that administrative county but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(2) Sections 164 and 165 of the Act of 1933 shall have effect in relation to any land laid out and developed under this section and to any houses flats shops offices industrial buildings garages warehouses and other buildings thereon as if the words “and which is not required for the purpose for which it was acquired or is being used” in paragraph (a) of the said section 165 were omitted.

PART II
—cont.

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

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

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

Loans for
erection etc.
of buildings.

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

Provided that any such advance shall not exceed three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

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

- (a) fix the rate of interest to be paid in respect of the advance or (if the advance is made by instalments) any instalment thereof being a rate not less than one-quarter per centum in excess of the rate of interest which was at the date on which the advance or the instalment (as the case may be) was made the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance or where the advance is made by instalments the date on which the last instalment is made;
- (c) subject to the following provisions of this subsection require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;

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

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

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

6.—(1) The Corporation shall have power to provide housing accommodation for persons employed by them and for this purpose they may—

Houses for persons in employment of Corporation.

- (a) erect houses and other buildings upon any lands for the time being belonging to them;

PART II
—cont.

- (b) purchase or take on lease houses and other buildings and alter enlarge or adapt any such houses or buildings; and
- (c) fit up equip maintain and let any such accommodation houses and buildings.

(2) Nothing in this section shall empower the Corporation to create or permit a nuisance.

PART III

STREETS

Prohibition of vehicles on grass verges.

7. If in a street in the borough any person drives or permits or causes to be driven any mechanically propelled vehicle upon any grass verge laid out in connection with a footway in that street he shall for every such offence be liable to a fine not exceeding forty shillings in addition to the amount of damage (if any) thereby caused to such grass verge:

Provided that this section shall not apply to—

- (a) the owner or occupier of or any person residing in any premises fronting or abutting on any such street driving or permitting or causing to be driven any vehicle to or from those premises; or
- (b) the temporary crossing of a grass verge during building operations if means satisfactory to the Corporation be taken to protect such grass verge from injury and for the convenience of pedestrians; or
- (c) the temporary crossing of a grass verge by statutory undertakers in the exercise of the rights of such undertakers with respect to any apparatus (including the placing of apparatus).

Verges etc. of housing estates.

8.—(1) Where in pursuance of the Housing Act 1957 or some other enactment any grass verge garden or space is provided by the Corporation they may by notice prohibit persons from causing or permitting vehicles to enter upon any such grass verge garden or space.

(2) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the grass verge garden or space to which it relates and if any person contravenes a notice so posted he shall be liable for every such offence on the first occasion to a fine not exceeding twenty shillings and on the second or any subsequent occasion to a fine not exceeding five pounds.

Prohibition of building until street formed and sewered.

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

has been constructed and the street has been sewered in accordance with the said byelaws:

PART III
— cont.

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

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

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

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

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

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

(2) The Corporation shall not affix attachments to a building under this section without the consent of the owner of the building:

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

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to

PART III
—cont.

the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

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

(4) Where any attachments have been affixed to a building under this section the owner of the building may give the Corporation not less than fourteen days' notice requiring them at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of a building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section—

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

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

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

“ owner ”—

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

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

(c) in relation to any other building has the same meaning as in the Act of 1936;

and the expression “ owned ” shall be construed accordingly.

11.—(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 or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the general rate fund: Urgent repairs of private streets.

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

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

12.—(1) Notwithstanding anything in any other enactment when the Corporation use— Driving of vehicles for street cleansing on footpaths etc.

(a) mechanically propelled and operated road or footpath cleansing vehicles for cleansing any streets in the borough; or

(b) any vehicle which is being used for the reception of street refuse from any street in the borough; or

(c) any vehicle which is being used for street gritting or salting or clearing of snow from streets; or

(d) any tower wagon or similar vehicle which is being used for the cleaning repair or maintenance of overhead street lighting apparatus;

between the hours of ten o'clock in the afternoon and seven o'clock in the forenoon it shall be lawful for such vehicles to be driven over or along any footway or paved area at a speed not exceeding such speed as may from time to time be prescribed in writing by the Minister of Transport and the Minister of Power acting jointly:

PART III
—cont.

Provided that this subsection shall not apply to a vehicle any wheel of which when the vehicle is at rest upon a level surface transmits to such surface a weight exceeding such weight as may from time to time be prescribed in writing by the Minister of Transport and the Minister of Power acting jointly.

(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 borough 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—

- (a) any mechanically propelled and operated road cleansing vehicle provided by the Corporation when engaged in the cleansing of any street; or
- (b) any vehicle provided by the Corporation which is being used for street gritting or salting or clearing of snow from streets.

PART IV

WATER

Amendment
of section 26
of Oldham
Corporation
Waterworks
&c. Act 1870.

13. Section 26 (Compensation water to Ogden mills and mills below on Piethorn brook) of the Oldham Corporation Waterworks &c. Act 1870 shall have effect as if for the words “ during twelve consecutive hours of each of the working days in the year as hereinafter defined commencing at six o’clock in the morning of each of such days ” there were inserted the words—

- “ (i) on each of the working days in the year as hereinafter defined except Saturdays during the period commencing at half-past five o’clock in the morning and terminating at a quarter-past five o’clock in the afternoon; and
- (ii) on each Saturday being one of the working days as hereinafter defined during the period commencing at half-past five o’clock and terminating at a quarter-past nine o’clock in the morning.”

Amendment
of section 20
of Act of 1875.

14. Section 20 (Corporation not to use waters of River Tame until prepared to give compensating water) of the Act of 1875 shall have effect as if for the words “ two hundred and forty-three ” in paragraph (a) there were inserted the words “ one hundred and ninety-two ”.

Amendment
of section 21
of Act of 1875.

15. Section 21 (As to supply of compensation water to River Tame) of the Act of 1875 shall have effect as if for the words “ twelve ” and “ seven ” there were inserted the words “ nine ” and “ four ” respectively and as if for the words “ five o’clock ” there were inserted the words “ eight o’clock ”.

Inspection of
gauges by
Mersey River
Board.

16. The Corporation shall allow the Mersey River Board to inspect and examine any gauge for the time being constructed by the Corporation in accordance with the provisions of section 28

(Gauges to be provided by Corporation) of the Oldham Corporation Waterworks &c. Act 1870 and section 23 (Gauges to be provided by Corporation) of the Act of 1875 or any records made thereby or kept by the Corporation in connection therewith or to take copies of any such records.

PART IV
—cont.

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

Buildings not to be erected without consent over water mains.

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

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

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

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

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

18. Where in pursuance of section 37 of the Water Act 1945 the owner of any land requires the Corporation to construct any works for the purpose of affording a supply to any new buildings which he proposes to erect the Corporation instead of requiring the owner to give an undertaking to pay in respect of each year

Guarantees in respect of supplies for new buildings.

PART IV
—cont.

such sum as is provided in paragraph (a) of the proviso to subsection (1) of the said section 37 may agree with him for the payment by him to the Corporation of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

PART V

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

Delegation of power to examine and test drains etc.

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

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

(a) that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance; or

(b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water;

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

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

Summary power to remedy stopped-up drains etc.

20.—(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 waste-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.

(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 proceedings under this section the court may inquire—

PART V
—*cont.*

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

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

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

21.—(1) Where a person in the borough—

Disconnection
of drains.

- (a) reconstructs in the same or a new position a drain which communicates with a sewer or another drain;
- (b) executes any works to such a drain so as permanently to discontinue its use; or
- (c) executes any works on premises served by such a drain so as permanently to discontinue its use;

he shall cause any drains or parts of drains thereby becoming disused or unnecessary to be disconnected and sealed at each end.

(2) A person who knowingly fails to comply with this section shall be liable to a fine not exceeding five pounds and a daily fine not exceeding twenty shillings.

22.—(1) If a drain or private sewer in the borough—

Power to
repair drains
and private
sewers.

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

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

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

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

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

PART V
—cont.

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

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

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

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

Closet
accommoda-
tion for
separate
dwellings

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

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

Power to
cleansse or
repair drains
etc.

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

Sanitary
conveniences
used in
common.

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

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

(b) shall cause the door or a wall of each convenience to be marked and kept marked with the number or other identification of the house the occupiers of which are entitled to use it.

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

Provided that in any proceedings under this section in respect of a failure to keep the door or a wall of a convenience marked in accordance with the provisions of paragraph (b) of subsection (1) of this section it shall be a defence for the defendant to prove that the failure was due to causes beyond his control.

*Buildings and structures*PART V
—cont.

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

Ruinous and dilapidated buildings and neglected sites.

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

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

as may be necessary in the interests of amenity.

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

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

- (a) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material; and
- (b) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

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

(6) In this section the expression “building” includes a structure and a fence (other than a hedge).

PART V
—cont.
Demolition
of buildings.

27.—(1) A person shall not demolish a building wholly or in part unless he has given notice to the Corporation of his intention to do so:

Provided that this subsection shall not require notice of—

- (a) demolition undertaken to comply with a demolition order or a clearance order; or
- (b) demolition of an internal part of a building incidental to alteration of an internal part of the building where the building is occupied and intended to be occupied; or
- (c) demolition of a poultry-house greenhouse coal-shed tool-shed prefabricated garage or similar structure; or
- (d) demolition of any building or part of a building—
 - (i) situate within the curtilage of or used solely in connection with a factory; or
 - (ii) belonging to any statutory undertakers and used by them solely for the purposes of their undertaking otherwise than as offices or showrooms;

which does not adjoin a street if the building or part (as the case may be) either—

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

(B) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building (forming part of the factory or used solely for the purposes of such undertaking as the case may be) not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down.

(2) A notice under the preceding subsection shall describe the building and specify the intended works.

(3) The Corporation may by counter-notice served within six weeks from the date of service of the notice referred to in subsection (1) of this section or such longer period as the person proposing to demolish may in writing allow require him—

- (a) to shore up adjacent buildings; and
- (b) to remove material or rubbish resulting from the demolition and clearance of the site.

(4) A counter-notice served under this section may require the person proposing to demolish—

- (a) to disconnect and seal at each end any sewer drain or water pipe in or under the building to be demolished; or

(b) to remove any such sewer drain or water pipe and seal any sewer drain or water pipe with which the sewer drain or pipe to be removed is connected; and

(c) in either case to make good to the satisfaction of the Corporation the surface of the ground thereby disturbed after giving the Corporation at least twenty-four hours' notice of the making good.

(5) Section 290 of the Act of 1936 shall apply to a counter-notice given under this section.

(6) A sewer drain or pipe shall not be sealed or removed in pursuance of the requirements of a counter-notice under subsection (4) of this section unless at least forty-eight hours' notice thereof has been given to the Corporation.

(7) Where the owner of a building required by a counter-notice under subsection (3) of this section to be shored up is not entitled to the support of the building by the building to be demolished the person demolishing or if the Corporation execute the works under subsection (6) of section 290 of the Act of 1936 the Corporation may recover the expense of shoring up the first-mentioned building from the owner thereof.

(8) Notwithstanding subsection (3) of section 276 of the Act of 1936 that section shall apply to materials and rubbish removed by the Corporation under section 290 of that Act as applied by this section.

(9) If a person carries out works without having served notice as required by subsections (1) and (2) of this section he shall be liable to a fine not exceeding five pounds and the Corporation may serve a counter-notice under this section as if that person had served notice as required by the said subsections.

(10) Where a demolition order or clearance order requires a building to be demolished the Corporation may by notice served on the owner within seven days after serving on him a copy of the order under section 19 or subsection (2) of section 72 of the Housing Act 1957 or paragraph 5 of the Fourth Schedule to that Act require him to take such steps as a counter-notice might under subsection (3) or subsection (4) of this section require him to take and this section (except subsections (1) and (2) thereof) shall apply to a notice served under this subsection as it applies to a counter-notice.

In this subsection "owner" has the same meaning as in the Housing Act 1957.

(11) In this section—

"demolition order" means a demolition order made under section 17 section 28 or section 72 of the Housing Act 1957;

PART V
—cont.

“clearance order” means a clearance order made under section 44 or section 50 of that Act.

(12) This section shall come into force on the appointed day and shall not apply to the demolition of any part of a building the demolition of which building has been begun before that day.

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

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

- (a) any order made by a magistrates’ court under section 58 of the Act of 1936 in respect of such building shall have been complied with or executed; or
- (b) the building shall have been taken down secured or repaired in pursuance of section 145 of the Highways Act 1959; or
- (c) the directions of any order made by the Corporation under section 223 (Dangerous places to be repaired or enclosed) of the Act of 1865 have been complied with or any works caused to be done by the Corporation under the said section have been carried out;

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

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

(2) In this section the expression “building” includes a structure and a fence (other than a hedge).

Expenses of executing demolition orders etc.

29.—(1) Any expenses incurred by the Corporation under section 33 of the Act of 1947 or under subsection (1) of section 23 or subsection (3) of section 44 of the Housing Act 1957 shall until recovered be a charge on the premises in respect of which the expenses were incurred and on all estates and interests therein.

(2) The Corporation shall for the purpose of enforcing a charge under this section have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver.

New building overreaching adjoining chimneys.

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

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

- (b) any chimneys or flues of the adjoining building are in an external wall of the adjoining building or in a party wall between the two buildings;

PART V
—cont

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 from the date of 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.

(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.

31.—(1) If a magistrates’ court is satisfied upon a complaint by the Corporation that any smoke gas or vapour from a chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the borough is prejudicial to the health

Power to order alteration of domestic chimneys

PART V
—cont.

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

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

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

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

Cellars and
rooms below
subsoil water
level.

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

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

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

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

- (a) he shall be liable to a fine not exceeding twenty pounds; and
- (b) the Corporation may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or condition or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with the notice the Corporation may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

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

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

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

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

Supply of
water to
premises
where supply
cut off.

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

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

(3) (a) Where two or more houses in the occupation of different persons being houses supplied with water by a common pipe belonging to the owners or occupiers of those houses or some of them have ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the defective state of the pipe or the cutting off of the supply of water through that pipe the Corporation may if they think fit repair or renew the

PART V
—cont.

pipe or execute any other works as they may consider necessary to secure that the supply of water to any such houses is restored 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 the case of dispute by a magistrates' court.

(b) 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 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.

Filthy or verminous premises or articles

Cleansing of
filthy or
verminous
premises.

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

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

(a) are in such a filthy or unwholesome condition as to be prejudicial to health; or

(b) are verminous;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them and by either—

(i) distempering or whitewashing the interior surface thereof; or

(ii) in the case of premises used for human habitation or as shops or offices papering or painting the said interior surface;

and the notice may require among other things the removal of wallpaper or other covering of the walls or in the case of verminous premises the taking of such steps as may be necessary for destroying or removing vermin.”

Power to require
vacation of
premises during
fumigation.

35.—(1) If the Corporation serve notice under subsection (3) of section 83 of the Act of 1936 as amended by the last foregoing section on the owner and occupier of any premises requiring that

they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

PART V
—cont.

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

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

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

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

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

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

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

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

Prohibition
of sale of
verminous
articles.

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

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

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

the medical officer or the public health inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises

PART V
—cont.

and the Corporation may recover from the dealer the expenses incurred by the Corporation in taking any action under this subsection.

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

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

(5) For the purposes of this section—

- (a) the expression “dealer” means a person who trades or deals in any household article;
- (b) the expression “household article” means an article of furniture bedding or clothing or any similar article;
- (c) references to preparation for sale do not include references to disinfestation.

PART VI

NUISANCES AND OFFENSIVE TRADES

Lighting
ventilation
and sanitation
of stables.

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

- (a) for securing the proper lighting and ventilation of any building in the borough erected before the date on which the byelaws come into operation and used for the time being for stabling horses;
- (b) for preventing insanitary conditions in or about or arising out of any building in the borough so used whether erected before or after the said date.

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

Restriction on
use of
dustbins.

38.—(1) No person shall—

- (a) deposit in a dustbin or other receptacle for removal by or on behalf of the Corporation as house refuse anything other than house refuse; or
- (b) use for any purpose other than the deposit of house refuse any dustbin or receptacle provided by the Corporation for the removal of house refuse.

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

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

PART VI
—cont.

39.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the borough 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—

Nuisance
from
pigeons etc.

- (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.

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

Discharge of
steam and
waste gas.

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

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

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

PART VI
—cont.Emission of
waste products
of manufac-
turing
processes.

41. Part III of the Act of 1936 in its application to the borough shall have effect as if the expression "dust" included waste substances (not being of a gaseous or liquid nature) produced by or arising from the preparation treatment or manufacture of silk wool cotton flax or hemp or of goods manufactured wholly or partly from those materials or any of them.

Silencers for
internal
combustion
engines.

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

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

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

- (a) to enter at all reasonable hours premises on which there is reason to believe that such an engine is being or has been used in contravention of this section; and
- (b) to inspect and test any silencer on the exhaust of such an engine found on the premises and for that purpose to require the silencer to be taken off;

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

Provided that in exercising the powers conferred by this subsection—

- (a) in relation to any factory or any premises belonging to the gas board and used by them for the manufacture or storage of gas such officer shall conform to such reasonable requirements of the occupier as are necessary to prevent obstruction to or interference with any process carried on in such factory or premises; and
- (b) in relation to any factory or any premises belonging to the commission and used by them for the purposes of their railways such officer shall conform to such reasonable requirements of the occupier of the factory or the commission (as the case may be) as are necessary to

prevent obstruction to or interference with any process carried on in the factory or the working of the railway traffic of the commission as the case may be.

PART VI
—cont.

43.—(1) Excessive or unreasonable or unnecessary noise or vibration which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936: Noise
or vibration
nuisance.

Provided that—

- (a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise or vibration occasioned in the course of a trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise or vibration having regard to the cost and to other relevant circumstances;
- (b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise;
- (c) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

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

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

(4) In the event of the passing during the present session of Parliament of any general Act relating to noise abatement containing provisions whereby noise is in certain circumstances made a statutory nuisance for the purposes of Part III of the Act of 1936 the foregoing provisions of this section so far as they relate to noise nuisance shall cease to have effect on the coming into force of the said provisions of the general Act.

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

45. Nothing in any local Act or order in force in the borough applying to any statutory undertakers shall prevent the provisions of Part III of the Act of 1936 applying to any premises in the borough of those undertakers. Application of
Part III of
Act of 1936 to
statutory
undertakers.

PART VII

INFECTIOUS DISEASES

Definition of
notifiable
disease.

46. In this Part of this Act the expression "notifiable disease" means—

- (a) any notifiable disease as defined by section 343 of the Act of 1936 ; and
- (b) any infectious disease to which section 144 of the Act of 1936 for the time being applies in the borough by virtue of regulations made under section 143 thereof.

Entry into
premises in
case of
notifiable
disease.

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

- (a) that in any premises in the borough there is a person who is or has been suffering from a notifiable disease; and
- (b) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry;

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

Provided that no such warrant shall authorise the medical officer—

- (i) to enter any premises except between the hours of seven in the morning and ten in the evening; or
- (ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

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

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

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

PART VII
—cont.

(3) In this section the expression “ occupier ” includes—

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

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

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

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

Restriction on attendance at public places etc.

“ (b) having the care of a person—

(i) whom he knows to be suffering from a notifiable disease; or

(ii) whom he cannot permit to attend school without contravening section 150 of this Act;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or ”.

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

(a) a notifiable disease; or

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

Compensation for stopping work to prevent spread of disease.

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

51.—(1) If the medical officer certifies—

(a) that a person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and

(b) that he is occupied in the cooking preparation or handling of food in the borough intended for consumption by persons other than himself or members of his household; and

Prohibition of tuberculous persons from handling food.

PART VII
—cont.

(c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons;

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

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

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

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

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

PART VIII

FOOD

Byelaws as to
inspection of
meat.

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

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

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

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

(a) to have been imported from outside England and Wales;
or

(b) to have been inspected and passed as fit for food by an authorised officer of the local authority for the district in which the animal from which it was derived was slaughtered.

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

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

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

(5) The Corporation shall—

(a) not less than one month before making byelaws under this section furnish the Oldham and District Master Butchers' Association and the local branch of the National Farmers' Union with a draft of the proposed byelaws; and

(b) on submitting the byelaws to the Minister of Agriculture Fisheries and Food for confirmation furnish him with a copy of any representations made to them in writing by the said bodies or either of them and a statement showing the effect (if any) given to any such representation.

(6) In this section—

(a) the expression "authorised officer" means any officer who is by virtue of the Food and Drugs Act 1955 an authorised officer for the purpose of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption;

(b) the expression "meat" includes any part of the carcase of an animal;

(c) the expression "slaughterhouse" has the same meaning as is assigned thereto by section 153 of the Food and Drugs Act 1955.

53.—(1) As from the appointed day the following provisions shall have effect in the borough with respect to the slaughter of any of the following animals namely horses cattle sheep goats or pigs where the animal is slaughtered owing to emaciation or

Slaughter of animals otherwise than for human consumption.

PART VIII
—cont.

disease and the Public Health (Meat) Regulations do not have effect in relation to the slaughtering by reason of its not being for human consumption.

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

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

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

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

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

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

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

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

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

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

(4) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned if the slaughter was in a knacker's yard or the carcase is moved to a knacker's yard immediately after the slaughter the owner may take or cause to be taken from the carcase during that period any part or organ which in the opinion of the owner it is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcase but if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from what carcase it was taken.

(5) If the owner of an animal—

(a) contravenes this section or fails to discharge an obligation thereby imposed on him; or

(b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

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

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

(7) In this section the following expressions have the meanings hereby assigned to them respectively (that is to say):—

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

(b) "knacker's yard" means any premises used in connection with the business of slaughtering flaying or cutting up animals the flesh of which is not intended for human consumption;

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

PART IX

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

Power to let
parks etc.
for games.

54. 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.

Parking
places in
parks etc.

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

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

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

Agreements
to maintain
graves and
tombstones.

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

- (a) The said sum shall subject to any enactment authorising its application in some other manner be invested in any security in which trustees are for the time being authorised by law to invest trust moneys;

(b) The Corporation may—

(i) in the case of an agreement so to maintain a grave or tombstone for a fixed period at the expiration of such fixed period or on the exercise of their powers under section 57 (Extension of power to maintain burial grounds) of this Act in respect of such grave or tombstone whichever shall be the earlier;

(ii) in the case of an agreement so to maintain a grave or tombstone in perpetuity on the exercise of their powers under the said section 57;

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

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

(2) In this section—

the expression “burial ground” includes a cemetery;

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

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

57.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

Extension of
power to
maintain
burial
grounds.

(a) to put and keep in order any tombstone or memorial therein;

(b) to level any grave therein;

(c) to remove any tombstone or memorial on any grave therein or any railings surrounding any grave therein or any such tombstone or memorial;

(d) to alter the position of any such tombstone memorial or railings.

(2) Before exercising a power conferred by paragraph (b) (c) or (d) of the foregoing subsection the Corporation shall—

(a) publish a notice of their intention to do so once in each of two successive months in a local newspaper circulating in the borough with an interval between the dates of publication of not less than twenty-eight clear days;

(b) display a notice thereof in a conspicuous position in the burial ground; and

(c) serve a notice thereof upon the owner of the grave or upon a relative of a deceased person whose remains are

PART IX
—cont.

interred therein if after reasonable inquiry the name and address of the owner or of a relative of such a person can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation's proposals and unless the brief particulars are of proposals incapable of further statement specify an address at which full particulars of the proposals can be obtained;
- (b) specify a date as being that on which it is intended that the Corporation will begin to carry out the proposals which shall be a date not earlier than the fourteenth day after the date of the later of the two publications or than the twenty-first day after the date on which the notice in the burial ground is first displayed or where notice is required to be served than the twenty-first day after the date of service; and
- (c) state the effect of the next following subsection.

(4) If notice of objection to a proposal and of the ground thereof is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection that proposal shall not be carried out without the consent of the Minister unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate or destroy any tombstone memorial or railings removed under this section unless it or they is or are claimed within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section or where notice has been served under paragraph (c) thereof after the date of such service whichever is the later.

(6) Where a tombstone is removed under this section the Corporation may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

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

- (a) a copy of any inscription on it; and
- (b) if it is intended to preserve the tombstone or memorial a statement showing where it has been taken to;

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

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

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

PART IX
—cont.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“tombstone” includes a kerb.

PART X

PUBLIC ORDER AND PUBLIC SAFETY

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

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

(a) as respects a trunk road without the consent of the Minister of Transport; or

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

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

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

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

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

PART X
—cont.Police
telephone call
boxes and
shelters.

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

- (a) such police telephone call boxes and installations; and
- (b) such shelters or boxes for the use of police constables;

in such positions in any street park or public place in the borough as they think fit.

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

(3) The Corporation shall not exercise the powers of this section—

- (a) without the consent of the Minister of Transport in a street being a trunk road; or
- (b) without the consent of the undertakers concerned—

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

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

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

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

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

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

- (a) in the case of a consent of the Minister of Transport be referred to and determined by arbitration;
- (b) in the case of any other consent be referred to and determined by the Minister of Transport.

60.—(1) If any person without lawful authority wilfully—

PART X
—cont.

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

Offences in respect of telephone boxes, fire hydrants etc

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

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

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

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

(3) In this section the expression “call box” includes any installation.

61.—(1) Where the Corporation are satisfied that any mill lodge lying wholly or partly in the borough constitutes a source of danger to children or other persons by reason of its not being fenced or its being inadequately fenced the Corporation may by notice require the owner or occupier of the land on which the mill lodge is situate to carry out within twenty-one days such works as may be necessary to fence the mill lodge in such a manner as to remove the danger and the notice shall specify the works to be executed.

Fencing of mill lodges etc.

(2) If the person on whom a notice is served under subsection (1) of this section makes default in complying with any of the requirements of the notice the Corporation may cause a complaint to be made to a magistrates’ court who may issue a summons requiring the person on whom the notice was served to appear before the court.

(3) (a) A person on whom a notice is served under subsection (1) of this section may appeal to a magistrates’ court on the ground that—

- (i) it would have been equitable for the notice to have been served on the occupier of the land in question instead of on the owner or on the owner instead of on the occupier (as the case may be); or

PART X
—cont.

(ii) the occupier or owner (as the case may be) ought to contribute towards the expenses of executing any works required.

(b) In the case of an appeal under paragraph (a) of this subsection the appellant shall serve a copy of his notice of appeal on the Corporation and on the occupier or owner (as the case may be).

(4) If on the hearing of a complaint under subsection (2) of this section the court is satisfied that the mill lodge to which the complaint relates constitutes a source of danger in accordance with subsection (1) of this section the court shall make an order requiring the defendant to comply with all or any of the requirements of the notice served upon him or otherwise to remove the danger within a time specified in the order and to execute any works the court thinks necessary for that purpose.

(5) (a) If on the hearing of an appeal under subsection (3) of this section the court is satisfied that the mill lodge to which the notice relates constitutes a source of danger in accordance with subsection (1) of this section the court shall make an order requiring the appellant or other person (being the owner or occupier of the land in question) to comply with all or any of the requirements of the notice or otherwise to remove the danger within a time specified in the order and to execute any works the court thinks necessary for that purpose.

(b) An order under paragraph (a) of this subsection may provide for the contributions to be made by the appellant and such other person towards the cost of the works and as to the proportions in which any expenses which may become recoverable by the Corporation are to be borne by the appellant and such other person.

(c) In exercising its powers under this subsection the court shall have regard as between an owner and an occupier to the terms and conditions whether contractual or statutory of the tenancy.

(6) Where an order under subsection (4) or subsection (5) of this section has not been complied with the Corporation may remove the danger and do whatever may be necessary in execution of the order.

(7) If it appears to the court that the owner or occupier of the land on which the mill lodge to which a notice under subsection (1) of this section relates is situate cannot be found the order referred to in subsection (4) or subsection (5) of this section may be addressed to and executed by the Corporation.

(8) Any expenses reasonably incurred by the Corporation in removing the danger in respect of which an order has been made

under subsection (4) or subsection (5) or subsection (7) of this section may be recovered by them from the person on whom the order was made or where the order was made on the Corporation from any person who is for the time being the owner of the land on which the mill lodge is situate.

PART X
—cont.

(9) A person aggrieved by an order of a magistrates' court under this section may appeal to a court of quarter sessions.

(10) In this section the expression "mill lodge" includes any pond reservoir or pool or dam of water which forms part of or is used for the purpose of any industrial premises or which has at any time been so used.

(11) The provisions of subsection (1) of this section shall not extend to require the commission to fence any canal which belongs to the commission and is held or used by them for the purposes of their undertaking.

62.—(1) The Corporation may by notice to the owner or occupier of any land adjoining a highway maintainable at the public expense require him within twenty-eight days from the date of service of the notice or such longer period as may be stated in the notice to execute such works as will prevent water from a pond or reservoir flowing on or over the surface of the highway.

Prevention of water from ponds etc. flowing into street.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section subject to the modification that for subsections (6) and (7) of that section there shall be substituted the following subsection:—

"(6) Subject to such right of appeal as aforesaid if the person required by the notice to execute works fails to execute the works indicated within the time thereby limited he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings."

(3) In this section the expression "pond or reservoir" includes any mill lodge or pool or dam of water which forms part of or is used for the purpose of any industrial premises or which has at any time been so used.

63.—(1) A person shall not fill in any well or mineshaft in the borough unless he has given notice to the Corporation of his intention to do so.

Filling in of wells and mineshafts.

(2) A notice under the preceding subsection shall describe the well or mineshaft and specify the intended works.

PART X
—cont.

(3) The Corporation may by counter-notice served within six weeks from the date of the service of the notice referred to in subsection (1) of this section or such longer period as the person proposing to fill in the well or mineshaft may in writing allow require him before commencing the intended works to take such reasonable steps as the Corporation consider necessary to prevent so far as reasonably practicable any damage by flood or dampness to premises adjoining or in the neighbourhood of the well or mineshaft being caused by the carrying out of the intended works.

(4) The provisions of subsections (1) to (5) of section 290 of the Act of 1936 shall apply to a counter-notice given under this section.

(5) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding five pounds and the court by whom he is convicted may whether or not it imposes a fine in addition by order require him to remove so far as it is reasonably practicable so to do the materials used in the filling in of the well or mineshaft.

(6) This section shall not apply to—

- (a) any mineshaft in the borough belonging to the National Coal Board; and
- (b) any well or mineshaft in operational land of the gas board.

(7) This section shall come into force on the appointed day and shall not apply to the filling in of any well or mineshaft if such filling in has been begun before that day.

Dispensation
with bonds
by theatre
managers.

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

(2) (a) If the licensee of a theatre licensed by the Corporation under the Theatres Act 1843 uses it or allows it to be used in contravention of the provisions of that Act or any rules made by the Corporation thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds.

(b) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the Corporation.

(3) (a) The Corporation shall within three months from the date of the passing of this Act give public notice of the foregoing

provisions of this section by advertisement in two or more local newspapers circulating in the borough and otherwise in such manner as the Corporation think sufficient.

PART X
—cont.

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

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

Boxing and
wrestling
entertain-
ments.

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

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

- (a) by travelling showmen at pleasure fairs;
- (b) by bona fide organisations associations clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit; or
- (c) by any university university college college of a university training college establishment of further education or school.

66.—(1) No person shall for the purpose of advertising any entertainment trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street in the borough:

Restriction on
use of
loudspeakers
in streets.

Provided that this subsection shall not apply to the operation of any loudspeaker on a vehicle constructed or adapted for use for the conveyance of any perishable commodity for human consumption (including ice-cream) where—

- (a) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words); and
- (b) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public the commodity conveyed by the vehicle; and

PART X
—cont.

(c) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this proviso "ice-cream" includes any similar commodity and the commodity known as "water ice".

(2) No person shall between the hours of nine in the afternoon and eight in the forenoon operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the borough:

Provided that this subsection shall not apply to a loudspeaker forming part of a wireless receiving set on or inside a motor vehicle so long as such loudspeaker is only used for the private purposes of the occupants of the said vehicle or for communication with them in connection with their trade or business and is not used so as to be an annoyance or nuisance to persons in a street.

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

(4) This section shall not apply to—

(a) the use of a loudspeaker by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency;

(b) the use of a loudspeaker by the commission for the purposes of announcements to their passengers or staff at any station or depot of the commission or by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or at any of their stations or depots not forming part of a public highway or for communications between their staff;

(c) the use of a loudspeaker by statutory undertakers for the purpose of announcements in case of emergency to their customers or to the public generally.

(5) In this section the expression "loudspeaker" includes an amplifier or similar instrument.

Amendment
of section 231
of Act of
1865.

67. Section 231 (Power to make bye-laws as to brokers &c.) of the Act of 1865 shall have effect as if the following paragraph were inserted at the end thereof:—

"For securing that all such entries in a book as aforesaid are kept for such period as may be specified not being more than two years from the date of the last entry in the book."

PART XI
FIRE PRECAUTIONS

68.—(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—

Firemen's
switches for
luminous tube
signs.

(a) is inside a building and is attended while in operation; or

(b) is used for lighting only and is before the appointed day fitted with a readily accessible switch on the low-voltage side of the transformer.

(2) As from the appointed day apparatus in the borough 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 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 instal 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—

(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 and how it is coloured or otherwise marked;

(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 and how it is to be coloured or otherwise marked.

(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 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.

PART XI
—cont.

(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.

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

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

Parts of
buildings used
for storage of
inflammable
substances.

69.—(1) (a) Where—

- (i) (A) part of a building in the borough is used for the storage for the purpose of sale or trade of any substance to which this section applies; and
- (B) that part of such building is also used as a habitable room or a place in which any person works or any other part of such building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the first-mentioned part is so used; and
- (ii) either—
 - (A) such storage 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 for the purpose mentioned in subparagraph (i) (B) of this paragraph; or

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

PART XI
—cont.

the Corporation may by order apply the following provisions of this section to the part of the building so used for storage.

(b) An order made under the foregoing paragraph shall come into force on such date (not being earlier than three months after the date on which notice of the making of the order is given pursuant to paragraph (d) of this subsection) as may be specified in the order or if an appeal is lodged against the order pursuant to paragraph (e) of this subsection on such later date as may be specified by the court.

(c) The Corporation shall revoke any such order by a further order if at any time the part of the building to which the first-mentioned order relates and every other part of the building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building to which the order relates ceases to be used as a habitable room or place in which any person works and notice thereof shall have been given to the Corporation.

(d) Notice of every order made under this section shall be given to the owner of the building and to the occupier of the part of the building to which the order relates.

(e) Any person on whom notice of the making of an order under paragraph (a) of this subsection is so served may appeal to a magistrates' court against the making of the order on the ground that it is not within the powers conferred on the Corporation by the said paragraph (a).

(f) An order under paragraph (a) of this subsection shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(2) The Corporation may by notice require the occupier of any part of a building to which an order made under subsection (1) of this section for the time being relates to provide within such reasonable period as may be specified in the notice—

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

PART XI
—cont.

(b) means of ready escape in case of fire from any part of the building used as a habitable room or place in which any person works and which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building used for such storage and from the part of the building used for such storage; and

(c) notices in or on the part of the building used for such storage 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 precluded from executing works for the purpose of complying with any notice given by 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 notice 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) Upon compliance with any notice given under subsection (2) of this section the Corporation shall forthwith issue to the occupier to whom such notice has been given a certificate specifying precisely and in detail—

(a) the matters provided by the occupier in compliance with the notice; and

(b) the maximum number of persons inhabiting or working in or proposed to inhabit or work in any part of the building to which subparagraph (i) (B) of paragraph (a) of subsection (1) of this section applies.

(5) After the expiration of the period specified in any notice given by the Corporation under subsection (2) of this section

a person shall not use or permit to be used the part of the building to which the notice relates for the storage for the purpose of sale or trade of any inflammable substance to which this section applies unless the building is certified by the Corporation to comply with the requirements specified in the notice and the matters provided by the occupier in compliance with the notice are adequately maintained.

PART XI
—cont.

(6) If after the grant of a certificate for the purpose of this section with regard to any part of a building the occupier thereof proposes—

- (a) to make any material extension or material structural alteration of any part of that building; or
- (b) to increase materially the number of persons inhabiting or working in any part of that building; or
- (c) to increase materially the extent of the storage for the purpose of sale or trade of any substance to which this section applies or to store any substances other than those in respect of which the certificate was granted and which will increase the risk of fire in that part of that building;

the occupier shall give notice to the Corporation of the proposal.

(7) The Corporation may from time to time upon giving notice thereof to such persons as are mentioned in paragraph (d) of subsection (1) of this section alter or revoke any certificate issued by them under this section and such alteration or revocation shall come into force on such date (not being earlier than one month after the date on which such notice is given) as may be specified in the notice or if an appeal is lodged against such alteration or revocation under subsection (8) of this section on such later date as may be specified by the court.

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

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

PART XI
—cont.

(b) Any person aggrieved by the refusal of the Corporation to grant a certificate under this section or by any alteration or revocation of such a certificate may appeal to a magistrates' court.

(9) If any person contravenes the provisions of this section he shall be liable—

(a) in the case of a contravention of subsection (5) of this section to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds; and

(b) in the case of a contravention of subsection (6) of this section to a fine not exceeding five pounds.

(10) This section applies to—

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

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

Provided that the Corporation shall not make any requirement under this section with respect to any building in which no such substance 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 ninety 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 stain or polish which does not when tested as aforesaid give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in reasonably closed metal or glass containers in good condition each containing in the case of a metal container not more than one gallon and in the case of a glass container not more than one pint.

(11) In this section the expression "building" where used in relation to the storage of substances therein includes the curtilage of the building.

(12) Nothing in this section shall apply to premises which are subject to the Factories Acts 1937 to 1959 or regulations made under those Acts.

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

PART XI

—cont.

Precautions
against fire in
certain
buildings.

(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 Corporation;

as they may consider necessary to enable effective action to be taken by them in case of fire at the building to which the plans deposited relate or (as the case may be) at the existing building or the proposed building to which the plans passed relate the Corporation may reject the plans deposited.

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

(3) Any question arising under this section between the Corporation and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with 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.

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

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

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

PART XI
—cont.

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

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

PART XII

MARKETS

Tolls etc. in
markets etc.

72.—(1) Section 170 (Power to establish markets and fairs and slaughterhouses) of the Act of 1865 shall have effect as if for the reference in paragraph (5) of the said section to the Sixth Schedule to that Act there were substituted a reference to the Second Schedule to this Act but not so as to give this section any retrospective effect.

(2) The Corporation may with the sanction of the Minister from time to time alter or add to the tolls stallages and rents set out in the Second Schedule to this Act and any such altered tolls stallages and rents shall as from the date on which they come into operation be substituted for the corresponding tolls stallages and rents payable under this section and the said schedule.

(3) The Corporation may also from time to time in addition to the tolls stallages and rents referred to in this section make such additional charges as the Minister may sanction for or in respect of the provision of light heat or water for the accommodation of persons using or occupying shops stalls standings stands benches compartments or other conveniences or spaces of ground in any market of the Corporation and for the cleansing of and removal of refuse from any such shops stalls standings stands benches compartments or other conveniences or spaces of ground.

Directions as
to use of
markets.

73.—(1) The Corporation may from time to time direct that any ground space or stall in any of their markets shall be used only for the sale of such articles commodities or animals as they shall direct.

(2) No person shall hawk carry about or cry any article or commodity whatsoever for sale in any covered market

(3) No person shall hawk carry about or cry any article or commodity for sale in any open market except in accordance with a direction of the Corporation under subsection (1) of this section.

(4) If any person fails to comply with a direction given by the Corporation under the provisions of subsection (1) of this section or contravenes the provisions of this section he shall be liable to a fine not exceeding forty shillings and to a daily fine not exceeding twenty shillings.

PART XII
—cont.

74.—(1) Notwithstanding anything in any other Act the council may from time to time fix by resolution—

Days and
hours of
markets and
fairs.

- (a) the hours during which any market or any fair shall be held in the borough; and
- (b) the days on which any such market or fair (other than a fair held under charter or letters patent) shall be held.

(2) Notice of the passing of any such resolution shall be published in one or more newspapers circulating in the borough.

(3) On the application of any person aggrieved by the passing of any such resolution made within seven days of the publication of notice under the last preceding subsection the Minister may if he thinks fit and after affording the Corporation the opportunity of making representations confirm vary or rescind such resolution and the resolution if rescinded by the Minister shall not have effect but otherwise shall have effect as confirmed or varied by him.

(4) A resolution passed by the council under this section shall not have effect until such date as may be specified in the resolution being a date not earlier than seven days after the publication of notice under subsection (2) of this section:

Provided that where an application is made to the Minister under the last preceding subsection the said period of seven days shall be extended until the decision of the Minister is made known or until such later date (if any) as may be specified by the Minister for the purpose.

(5) Unless and until other days or hours are fixed by the council for the purpose under this section the days and hours fixed in relation to any market of the Corporation or any such fair by any byelaw or resolution relating thereto and in force immediately before the passing of this Act shall continue to be the days on which and the hours during which such market or fair shall be held.

75. The Corporation may from time to time let to any person or grant to any person a licence to occupy any shop stall standing or other convenience in any market or fair for any time not exceeding five years or on a periodic basis greater than from week to week at such rent and on such terms as they think reasonable.

Power to let
stalls etc.

PART XII
—cont.
Amendment
of section 172
of Act of
1865.

76. Section 172 (Power to make byelaws for regulation of markets tolls etc.) of the Act of 1865 shall have effect as if the words—

“ For appointing the days on which and the hours during which any market or fair is to be held or the time during which any particular kind of commodity or cattle may be sold or exposed or offered for sale in any market or fair and for the removal of any commodity or cattle from any market or fair after sale or at the close of the market or fair ”;

and the words—

“ For fixing the amount of the tolls stallages and rents which the Corporation will demand and receive in respect of markets and fairs weighing houses and places and slaughterhouses and for regulating the time when the same respectively shall become due and payable and the collection thereof.”

were omitted.

PART XIII

FINANCE RATING AND SUPERANNUATION

Power to
borrow.

77.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority such sums as may be necessary for the payment of the costs charges and expenses of this Act;

and subject to the provisions of this section Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the preceding subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Power to
issue bonds.

78.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called Oldham Corporation Bonds (in this Act referred to as “ bonds ”) in accordance with the provisions of this Act.

(2) Where the Corporation raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

Section 209 (Notice of trusts);

Section 210 (Receipts on behalf of joint holders and infants);

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

(3) The provisions set out in the Third Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

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

80.—(1) The Corporation may give notice to the registered holder of an authorised security whose address as appearing in the register is in the United Kingdom the Channel Islands or the Isle of Man that they intend to send interest or dividends on the security to him by post if he does not object and unless the registered holder within fourteen days from the date of receipt of the notice notifies the Corporation that he objects the Corporation may from time to time send orders for the payment of interest and dividend warrants to him by post at the address in the register. Interest and dividends by post.

(2) If the registered holder of an authorised security notifies the Corporation that he wishes interest or dividends on the

PART XIII
—cont.

security to be sent to another person at an address in the United Kingdom the Channel Islands or the Isle of Man specified in the notice the Corporation may from time to time send orders for the payment of interest or dividend warrants to that person by post at that address.

(3) For the purposes of this section the Corporation may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register or such other of them as they may in writing direct.

(4) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall discharge the Corporation from any obligation to deliver the order or warrant to the holder of the security.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque and the Corporation shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882.

(6) In this section “ authorised security ” means any mortgage or bond or other security that the Corporation are for the time being authorised to grant or issue but does not include stock.

Art fund.

81.—(1) The Corporation may if they think fit establish a fund to be called “ the art fund ” to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historic interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in any building owned or occupied by the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister:

Provided that when the art fund shall amount to the sum of five thousand pounds the Corporation shall discontinue such annual payments but if the said fund is at any time reduced below the sum of five thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of five thousand pounds.

(2) The Corporation may pay into the art fund any sum now held or from time to time received by them by way of donation or legacy for the provision of pictures sculptures or other objects of artistic scientific or historical interest but any such sum shall

not be taken into account in determining for the purposes of the proviso to subsection (1) of this section the maximum amount from time to time standing to the credit of the art fund.

PART XIII
—cont.

(3) (a) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in 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 the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

82. The layout and development of any corporate land (as defined by section 305 of the Act of 1933) for the time being belonging to the Corporation and the alteration enlargement improvement extension reconstruction or rebuilding of any building thereon shall be purposes for which the Corporation may borrow or may expend money out of the general rate fund.

Power to borrow etc. for reconstruction of corporate land.

83. Without prejudice to section 292 of the Act of 1936 and to that section as applied by any other enactment where under any enactment the Council are empowered to execute works at the request of or in default of the owner or occupier of any premises and to recover from him the expenses incurred by them in so doing they may include in and recover as part of the expenses such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

Establishment expenses.

84.—(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 certain moneys forming part of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

Investment of superannuation fund.

(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

PART XIII
—cont.

- forming part of the British Commonwealth of Nations or 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 being stock or shares which are at the time of making the investment quoted on the London Stock Exchange or any other stock exchange being a body of persons declared by an order of the Board of Trade for the time being in force to be a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1958; 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 shall have 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 subsection—

- (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

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—cont.

- (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.

(2) For the purposes of the last foregoing subsection 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.

85. The council may at any time by resolution passed at an ordinary or special meeting of the council determine to pay off and redeem the annuities and on such resolution being passed the annuities shall be redeemable by the Corporation by the method and on the terms following (that is to say) upon transfer to each of the registered holders of the annuities of such an amount of two and a half per centum Consolidated Stock 1923 (or after) or two and a half per centum Treasury Stock 1975 (or after) or four per centum Consolidated Stock 1957 (or after) of the United Kingdom (as the council in their absolute discretion may by resolution determine) that the gross interest thereon will equal the amount of the annuity or annuities held by him or upon payment into court in the name of the registered holder of a sum equal to the price of such an amount of stock as aforesaid in accordance with the provisions of this Act.

Redemption
of gas and
water
annuities.

86. In the event of the council resolving in terms of section 85 (Redemption of gas and water annuities) of this Act to redeem the annuities the following provisions shall have effect:—

Provisions
for carrying
out
redemption of
annuities.

- (1) The Corporation shall as soon as may be after passing the resolution publish notice thereof in the London Gazette and once in each of two consecutive weeks in one or more newspapers circulating in the borough and they shall also cause a notice (in this section referred to as “the notice of redemption”) to be given to every holder of any annuity or annuities by sending the same by post in a registered letter to the address of the holder as entered in the register or to his last-known address:
- (2) The notice of redemption shall set forth the terms of the resolution and shall state the method and the terms of the redemption prescribed in section 85 (Redemption of gas and water annuities) of this Act and in this section:
- (3) On or before a day (in this and the next succeeding section referred to as “the transfer day”) to be named

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—cont.

in the notice of redemption every holder of any annuity or annuities shall transmit or deliver to the Corporation or to a nominee of the Corporation to be named in the notice of redemption the certificate or certificates registered in his name and the Corporation shall thereupon transmit or deliver to him an acknowledgment in writing of the receipt of such certificate or certificates and an undertaking to register in his name or in the name of his nominee stock of the amount and in the manner hereafter in this section mentioned:

- (4) The transfer day shall be a date not less than three months from the date of the notice of redemption:
- (5) In the event of the loss of any certificate for any annuity or annuities the production of proof to the reasonable satisfaction of the Corporation of such loss together with an indemnity against any and every claim in respect of such certificate shall be held to be equivalent to the delivery to the Corporation or their nominee of such certificate:
- (6) Where in terms of this section a holder of any annuity or annuities shall have on or before the transfer day transmitted or delivered to the Corporation or to the nominee of the Corporation the certificate or certificates registered in his name or shall have produced proof of the loss of the same as aforesaid the Corporation shall as soon as may be after the transfer day transfer or cause to be transferred to the name of such holder or to the name of any nominee whom he may appoint by writing transmitted or delivered to the Corporation before the transfer day such an amount of two and a half per centum Consolidated Stock 1923 (or after) or two and a half per centum Treasury Stock 1975 (or after) or four per centum Consolidated Stock 1957 (or after) of the United Kingdom (as the council in their absolute discretion may by resolution determine) that the gross interest thereon will equal the amount of the annuity or annuities held by him and the Corporation shall also pay to such holder the amount of annuity accrued in respect of the certificate or certificates delivered up to the Corporation less the amount of any accrued interest on the stock transferred:
- (7) In the event of the registered holder of any certificate or certificates for any annuity or annuities failing to deliver such certificate or certificates to the Corporation or their nominee or to produce proof of its or their loss as aforesaid on or before the transfer day the Corporation shall as soon as may be after the transfer day pay into court as if it belonged to a trust

of which they were trustees in the name of such holder a sum sufficient to purchase at the closing official selling price mentioned in the official list of the London Stock Exchange for the day for which that list is issued last preceding the transfer day such an amount of two and a half per centum Consolidated Stock 1923 (or after) or two and a half per centum Treasury Stock 1975 (or after) or four per centum Consolidated Stock 1957 (or after) of the United Kingdom (as the council in their absolute discretion may by resolution determine) that the gross interest thereon will equal the amount of the annuity or annuities held by him and the Corporation shall also cause a notice to be sent by post in a registered letter to such holder stating that such sum has been placed to his credit as aforesaid:

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—cont.

- (8) The delivery to the Corporation or their nominee of the annuity certificate or certificates or the production of proof of the loss of the same in terms of this section or in the case of any certificate or certificates which have not been delivered or proof of the loss of which has not been produced as aforesaid a certificate given in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act 1925 stating that the sum referred to in the last preceding paragraph has been paid into court shall be sufficient discharge to the Corporation and thereupon the annuity or annuities shall whether the annuity certificate or certificates have or have not been produced and delivered up as aforesaid be deemed to be and shall be redeemed and an entry of the redemption of the annuity or annuities shall be made in the register of annuities and the annuity or annuities shall be wholly extinguished and thereupon the liability of the Corporation to pay or provide for the payment of the annuity or annuities shall cease and determine and the water undertaking and the whole lands estates properties and revenues of the Corporation shall be freed and discharged thereof.

87.—(1) Any stock of the United Kingdom issued and any sums of money paid to the holder of any annuity or annuities in pursuance of the two last preceding sections shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the annuity or annuities was or were held immediately before the transfer day and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the annuity or annuities and every such

Stock of
United
Kingdom to
be held in
same rights.

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—cont.

deed will instrument or disposition shall take effect with reference to the whole or a proportionate part (as the case may be) of the said stock of the United Kingdom and such sum of money as aforesaid.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number of annuities shall be held to apply to the stock of the United Kingdom or sum of money which under the two last preceding sections is issued or (in the case of any sum of money) paid in substitution for such annuities as aforesaid.

(3) Trustees executors and administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the stock of the United Kingdom so issued to them or sums of money so paid to them in pursuance of the two last preceding sections for the annuity or annuities held by them and may hold dispose of or otherwise deal with such stock of the United Kingdom or sums of money in all respects as they might have held disposed of or otherwise dealt with the annuity or annuities for which the same are substituted.

As to proof
of continued
existence of
pensioners.

88. Notwithstanding anything in any other enactment the Corporation shall not be required to make any payment by way of superannuation allowance pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Pay pensions
etc. of
mentally
disordered
persons.

89.—(1) Subject to the provisions of this section where any sum to which this section applies is payable to a person by the Corporation and the Corporation are satisfied after considering evidence by a registered medical practitioner that the said person (hereinafter referred to as “the patient”) is incapable by reason of mental disorder within the meaning of the Mental Health Act 1959 of managing and administering his property and affairs the Corporation may pay the said sum or such part thereof as they think fit to the institution or person having the care of the patient to be applied for his benefit and may pay the remainder (if any) or such part thereof as they think fit—

(a) to or for the benefit of persons who appear to the Corporation to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or

(b) in reimbursement with or without interest of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.

(2) This section applies to any sum payable by the Corporation to any person by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

PART XIII
—cont.

(3) Not less than fourteen days before exercising their powers under this section for the first time in relation to any person the Corporation shall give to the authority having jurisdiction under Part VIII of the Mental Health Act 1959 notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said powers and in relation to any person to whom subsection (1) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the said authority:

Provided that the Corporation may with the approval of the said authority exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(4) If at any time the authority having jurisdiction under Part VIII of the Mental Health Act 1959 give to the Corporation notice in writing that they object to the exercise by the Corporation of the said powers in relation to any person the said powers shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the said authority withdraw the notice.

(5) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said powers.

90. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate which may be due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

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—cont.

Recovery of rates from tenants and lodgers.

91. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

Officers of Corporation acting as receivers etc.

92.—(1) The Corporation may pay to any of their officers who act in any of the following capacities:—

- (a) as the receiver appointed by an order made under Part VIII of the Mental Health Act 1959;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

the amount of any sum forfeited by him to the Crown or the Principal Probate Registrar or the amount of any payment which he is liable to make by reason of his acting in the course of his duties as an officer of the Corporation in any such capacity as aforesaid.

(2) The Corporation may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in any of the capacities mentioned in subsection (1) of this section against any act neglect or default whether his own or that of any other person occurring in the course of the receivership or administration.

Collection and recovery of water rates rents or charges.

93. Notwithstanding anything in any other enactment—

- (a) any water rate rent or charge payable to the Corporation by any person in respect of a supply of water to any premises in the borough may be demanded and collected together with the general rate payable by that person;
- (b) in respect of premises within the borough the same book may be used for the water rates rents or charges and the general rate;
- (c) any water rate rent or charge may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions as apply to the recovery of the general rate;
- (d) any summons relating to a sum due to the Corporation in respect of any water rate rent or charge may be

served and any warrant relating to a sum due to the Corporation in respect of any water rate rent or charge may be directed to the same persons as and executed in the same way as if it related to the general rate.

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94.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions in and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of rates etc. from certain owners.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

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

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

95. The provisions of section 12 of the Distress for Rates Act 1960 relating to the sending or service of demand notes shall apply to demand notes relating to any charges made in connection with any undertaking department or service of the Corporation.

Service of demand notes etc.

96. Section 248 (Paid Auditors may be appointed by the Corporation) of the Oldham Improvement Act 1880 shall have effect as if the words “Every such auditor and every other auditor to be appointed as hereinafter provided shall hold office until the ninth day of November next after his appointment and no longer and on such ninth day of November or as soon as conveniently may be thereafter the Corporation shall appoint an auditor or auditors in place of the auditor or auditors retiring from office” were omitted.

Amendment of section 248 of Oldham Improvement Act 1880.

PART XIV

MISCELLANEOUS

97. As from the passing of this Act the tramways undertaking of the Corporation as defined in section 4 (Interpretation) of the Act of 1925 shall be known as the passenger transport undertaking of the Corporation.

Definition of passenger transport undertaking.

98.—(1) Where any lost property is contained in a package bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary

Disposal of lost and uncollected property.

PART XIV
—cont.

to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section the expression "lost property" means any property coming into the custody of the Corporation after being accidentally left in any premises occupied by the Corporation to which the public have access and the expression "uncollected property" means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public or any containers deposited in any market storeroom provided by the Corporation in which there is exhibited a notice containing a statement of the effect of subsection (2) of this section.

Charges for registration of persons seeking exchange of houses.

99. Notwithstanding anything in the Accommodation Agencies Act 1953 the Corporation may demand and accept charges in consideration of registering or undertaking to register or renew the registration of the name and requirements of any person seeking the exchange or transfer of a tenancy of a house:

Provided that such charges shall not exceed ten shillings in respect of each registration or undertaking to register and ten shillings in respect of each renewal of a registration.

Return of library books etc.

100.—(1) The powers of the Corporation in relation to any library provided by them shall include—

- (a) the power to prescribe a period being not less than seven days within which any article borrowed from the library must be returned thereto;
- (b) the power to recover from any person who fails within such prescribed period to return to the 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;

- (c) the power to prohibit any such persons from borrowing any other article 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 per article as the Corporation may prescribe for reserving an article for a particular person;
- (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 XIV
—cont.

Provided that the sums prescribed by the Corporation for the purposes of paragraph (b) 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 "article" includes a book periodical picture gramophone record tape recording film film strip lantern slide map plan print engraving photograph or manuscript or any other article of a like nature.

101.—(1) The Corporation may provide or make arrangements for providing—

- (a) 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) aged persons with recreational facilities in their own homes or elsewhere.

Welfare of aged and handicapped persons and provision of holiday homes therefor.

(2) The Corporation may contribute gifts in kind to voluntary organisations in the borough whose activities consist in or include the provision of recreation or meals for aged persons.

(3) (a) The Corporation may provide residential accommodation to be used by aged persons as holiday homes and for this purpose they may—

- (i) erect houses and other buildings upon any lands for the time being belonging to them;
- (ii) purchase take on lease or accept gifts of houses and other buildings and alter enlarge or adapt any such houses or buildings; and
- (iii) fit up equip and maintain any such accommodation houses and buildings.

(b) For the purposes of paragraph (a) of subsection (7) of section 21 of the National Assistance Act 1948 any accommodation provided by the Corporation under this subsection shall be deemed to be accommodation provided under Part III of that Act but nothing in this subsection shall be deemed to authorise the

PART XIV
—cont.

use of any public service vehicle belonging to the Corporation for the conveyance of any persons to and from such accommodation.

(4) 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.

(5) This section shall apply to such aged persons and such persons to whom the said section 29 applies as are resident in the borough.

(6) Nothing in this section shall empower the Corporation to create or permit a nuisance.

Prizes for garden or allotment competitions.

102. The Corporation may expend on the provision of prizes in connection with any competition relating to their tenants' gardens or to allotments provided by the Corporation such sum as they may think fit not exceeding in any one year the sum of one hundred pounds.

Summary recovery of damages for negligence.

103. Compensation recoverable by the Corporation for damage caused by negligence to any lamp lamp-post notice board fence rail or post or other apparatus or equipment provided by them in a street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

Appearance of officers in legal proceedings.

104. A resolution of the council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

As to minutes of council meetings etc.

105. Notwithstanding anything in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the council or of any committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the council or committee (as the case may be) by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof and for the purposes of sub-paragraph (2) of the said paragraph shall be deemed to have been made and signed in accordance with sub-paragraph (1) thereof.

Authentication of documents and service of notices.

106.—(1) Section 284 of the Act of 1936 (which relates to the authentication of documents) shall apply to any notice or other document which the Corporation are required or authorised to give make or serve by or under this Act or by or under any enactment in force immediately before the commencement of this Act.

(2) Section 285 of the Act of 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised to be given to or served on any person by or under this Act or by or under any enactment in force immediately before the commencement of this Act so far as that enactment relates to the Corporation.

PART XIV
—cont.

(3) The said section 284 or as the case may be the said section 285 shall not apply in any case for which provision is made by or under any enactment.

107. The Corporation may pay reasonable subscriptions (whether annually or otherwise) to the funds of any association formed for the purpose of consultation as to matters affecting the Corporation or of interest to them as a corporation or of discussion of such matters or to the funds of any scientific or other society or body (not carrying on business for profit) which is or the members of which are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any members or officers of the Corporation at or of persons nominated by the Corporation to attend conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Subscriptions to local government and scientific bodies and other expenses.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

108.—(1) The Corporation may make reasonable payments for or in connection with—

Expenses of public entertainment etc.

(a) the provision of public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing;

(b) the arrangement and conduct of ceremonies relative to or arising out of any statutory functions of the Corporation;

(c) the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

(2) Payments made under subsection (1) of this section may include payments for travelling expenses:

Provided that any such payment for or in connection with any travelling within the United Kingdom by any member of the council shall not exceed the payments which he would have been entitled to receive by way of travelling allowance under

PART XIV
—cont.

section 113 of the Local Government Act 1948 if the travelling had been an approved duty of that member within the meaning of that section.

(3) The Local Authorities (Expenses) Act 1956 shall have effect in its application to the Corporation as if—

(a) the expression “members of the council” in that Act included members of committees or of sub-committees of the council who are not themselves members of the council; and

(b) in paragraph (b) of section 1 thereof after the words “distinguished persons” there were inserted the words “residing in or”.

PART XV

PROTECTIVE PROVISIONS

Savings for
trusts etc.

109. No power conferred upon the Corporation by the following sections of this Act (namely) :—

Section 54 (Power to let parks etc. for games);

Section 55 (Parking places in parks etc.);

shall be exercised in such a manner—

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

(b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

For protection
of electricity
undertakers.

110. For the protection of the electricity undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the electricity undertakers concerned apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“apparatus” means electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either of such undertakers;

“in” in a context referring to apparatus includes under over along across or upon:

(2) Nothing in section 8 (Verges etc. of housing estates) of this Act shall affect the rights of the electricity

undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge garden or space as is referred to in that section:

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

- (3) Nothing in section 9 (Prohibition of building until street formed and sewered) of this Act shall prevent the electricity undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including an electricity sub-station or meter house) on land abutting on any new street before such street is constructed or sewered in accordance with street byelaws:
- (4) Nothing in this Act 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 section 12 (Driving of vehicles for street cleansing on footpaths etc.) of this Act:
- (5) Nothing in the following sections of this Act shall authorise the Corporation to enter on or to execute any works or do anything in any operational land of the electricity undertakers without the consent of the electricity undertakers concerned which consent shall not be unreasonably withheld:—

Section 19 (Delegation of power to examine and test drains etc.);

Section 20 (Summary power to remedy stopped-up drains etc.);

Section 22 (Power to repair drains and private sewers);

Section 26 (Ruinous and dilapidated buildings and neglected sites):

Provided that the electricity undertakers shall notify the Corporation within ten days of the service of a notice by the Corporation whether or not they consent and if they fail to give such notification within the said period their consent shall be deemed to have been given:

- (6) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of those sections and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 58 (Barriers in streets);

Section 59 (Police telephone call boxes and shelters):

PART XV
—cont.

- (7) (a) Any difference which may arise between the Corporation and the electricity undertakers under this section shall be determined by arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other work so as to avoid so far as may be reasonably practicable interference with any purpose for which the apparatus is used.

For protection
of gas board.

111. For the protection of the gas board the following provisions shall unless otherwise agreed in writing between the Corporation and the gas board apply and have effect:—

- (1) In this section unless the subject or context otherwise requires:—

“apparatus” means pipes and other apparatus belonging to or maintained by the gas board and includes any works constructed for the lodging therein of apparatus;

“in” in a context referring to apparatus includes under over along across or upon;

“position” includes depth:

- (2) Nothing in section 4 (Development of land) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the Corporation shall so exercise those powers as not to obstruct or render less convenient so far as is reasonably practicable the access to any apparatus:

Provided that if any apparatus is situate in land which the Corporation develop or intend to develop under the powers of the said section the gas board shall if reasonably required by the Corporation—

(i) remove the apparatus and relay or replace it in such other position as the gas board may reasonably determine; or

(ii) provide and lay or place other apparatus in such other position as aforesaid in lieu of such existing apparatus:

- (3) The Corporation shall repay to the gas board the reasonable expenses incurred by the gas board of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (2) of this section and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 111 (For protection of gas board) of the Oldham Corporation Act 1960":

- (4) Nothing in section 8 (Verges etc. of housing estates) of this Act shall affect the rights of the gas board with respect to any apparatus (including the placing of apparatus) in any such grass verge garden or space as is referred to in that section:

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

- (5) Nothing in section 9 (Prohibition of building until street formed and sewered) of this Act shall prevent the gas board from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus on land abutting on any new street before such street is constructed or sewered in accordance with street byelaws:
- (6) Nothing in this Act 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 section 12 (Driving of vehicles for street cleansing on footpaths etc.) of this Act:
- (7) Nothing in the following sections of this Act shall authorise the Corporation to enter on or to execute any works or do anything in any operational land of the gas board without the consent of the gas board which consent shall not be unreasonably withheld or relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and so far as is reasonably practicable

PART XV
—cont.

the Corporation shall so exercise those powers as not to obstruct or render less convenient the access to any apparatus on such operational land:—

Section 19 (Delegation of power to examine and test drains etc.);

Section 20 (Summary power to remedy stopped-up drains etc.);

Section 22 (Power to repair drains and private sewers);

Section 26 (Ruinous and dilapidated buildings and neglected sites):

Provided that the gas board shall notify the Corporation within ten days of the service of a notice by the Corporation whether or not they consent and if they fail to give such notification within the said period their consent shall be deemed to have been given:

(8) Nothing in section 61 (Fencing of mill lodges etc.) of this Act shall authorise the Corporation to enter on or to execute any works or do anything in any operational land of the gas board without the consent of the gas board which consent shall not be unreasonably withheld or relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section:

(9) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of those sections and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:

Section 58 (Barriers in streets);

Section 59 (Police telephone call boxes and shelters):

(10) (a) Any difference which may arise between the Corporation and the gas board under this section shall be determined by arbitration;

(b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the gas board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other work so as to avoid so far as may be reasonably practicable interference with any purpose for which the apparatus is used.

PART XVI

GENERAL

112. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under section 52 (Byelaws as to inspection of meat) the confirming authority shall be the Minister of Agriculture Fisheries and Food. Confirming authority for byelaws.

113.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act. Local inquiries.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

114. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:— Arbitration.

1	2
Provision of Act	Person appointing arbitrator
Paragraph (a) of subsection (5) of section 59 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Subsection (7) of section 110 (For protection of electricity undertakers)	The President of the Institution of Civil Engineers.
Section 111 (For protection of gas board)	The President of the Institution of Civil Engineers.

115.—(1) (a) In this Act the expression "the appointed day" means in reference to the sections of this Act hereinafter mentioned 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 XVI
—cont.

- (b) The sections of this Act hereinbefore referred to are—
- Section 27 (Demolition of buildings);
 - Section 53 (Slaughter of animals otherwise than for human consumption);
 - Section 63 (Filling in of wells and mineshafts);
 - Section 65 (Boxing and wrestling entertainments);
 - Section 68 (Firemen's switches for luminous tube signs).

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

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

- (a) of the passing of any such resolution and of the date fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that date;

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

(4) Either—

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

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

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

- (a) immediately before that day was carrying on that business or using any premises for that purpose; and
- (b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business or to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 117 (Appeals) of this Act.

Restriction
on right to
prosecute.

116. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

117.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act and sections 301 and 302 of that Act shall apply accordingly.

PART XVI
—cont.
Appeals.

(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 a business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use 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.

118. The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their members and officers from personal liability shall enure for the benefit of any member of the council or of a committee of the council and any officer of the Corporation or other person acting under their direction in relation to the execution by the Corporation or such officer or person of the provisions of any local enactment as if any reference in that section included a reference to that enactment.

Protection
of members
of council
and officers
from personal
liability.

119.—(1) The sections of the Act of 1936 mentioned in Part I of the Fourth Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application of
general
provisions of
Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act that is to say:—

- Part III (Streets);
- Part V (Sanitation and buildings);
- Part VI (Nuisances and offensive trades);
- Part VII (Infectious diseases);
- Part VIII (Food);
- Part X (Public order and public safety);
- Part XI (Fire precautions).

PART XVI
—cont.

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to the following section of this Act:—

Section 101 (Welfare of aged and handicapped persons and provision of holiday homes therefor).

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section (except section 39 (Nuisance from pigeons etc.) of Part VI).

Saving for town and country planning.

120. 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.

Repeals.

121. The following enactments are hereby repealed:—

Act of 1865—

Section 174 (Power to let stalls &c.);

The Sixth Schedule;

Oldham Order 1922—

The whole Order;

Act of 1925—

Section 270 (Power to stop traffic on occasions of emergency);

Section 316 (Power to subscribe to associations &c.);

Section 333 (Authentication of notices and other documents).

Costs of Act.

122. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act as taxed and ascertained 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 such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

Section 3.

PART I

LOCAL ACTS

Session and chapter	Short title
28 & 29 Vict. c. cccxi ...	Oldham Borough Improvement Act 1865 and the Parts of Acts set forth in the Second Schedule to that Act.
33 & 34 Vict. c. cxliv ...	Oldham Corporation Waterworks &c. Act 1870.
38 & 39 Vict. c. clxxx ...	Oldham Corporation Water Act 1875.
43 & 44 Vict. c. cxlvii ...	Oldham Improvement Act 1880.
49 & 50 Vict. c. cxvii ...	Oldham Corporation Act 1886.
62 & 63 Vict. c. ccxli ...	Oldham Corporation Act 1899.
63 & 64 Vict. c. ccxli ...	Oldham Corporation Act 1900.
9 Edw. 7 c. lxxxix ...	Oldham Corporation Act 1909.
15 & 16 Geo. 5 c. xcvi ...	Oldham Corporation Act 1925.
14 Geo. 6 c. lv ...	Oldham Extension Act 1950.

PART II

CONFIRMATION ACTS AND ORDERS

Session and chapter	Short title	Order
54 & 55 Vict. c. cvii	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1891	Order relating to Oldham dated 12th May 1891.
59 & 60 Vict. c. cxi	Local Government Board's Provisional Orders Confirmation (No. 19) Act 1896	Oldham Order 1896.
—	—	Oldham Water Order 1954.
—	—	Oldham Water Order 1956.
—	—	Oldham Water Order 1959.

Section 72.

SECOND SCHEDULE

TOLLS STALLAGES AND RENTS TO BE TAKEN AT THE MARKETS AND FAIRS

COVERED MARKET

	s.	d.
From the occupier of every enclosed shop or stall occupied for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof if let by the week any weekly sum not exceeding	6	

OPEN MARKETS

From every person occupying or using any ground space for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof any daily sum not exceeding	1	
From every person occupying or using any stall provided by the Corporation for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof any additional daily sum not exceeding	2	
From any person selling any commodity whatsoever and who shall not be otherwise chargeable under this schedule any sum not exceeding for each day	5	0

FAIRS

From every person occupying or using any ground space for the sale of any commodity whatsoever or for any show caravan exhibition booth tent theatre or place of amusement for each superficial square foot or fractional part thereof any daily sum not exceeding	2	
From every person occupying or using any stall provided by the Corporation for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof any additional daily sum not exceeding	2	
From every person selling any commodity whatsoever and who shall not otherwise be chargeable under this schedule any sum not exceeding for each day	5	0

WEIGHING AND MEASURING TOLLS TO BE TAKEN
AT MARKETS AND FAIRS

For every article or matter of any description—		
weighing not more than twenty pounds	1	
weighing over twenty pounds but not more than two hundred and forty pounds	2	
weighing over two hundred and forty pounds but not more than five hundred and sixty pounds	4	

MARKET WAREHOUSE

Tolls for storage and portering

Capacity of container in cubic feet	Storage for seven days with portering service on first day of storage	For each portering service after the first day of storage	Storage for seven days without portering service
	s. d.	s. d.	s. d.
Up to 20 ...	1 3	1 3	9
20 to 40 ...	2 0	1 6	1 2
40 to 60 ...	3 0	2 0	1 8
60 to 80 ...	4 0	3 0	2 3

For obtaining access to any container without the storage being determined s. d.
1 0

PARCELS OFFICE

Tolls for storage

- (a) Fourpence per parcel deposited on a market day and taken out on the same or the following market day;
- (b) Sixpence per parcel deposited on a market day and taken out on another market day in the subsequent seven days;
- (c) Where a parcel has been deposited as in (a) but is not taken out on the same or the following market day an additional twopence shall be payable if the parcel is taken out on another market day in the seven days immediately following the deposit. If the parcel is not taken out within those seven days then the charge for the deposit shall be sixpence for each complete seven days or part of seven days from the date of deposit;
- (d) Where a parcel has been deposited as in (b) but is not taken out on another market day in the subsequent seven days an additional sixpence shall be payable for each seven days or part of seven days subsequent to the first seven days after deposit.

THIRD SCHEDULE

Section 78.

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods as the Corporation may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

3RD SCH.
—cont.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the date specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may issue a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

3RD SCH
—cont.

No.

Date

COUNTY BOROUGH OF OLDHAM
OLDHAM CORPORATION BONDS

.....per centum Oldham Corporation Bond repayable at par on the.....19..... at the.....

This is to certify that of is the registered holder of a bond for.....pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Oldham under the Oldham Corporation Act 1960 at

The common seal of the mayor aldermen and burgesses of the borough of Oldham was hereunto affixed in the presence of

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER
OLDHAM CORPORATION BONDS

I in consideration of the sum of..... paid by (hereinafter called "the transferee") do hereby assign and transfer to the transferee To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid.

As witness our hands and seals this.....day of..... nineteen hundred and.....

3RD SCH.
—cont.

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Oldham Corporation Bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

10. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

FOURTH SCHEDULE

Section 119.

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS III V VI VII VIII X AND XI OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
294	Limitation of liability to certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTIONS APPLIED TO PARTS III V VI VII VIII X AND XI AND SECTION 101 (WELFARE OF AGED AND HANDICAPPED PERSONS AND PROVISION OF HOLIDAY HOMES THEREFOR) OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint &c.

4TH SCH
—cont.

PART IV

SECTION APPLIED TO PARTS III V VI VII VIII X AND XI (EXCEPT SECTION 39 (NUISANCE FROM PIGEONS ETC.) OF PART VI) OF THIS ACT

Section	Marginal note
287	Power to enter premises.

— — — — —

Table of Statutes referred to in this Act other than those referred to in the First Schedule

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68
Oldham Gas and Water Act 1853 ..	16 Vict. c. xlii.
Larceny Act 1861	24 & 25 Vict. c. 96.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Local Government Act 1888	51 & 52 Vict. c. 41.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Finance Act 1899	62 & 63 Vict. c. 9.
Open Spaces Act 1906	6 Edw. 7 c. 30.
Public Health Acts Amendment Act 1907	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Trustee Act 1925	15 & 16 Geo. 5 c. 19.
Law of Property Act 1925	15 & 16 Geo. 5 c. 20.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Supreme Court of Judicature (Consolidation) Act 1925	15 & 16 Geo. 5 c. 49.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act 1926 ..	16 & 17 Geo. 5 c. 11.
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.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.

Short title	Session and chapter
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6 c. 51.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950 ..	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Accommodation Agencies Act 1953 ..	1 & 2 Eliz. 2 c. 23.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Mines and Quarries Act 1954	2 & 3 Eliz. 2 c. 70.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Local Authorities (Expenses) Act 1956 ..	4 & 5 Eliz. 2 c. 36.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.
Prevention of Fraud (Investments) Act 1958	6 & 7 Eliz. 2 c. 45.
Highways Act 1959	7 & 8 Eliz. 2 c. 25.
Mental Health Act 1959	7 & 8 Eliz. 2 c. 72.
Distress for Rates Act 1960	8 & 9 Eliz. 2 c. 12.

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(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

PART XV
—cont.

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 111 (For protection of gas board) of the Oldham Corporation Act 1960":

- (4) Nothing in section 8 (Verges etc. of housing estates) of this Act shall affect the rights of the gas board with respect to any apparatus (including the placing of apparatus) in any such grass verge garden or space as is referred to in that section:

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

- (5) Nothing in section 9 (Prohibition of building until street formed and sewered) of this Act shall prevent the gas board from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus on land abutting on any new street before such street is constructed or sewered in accordance with street byelaws:
- (6) Nothing in this Act 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 section 12 (Driving of vehicles for street cleansing on footpaths etc.) of this Act:
- (7) Nothing in the following sections of this Act shall authorise the Corporation to enter on or to execute any works or do anything in any operational land of the gas board without the consent of the gas board which consent shall not be unreasonably withheld or relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and so far as is reasonably practicable

PART XV
—cont.

the Corporation shall so exercise those powers as not to obstruct or render less convenient the access to any apparatus on such operational land:—

Section 19 (Delegation of power to examine and test drains etc.);

Section 20 (Summary power to remedy stopped-up drains etc.);

Section 22 (Power to repair drains and private sewers);

Section 26 (Ruinous and dilapidated buildings and neglected sites):

Provided that the gas board shall notify the Corporation within ten days of the service of a notice by the Corporation whether or not they consent and if they fail to give such notification within the said period their consent shall be deemed to have been given:

(8) Nothing in section 61 (Fencing of mill lodges etc.) of this Act shall authorise the Corporation to enter on or to execute any works or do anything in any operational land of the gas board without the consent of the gas board which consent shall not be unreasonably withheld or relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section:

(9) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of those sections and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:

Section 58 (Barriers in streets);

Section 59 (Police telephone call boxes and shelters):

(10) (a) Any difference which may arise between the Corporation and the gas board under this section shall be determined by arbitration;

(b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the gas board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other work so as to avoid so far as may be reasonably practicable interference with any purpose for which the apparatus is used.

PART XVI

GENERAL

112. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under section 52 (Byelaws as to inspection of meat) the confirming authority shall be the Minister of Agriculture Fisheries and Food. Confirming authority for byelaws.

113.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act. Local inquiries.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

114. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:— Arbitration.

1	2
Provision of Act	Person appointing arbitrator
Paragraph (a) of subsection (5) of section 59 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Subsection (7) of section 110 (For protection of electricity undertakers)	The President of the Institution of Civil Engineers.
Section 111 (For protection of gas board)	The President of the Institution of Civil Engineers.

115.—(1) (a) In this Act the expression "the appointed day" means in reference to the sections of this Act hereinafter mentioned 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 XVI
—cont.

- (b) The sections of this Act hereinbefore referred to are—
- Section 27 (Demolition of buildings);
 - Section 53 (Slaughter of animals otherwise than for human consumption);
 - Section 63 (Filling in of wells and mineshafts);
 - Section 65 (Boxing and wrestling entertainments);
 - Section 68 (Firemen's switches for luminous tube signs).

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

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

- (a) of the passing of any such resolution and of the date fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that date;

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

(4) Either—

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

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

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

- (a) immediately before that day was carrying on that business or using any premises for that purpose; and
- (b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business or to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 117 (Appeals) of this Act.

Restriction
on right to
prosecute.

116. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

117.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act and sections 301 and 302 of that Act shall apply accordingly.

PART XVI
—cont.
Appeals.

(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 a business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use 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.

118. The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their members and officers from personal liability shall enure for the benefit of any member of the council or of a committee of the council and any officer of the Corporation or other person acting under their direction in relation to the execution by the Corporation or such officer or person of the provisions of any local enactment as if any reference in that section included a reference to that enactment.

Protection
of members
of council
and officers
from personal
liability.

119.—(1) The sections of the Act of 1936 mentioned in Part I of the Fourth Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application of
general
provisions of
Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act that is to say:—

- Part III (Streets);
- Part V (Sanitation and buildings);
- Part VI (Nuisances and offensive trades);
- Part VII (Infectious diseases);
- Part VIII (Food);
- Part X (Public order and public safety);
- Part XI (Fire precautions).

PART XVI
—cont.

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to the following section of this Act:—

Section 101 (Welfare of aged and handicapped persons and provision of holiday homes therefor).

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section (except section 39 (Nuisance from pigeons etc.) of Part VI).

Saving for town and country planning.

120. 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.

Repeals.

121. The following enactments are hereby repealed:—

Act of 1865—

Section 174 (Power to let stalls &c.);

The Sixth Schedule;

Oldham Order 1922—

The whole Order;

Act of 1925—

Section 270 (Power to stop traffic on occasions of emergency);

Section 316 (Power to subscribe to associations &c.);

Section 333 (Authentication of notices and other documents).

Costs of Act.

122. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act as taxed and ascertained 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 such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

Section 3.

PART I

LOCAL ACTS

Session and chapter	Short title
28 & 29 Vict. c. cccxi ...	Oldham Borough Improvement Act 1865 and the Parts of Acts set forth in the Second Schedule to that Act.
33 & 34 Vict. c. cxliv ...	Oldham Corporation Waterworks &c. Act 1870.
38 & 39 Vict. c. clxxx ...	Oldham Corporation Water Act 1875.
43 & 44 Vict. c. cxlvii ...	Oldham Improvement Act 1880.
49 & 50 Vict. c. cxvii ...	Oldham Corporation Act 1886.
62 & 63 Vict. c. ccxli ...	Oldham Corporation Act 1899.
63 & 64 Vict. c. ccxli ...	Oldham Corporation Act 1900.
9 Edw. 7 c. lxxxix ...	Oldham Corporation Act 1909.
15 & 16 Geo. 5 c. xcvi ...	Oldham Corporation Act 1925.
14 Geo. 6 c. lv ...	Oldham Extension Act 1950.

PART II

CONFIRMATION ACTS AND ORDERS

Session and chapter	Short title	Order
54 & 55 Vict. c. cvii	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1891	Order relating to Oldham dated 12th May 1891.
59 & 60 Vict. c. cxi	Local Government Board's Provisional Orders Confirmation (No. 19) Act 1896	Oldham Order 1896.
—	—	Oldham Water Order 1954.
—	—	Oldham Water Order 1956.
—	—	Oldham Water Order 1959.

Section 72.

SECOND SCHEDULE

TOLLS STALLAGES AND RENTS TO BE TAKEN AT THE MARKETS AND FAIRS

COVERED MARKET

	s.	d.
From the occupier of every enclosed shop or stall occupied for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof if let by the week any weekly sum not exceeding	6	

OPEN MARKETS

From every person occupying or using any ground space for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof any daily sum not exceeding	1	
From every person occupying or using any stall provided by the Corporation for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof any additional daily sum not exceeding	2	
From any person selling any commodity whatsoever and who shall not be otherwise chargeable under this schedule any sum not exceeding for each day	5	0

FAIRS

From every person occupying or using any ground space for the sale of any commodity whatsoever or for any show caravan exhibition booth tent theatre or place of amusement for each superficial square foot or fractional part thereof any daily sum not exceeding	2	
From every person occupying or using any stall provided by the Corporation for the sale of any commodity whatsoever for each superficial square foot or fractional part thereof any additional daily sum not exceeding	2	
From every person selling any commodity whatsoever and who shall not otherwise be chargeable under this schedule any sum not exceeding for each day	5	0

WEIGHING AND MEASURING TOLLS TO BE TAKEN
AT MARKETS AND FAIRS

For every article or matter of any description—		
weighing not more than twenty pounds	1	
weighing over twenty pounds but not more than two hundred and forty pounds	2	
weighing over two hundred and forty pounds but not more than five hundred and sixty pounds	4	

MARKET WAREHOUSE

2ND SCH.
—cont.*Tolls for storage and portering*

Capacity of container in cubic feet	Storage for seven days with portering service on first day of storage	For each portering service after the first day of storage	Storage for seven days without portering service
	s. d.	s. d.	s. d.
Up to 20 ...	1 3	1 3	9
20 to 40 ...	2 0	1 6	1 2
40 to 60 ...	3 0	2 0	1 8
60 to 80 ...	4 0	3 0	2 3

For obtaining access to any container without the storage being determined s. d.
1 0

PARCELS OFFICE

Tolls for storage

- (a) Fourpence per parcel deposited on a market day and taken out on the same or the following market day;
- (b) Sixpence per parcel deposited on a market day and taken out on another market day in the subsequent seven days;
- (c) Where a parcel has been deposited as in (a) but is not taken out on the same or the following market day an additional twopence shall be payable if the parcel is taken out on another market day in the seven days immediately following the deposit. If the parcel is not taken out within those seven days then the charge for the deposit shall be sixpence for each complete seven days or part of seven days from the date of deposit;
- (d) Where a parcel has been deposited as in (b) but is not taken out on another market day in the subsequent seven days an additional sixpence shall be payable for each seven days or part of seven days subsequent to the first seven days after deposit.

THIRD SCHEDULE

Section 78.

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods as the Corporation may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

3RD SCH.
—cont.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the date specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may issue a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

3RD SCH
—cont.

No.

Date

COUNTY BOROUGH OF OLDHAM
OLDHAM CORPORATION BONDS

.....per centum Oldham Corporation Bond repayable at par on the.....19..... at the.....

This is to certify that
of
is the registered holder of a bond for.....pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Oldham under the Oldham Corporation Act 1960 at

The common seal of the mayor
aldermen and burgesses of the
borough of Oldham was here-
unto affixed in the presence of }

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER
OLDHAM CORPORATION BONDS

I
in consideration of the sum of.....
paid by
(hereinafter called "the transferee") do hereby assign and transfer to the transferee
To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid.

As witness our hands and seals this.....day of.....
nineteen hundred and.....

3RD SCH.
—cont.

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Oldham Corporation Bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

10. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

FOURTH SCHEDULE

Section 119.

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS III V VI VII VIII X AND XI OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
294	Limitation of liability to certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTIONS APPLIED TO PARTS III V VI VII VIII X AND XI AND SECTION 101 (WELFARE OF AGED AND HANDICAPPED PERSONS AND PROVISION OF HOLIDAY HOMES THEREFOR) OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint &c.

4TH SCH
—cont.

PART IV

SECTION APPLIED TO PARTS III V VI VII VIII X AND XI (EXCEPT
SECTION 39 (NUISANCE FROM PIGEONS ETC.) OF PART VI)
OF THIS ACT

Section	Marginal note
287	Power to enter premises.

—

*Table of Statutes referred to in this Act other than those referred to in
the First Schedule*

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68
Oldham Gas and Water Act 1853 ..	16 Vict. c. xlii.
Larceny Act 1861	24 & 25 Vict. c. 96.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Local Government Act 1888	51 & 52 Vict. c. 41.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Finance Act 1899	62 & 63 Vict. c. 9.
Open Spaces Act 1906	6 Edw. 7 c. 30.
Public Health Acts Amendment Act 1907	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Acquisition of Land (Assessment of Com- pensation) Act 1919	9 & 10 Geo. 5 c. 57.
Trustee Act 1925	15 & 16 Geo. 5 c. 19.
Law of Property Act 1925	15 & 16 Geo. 5 c. 20.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Supreme Court of Judicature (Consolida- tion) Act 1925	15 & 16 Geo. 5 c. 49.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act 1926 ..	16 & 17 Geo. 5 c. 11.
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.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.

Short title	Session and chapter
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6 c. 51.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950 ..	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Accommodation Agencies Act 1953 ..	1 & 2 Eliz. 2 c. 23.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Mines and Quarries Act 1954	2 & 3 Eliz. 2 c. 70.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Local Authorities (Expenses) Act 1956 ..	4 & 5 Eliz. 2 c. 36.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.
Prevention of Fraud (Investments) Act 1958	6 & 7 Eliz. 2 c. 45.
Highways Act 1959	7 & 8 Eliz. 2 c. 25.
Mental Health Act 1959	7 & 8 Eliz. 2 c. 72.
Distress for Rates Act 1960	8 & 9 Eliz. 2 c. 12.

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