

Blackpool Corporation Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 Ch. x

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CHAPTER x

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Blackpool in reference to their promenade and Stanley Park to make further provision with regard to the local government and improvement of the borough and for other purposes.
[26th June 1952.]

WHEREAS—

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

(2) It is expedient to make further provision in reference to the use of the promenade (including Middle Walk) and of Stanley Park in the borough to enable them to be more fully used for the benefit of the borough and the inhabitants thereof and to confer powers upon the Corporation for the provision of illuminations:

(3) It is expedient to authorise the widening of Church Street in the neighbourhood of St. John’s Church:

(4) It is expedient to enlarge the powers of the Corporation and to make further provision in reference to their transport and markets undertakings the formation of a renewal and repairs fund the sale of coal coke and wood fuel and other matters:

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

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

(7) 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:

(8) A plan and section showing the lines and levels of the work authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the town clerk of the borough which plan section and book of reference are in this Act respectively referred to as the deposited plan section and book of reference:

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

PART I

PRELIMINARY

Short and
collective
titles.

1.—(1) This Act may be cited as the Blackpool Corporation Act 1952.

(2) The Blackpool Improvement Acts 1853 to 1938 and this Act may be cited as the Blackpool Corporation Acts 1853 to 1952.

Division of
Act into Parts.

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

Part I.—Preliminary.

Part II.—Promenade Middle Walk Stanley Park and illuminations.

Part III.—Street improvement.

Part IV.—Sale of coal coke wood fuel etc.

Part V.—Miscellaneous.

Part VI.—General.

Incorporation
of Acts.

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

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) In this Act unless the subject or context otherwise requires or provides—

PART I
—cont.

Interpretation.

“ The Act of 1933 ” and “ the Act of 1936 ” mean respectively the Local Government Act 1933 and the Public Health Act 1936;

“ The borough ” means the borough of Blackpool;

“ The central pier ” means the pier belonging to the South Blackpool Jetty Company Limited;

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

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

“ The council ” means the council of the borough;

“ The general rate fund ” means the general rate fund of the borough;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by this Act;

“ Middle Walk ” means Work No. 1 authorised by section 8 (Power to make North Shore works) of the Blackpool Improvement Act 1893 as amended by section 7 (Altered North Shore works substituted for North Shore works as authorised by the Act of 1893) of the Blackpool Improvement Act 1896 and by section 20 (Power to construct promenades street improvements and other works) of the Blackpool Improvement Act 1920 and by section 2 (North Shore works to be made according to plans and sections) of the Blackpool Order (No. 2) 1923 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1923;

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

“ The north pier ” means the pier belonging to the Blackpool Pier Company;

“ The promenade ” means—

(a) from the southern boundary of the borough in a northerly direction to a point opposite to Shaftesbury Avenue so much of the works constructed by the Corporation or their predecessors as lies between the westerly kerb line of the carriage drive and the sea-shore including the promenades for foot-passengers footpaths Middle Walk and the tramroad between the southern boundary of the borough and the northern boundary of the land comprising the north pier and between Cocker Square and Shaftesbury Avenue;

PART I
—cont.

(b) from Shaftesbury Avenue in a northerly direction to a point opposite to Wilverè Drive so much of the works constructed by the Corporation or their predecessors as lies between the easterly fence of the tramroad and the seashore including the promenades for foot-passengers footpaths the cliffs and the tramroad between Shaftesbury Avenue and a point opposite to Wilverè Drive;

(c) from a point opposite to Wilverè Drive to the northern boundary of the borough so much of the works constructed by the Corporation or their predecessors as lies between the westerly kerb line of the carriage-drive and the seashore including the promenades for foot-passengers;

“The south pier” means the pier belonging to the Blackpool South Shore Pier and Pavilion Company Limited;

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

“The town clerk” means the town clerk of the borough.

(2) For the purposes of—

(a) the Blackpool Improvement Act 1935 and this Act;

(b) the Road Traffic Acts 1930 to 1947 in their application to the Corporation; and

(c) any other enactment for the time being relating to the Corporation;

the expression “trolley vehicle” means a mechanically propelled vehicle which is adapted for use upon roads without rails and which is moved by electrical power transmitted thereto from some external source or which in case of emergency or during the turning of the vehicle is moved by some other source.

(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.

PART II

PROMENADE MIDDLE WALK STANLEY PARK AND
ILLUMINATIONS

5.—(1) The Corporation may on such days and during such hours on those days as they think fit close to the public any portion of the promenade and may set apart and use such portion

for the purposes of processions carnivals sports motor races and similar purposes:

PART II
—cont.

Provided that the powers conferred on the Corporation by this section shall not be exercised on any Sunday or on more than fourteen days in any one year or on more than six consecutive days on any one occasion.

(2) The Corporation may demand and take such reasonable sums as they think fit for admission to any part of the promenade closed and set apart under this section.

(3) While any part of the tramroad included in the definition of the promenade is closed under the powers of this section the running of vehicles along that part shall be discontinued.

(4) The Corporation shall not exercise the powers of this section so as to deprive any persons going to or from the north pier the central pier or the south pier of reasonable access to or egress from those piers respectively nor shall the Corporation demand or take any payment or sum of money from any such persons on that account.

(5) Section 1 (Power to close promenade) and section 6 (For protection of Blackpool Pier Company) of the Blackpool Order 1924 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1924) are hereby repealed.

6. The Corporation may from time to time—

Power to close
Middle Walk.

(1) close to the public the whole or any part of Middle Walk for periods not exceeding in the aggregate fourteen weeks in any one year for the purposes of illuminations processions carnivals sports and motor races and similar purposes but during such time as Middle Walk shall be closed as aforesaid suitable access to and from the foreshore from and to Upper Walk shall be available to the public across Middle Walk;

(2) demand and take such reasonable sums as they think fit for admission of persons to Middle Walk when closed in the exercise of the powers of this section.

7.—(1) The Corporation may in on or over any of the premises belonging to the Corporation or (with the consent of the owner or occupier) any other premises in the borough provide or arrange on such terms and conditions as they may think fit for the provision of illuminations and may for such purposes provide fit up maintain and operate all such lamps fittings equipment apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith.

Power to
provide
illuminations.

(2) The provisions of section 31 (Attachment of street lamps brackets etc.) of this Act shall extend and apply to such brackets lamps fittings equipment apparatus and appurtenances as may be

PART II
—cont.

required for the purposes of this section as if they had been mentioned in that section.

(3) Any electric light and power or other apparatus provided fitted up or maintained under this section shall be so constructed or fitted up and so maintained and operated as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General.

Further powers
as to Stanley
Park.

8.—(1) In addition to their powers under section 44 (Parks and pleasure grounds) of the Public Health Acts Amendment Act 1890 the Corporation may on such days as they think fit close to the public a part or parts of Stanley Park not exceeding in the aggregate seventy acres and use the same or either gratuitously or for payment grant the use thereof for any agricultural horticultural or other similar show:

Provided that the powers of this subsection shall not be exercisable—

(a) on any Sunday or public holiday;

(b) for more than twenty-four days in any one year; or

(c) for more than six consecutive days on any one occasion.

(2) The Corporation may demand and take or authorise the demanding and taking of such reasonable sums as they think fit for the admission of persons or vehicles to the part or parts of Stanley Park when closed in the exercise of the powers of this section.

For protection
of pier
companies.

9. Nothing in this Act shall extend to prejudice diminish alter or take away any of the several powers rights privileges or authorities of the Blackpool Pier Company and South Blackpool Jetty Company Limited or the Blackpool South Shore Pier and Pavilion Company Limited.

Saving for
Blackpool
Pleasure Beach
Limited.

10. Nothing in this Act contained shall be construed so as prejudicially to affect the rights and privileges vested in Blackpool Pleasure Beach Limited its successors and assigns under and by virtue of the Blackpool Improvement Act 1917 the Blackpool Improvement Act 1932 and the Blackpool Improvement Act 1935.

For protection
of area boards.

11. For the protection of the area boards the following provisions shall unless otherwise agreed in writing between the Corporation and the area board concerned apply and have effect:—

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

“ apparatus ” means—

(a) in relation to the North Western Electricity Board all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to that board; and

(b) in relation to the North Western Gas Board mains pipes or other apparatus belonging to that board;

and includes any structure constructed for the lodging therein of apparatus;

“the area board” means in relation to any apparatus the North Western Electricity Board or the North Western Gas Board as the case may be:

(2) Notwithstanding the closing to the public of the promenade or Middle Walk under the powers of this Act the area board their officers servants and workmen shall at all reasonable times have such rights of access to any apparatus situate therein thereover or thereunder as they had immediately before such closing and shall be at liberty to execute and do all such works and things in over or under the promenade or Middle Walk as may be necessary for inspecting repairing renewing or removing such apparatus and the Corporation shall provide all such facilities as may be reasonably necessary to enable the area board to exercise such rights and to execute and do such works and things as are referred to in this paragraph:

(3) (a) Any difference which may arise between the Corporation and an area board under this section shall be referred to arbitration the arbitrator in default of agreement being appointed by the President of the Institution of Civil Engineers;

(b) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART III

STREET IMPROVEMENT

12.—(1) (a) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plan and section the street improvement hereinafter mentioned together with all necessary or proper works improvements junctions connections approaches embankments retaining walls sewers drains and conveniences connected therewith or incidental thereto and may enter upon take and use such of the land delineated on the deposited plan and described in the deposited book of reference as may be required for those purposes.

Power to make street improvement.

PART III
—cont.

(b) The street improvement hereinbefore referred to and authorised by this section is a widening and improvement of Church Street in the borough on the north-westerly side.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-two.

Correction of errors in deposited plan and book of reference.

13.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works authorised by this Part of this Act in accordance with the certificate.

(4) Any certificate deposited under this section with the town clerk shall be kept by him with the other documents to which it relates.

Power to expedite entry.

14. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Corporation may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Incorporation of sections of existing Acts.

15. The following provisions so far as they are applicable for the purpose shall extend and apply with the necessary modifications to and in relation to the purposes of this Part of this Act:—

The Blackpool Improvement Act 1893—

Section 117 (Power to take easements &c. by agreement);

The Blackpool Improvement Act 1917—
Section 55 (Subsidiary works):

PART III
—cont.

The Blackpool Improvement Act 1920—
Section 15 (Extinction of private rights of way):

The Blackpool Improvement Act 1925—
Section 6 (Power to enter upon property for survey and
valuation):

The Blackpool Improvement Act 1928—
Section 14 (Limits of deviation).

PART IV

SALE OF COAL COKE WOOD FUEL ETC.

16. In this Part of this Act—

Definitions in
Part IV.

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

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

“vehicle” has the meaning assigned to it by section 35
of the Act of 1889.

17. The provisions of sections 20 to 22 and 24 to 29 of the Application
Act of 1889 and of any byelaws made by the Corporation there- of Act of 1889.
under (which provisions and byelaws relate to the sale of coal)
shall also apply to the sale of coke within the borough and those
provisions (except section 28 and the byelaws made thereunder)
shall apply to the sale within the borough of wood fuel and peat
in quantities of fourteen pounds or over.

18. The Corporation may make byelaws—

Byelaws
relating to
wood fuel and
peat.

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

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

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

19. If any person wilfully makes any false statement as to Penalty on
the weight of any coke wood fuel or peat or any part thereof or fraudulent sale.
as to the tare weight of any vehicle from which coke wood fuel
or peat is being sold delivered or offered or exposed for sale or
wilfully increases the weight of any such coke wood fuel or peat

PART IV
—cont.

by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coke wood fuel or peat is or may be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Amendment
of section 27
of Act of 1889.

20. Proviso (a) to section 27 of the Act of 1889 in its application to the borough shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

Vehicles
carrying coal
etc. for sale or
delivery on
sale.

21.—(1) Every vehicle carrying coal coke wood fuel or peat for sale or for delivery on sale by retail shall have the seller's name and place of business clearly marked and visible on such vehicle:

Provided that vehicles belonging to or used by the National Coal Board or the North Western Gas Board shall sufficiently comply with the provisions of this section if the words "National Coal Board" or "North Western Gas Board" (as the case may be) are clearly marked on such vehicles and visible from the near side thereof.

(2) Any person who in the borough uses a vehicle to which this section applies and which is not in conformity therewith shall be liable to a penalty not exceeding five pounds.

Sale of coal etc.
otherwise than
in sacks.

22.—(1) Any person selling or intending to sell or exposing for sale coal coke wood fuel or peat from or on a vehicle otherwise than in sacks shall before leaving the place at which the coal coke wood fuel or peat was loaded unless the ticket or note required by section 21 of the Act of 1889 in respect of such load has already been sent by post or otherwise to the purchaser or his servant be furnished with such ticket or note and shall on demand produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation and shall deliver such ticket or note to the purchaser or his servant before any part of the coal coke wood fuel or peat is unloaded.

(2) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding five pounds.

Sale in sacks
of coal etc.
exceeding two
hundred-
weight.

23.—(1) Where—

(a) any quantity of coal coke wood fuel or peat exceeding two hundredweight is delivered by means of any vehicle to a purchaser; or

(b) any person sells or intends to sell or exposes or offers for sale coal coke wood fuel or peat from or on any vehicle in quantities exceeding two hundredweight;

and such coal coke wood fuel or peat is carried on such vehicle in sacks the net weight of coal coke wood fuel or peat in any

one sack shall be equal to one of the following weights (that is to say)—

PART IV
—cont.

- two hundredweight;
- one hundredweight;
- one-half of a hundredweight;
- one-quarter of a hundredweight;

and each sack shall be legibly marked so as to show the net weight of coal coke wood fuel or peat carried in such sack.

(2) If default is made in complying with any of the requirements of the preceding subsection or the net weight of coal coke wood fuel or peat in any such sack is less than the weight shewn thereon or stated in the ticket or note referred to in section 21 of the Act of 1889 the seller of the coal coke wood fuel or peat and the person responsible for loading the coal coke wood fuel or peat on such vehicle and the person in charge of such vehicle shall severally be liable to a penalty not exceeding five pounds.

(3) In addition to the matters which in accordance with the said section 21 of and the Third Schedule to the Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal coke wood fuel or peat in each of such sacks and the said section 21 in its application to the borough shall be read and have effect accordingly.

24. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act. Proceedings under Part IV of Act.

25. Part VII (Sale of coke &c.) of the Blackpool Improvement Act 1935 is hereby repealed. Repeal of Part VII of Act of 1935.

26.—(1) The foregoing provisions of this Part of this Act shall come into operation on but not until the first day of January nineteen hundred and fifty-three. Notice of this Part of Act.

(2) (a) The Corporation shall forthwith after the passing of this Act cause public notice to be given of the effect of this Part of this Act by advertisement in a local newspaper circulating in the borough and otherwise in such manner as the Corporation think sufficient.

(b) No evidence shall be required in any proceedings that the provisions of this subsection have been complied with.

PART V

MISCELLANEOUS

Market tolls
and weighing
machines.

27.—(1) The Blackpool Improvement Act 1853 (in this section referred to as “the Act of 1853”) shall be amended as follows:—

(a) Schedule (A) annexed to the Act of 1853 and referred to in section 64 (Power to take tolls for stalls &c. as specified in Schedule (A)) thereof shall be amended by the following addition to the part of that schedule under the heading “Carts” (namely):—

	<i>s.</i>	<i>d.</i>
For every motor vehicle not exceeding thirty hundredweight per day	1	0
For every motor vehicle exceeding thirty hundredweight per day	1	9

(b) The following shall be substituted for Schedule (C) (Weighing machines) annexed to the Act of 1853 and referred to in section 66 (Tolls for weighing carts &c. as specified in Schedule (C)) thereof namely—

WEIGHING MACHINES

	<i>s.</i>	<i>d.</i>
For weighing any cart wagon or other vehicle not exceeding one ton	6	0
For each additional ton or part thereof ...	3	0

(2) Section 49 (Revision of tolls) of the Blackpool Improvement Act 1928 shall be amended as follows:—

(a) In paragraph (1) there shall be substituted for the words “the sum of two pence per day” the words “the sum of three pence per day”;

(b) In proviso (a) to paragraph (1) there shall be substituted for the words “one shilling and six pence” the words “two shillings and six pence”.

Power to
reserve
tramcars.

28. The provisions of section 29 (Power to reserve vehicles) of the Blackpool Improvement Act 1935 shall extend and apply to the tramways of the Corporation and to the carriages run thereon.

As to lost
property.

29. Paragraph (j) of section 94 of the Road Traffic Act 1930 shall have effect as though the expression “public service vehicle” included any tramcar or trolley vehicle of the Corporation and any regulations for the time being in force under the said section by virtue of the said paragraph shall with any necessary adaptations and subject to any express provision of the regulations be construed accordingly.

School
agreements.

30.—(1) As a condition of the admission to a secondary school of any pupil for a course of education which will not terminate until after such pupil has ceased to be of compulsory

school age the Corporation may require the parent or guardian of such pupil to enter into an agreement for the retention of such pupil at such secondary school until a date to be fixed by the agreement (not being later than the end of the term during which the pupil will attain the age of sixteen years) and such agreement may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without the consent of the Corporation to attend such school before the date fixed by such agreement and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement.

(2) For the purposes of this section—

the expression “secondary school” includes—

(a) a secondary school as defined by section 114 of the Education Act 1944; and

(b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection 1 of section 100 of that Act and in which secondary education as defined by section 8 of the said Act is provided; and

the expressions “pupil” and “compulsory school age” have the same respective meanings as in the said Act of 1944.

31.—(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 (in this section called “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 V
—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 require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

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

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

“appropriate authority” means a court of summary jurisdiction 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:—

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 Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Town and Country Planning Act 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved by a Minister 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; or (iv) is owned by statutory water undertakers.	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 Fuel and Power.

“ building ” includes a wall fence hoarding or similar erection and a bridge or aqueduct over a street;

“ owner ” means—

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

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

(c) in relation to any other building the person who is receiving the rack-rent (as defined in section 343 of the Act of 1936) or who would receive the rack-rent if the building were let at a rack-rent;

and the expression “ owned ” shall be construed accordingly.

(7) The provisions of section 290 of the Act of 1933 shall apply to the determination by any Minister of any question to be determined by him under this section.

(8) The provisions of this section shall not apply to any building on or forming part of the north pier the central pier or the south pier.

32.—(1) The Corporation may (if they think fit) establish a Renewal and fund (to be called “ the renewal and repairs fund ”) for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances vehicles boilers and equipment and apparatus in connection therewith deck-chairs rowing or motor boats office machinery furniture fittings and appliances or things and may from time to time apply the moneys of the fund in defraying such expenditure but this section shall not apply to expenditure in connection with any buildings works plant appliances or things for the purposes of their transport baths airport or sea-water undertakings or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay into the renewal and repairs fund such sums as they think fit from the revenue of the general rate fund (including a sum equal to the interest earned on the renewal and repairs fund and any income arising from the application of that fund to the purposes authorised by any other enactment) but the maximum amount standing to the credit of the renewal and repairs fund shall not except with the approval of the Minister at any time exceed fifty thousand pounds.

PART V
—cont.

(3) (a) Pending the application of moneys in the renewal and repairs fund to the purposes authorised by this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in the manner provided by this subsection and any income arising from the application of the fund in any manner authorised by any other enactment shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

(4) Section 63 of the Blackpool Improvement Act 1935 is hereby repealed and the fund established under that section shall be deemed to have been established under this section.

PART VI

GENERAL

Confirming
authority for
byelaws.

33. The confirming authority for the purpose of section 250 of the Act of 1933 shall as respects byelaws made under section 18 (Byelaws relating to wood fuel and peat) of this Act be the Board of Trade.

Application of
provisions of
Act of 1936.

34. The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

- Section 271 (Interpretation of “provide”);
- Section 276 (Power of local authority to sell certain materials);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 288 (Penalty for obstructing execution of Act);
- Section 293 (Recovery of expenses &c.);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative).

Saving for
town and
country
planning.

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

36.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

PART VI
—cont.

Costs of Act.

(2) The Corporation may borrow without the consent of any sanctioning authority the sum requisite for the payment of the said costs charges and expenses and they shall repay all moneys so borrowed within such periods as the Corporation may determine not exceeding five years from the passing of this Act.

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

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Blackpool Improvement Act 1853 ...	16 Vict. c. xxix.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882... ..	45 & 46 Vict. c. 56.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Blackpool Improvement Act 1893 ...	56 & 57 Vict. c. lxxxvi.
Blackpool Improvement Act 1896 ...	59 & 60 Vict. c. cxxx.
Blackpool Improvement Act 1917 ...	7 & 8 Geo. 5. c. lii.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
Blackpool Improvement Act 1920 ...	10 & 11 Geo. 5. c. lxxxiii.
Blackpool Order (No. 2) 1923 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1923)	13 & 14 Geo. 5. c. xl.
Blackpool Order 1924 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1924) ...	14 & 15 Geo. 5. c. lxxiii.
Blackpool Improvement Act 1925 ...	15 & 16 Geo. 5. c. cii.
Blackpool Improvement Act 1928 ...	18 & 19 Geo. 5. c. cxii.
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Blackpool Improvement Act 1932 ...	22 & 23 Geo. 5. c. xxix.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Blackpool Improvement Act 1935 ...	25 & 26 Geo. 5. c. cviii.
Public Health Act 1936	26 Geo. 5. and 1 Edw. 8. c. 49.
Education Act 1944	7 & 8 Geo. 6. c. 31.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6. c. 51.
Lands Tribunal Act 1949	12 & 13 Geo. 6. c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6. c. 67.

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*Blackpool Corporation
Act, 1952*

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LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 0d. net

(77527)

PRINTED IN GREAT BRITAIN