

# Nottingham Corporation Act, 1952

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

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SCHEDULE—

Part I—Nottingham local Acts.

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### CHAPTER xxxiii

An Act to authorise the lord mayor aldermen and citizens of the city of Nottingham and county of the same city to construct waterworks and to purchase lands compulsorily for that and other purposes to make further provision in reference to the water transport and markets undertakings of the city to empower the Corporation to supply heat to confer further powers on the Corporation with regard to streets buildings sewers and drains and the health and good government of the city to enact provisions with respect to the finances of the city and the superannuation of certain officers and servants and for other purposes. [1st August 1952.]

### WHEREAS—

(1) The city of Nottingham and county of the same city (in this Act called "the city") is under the municipal and local government of the lord mayor aldermen and citizens of the city (in this Act called "the Corporation"):

(2) It is expedient to empower the Corporation to construct and maintain the waterworks described in this Act and to acquire lands and easements for the purposes thereof:

(3) It is expedient to extend further the time for the completion of Waterwork No. 8 authorised by the Nottingham Corporation Act 1938:

(4) It is expedient to make further provision in reference to the transport undertaking of the Corporation and to authorise the acquisition of lands for the purposes of that undertaking and of the markets undertaking of the Corporation:

(5) It is expedient to authorise the Corporation to supply heat by means of hot water or steam within the city:

(6) It is expedient to make further provision in reference to the health local government finances and improvement of the city:

(7) It is expedient that the provisions contained in this Act relating to the payment of superannuation allowances and other allowances to officers and servants contributing to the superannuation fund of the Corporation and of pensions to widows and dependants of such officers and servants should be enacted:

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

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

(10) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

	£
(a) The construction of substituted Waterwork No. 10 by this Act authorised ... ..	107,260
(b) The construction of Waterwork No. 11 by this Act authorised ... ..	134,383
(c) The additional cost of construction of the following waterworks authorised by the Nottingham Corporation Act 1947:—	
(i) So much of Waterwork No. 1 as does not consist of machinery ... ..	76,454
(ii) The provision of machinery in connection with Waterwork No. 1 ... ..	52,151
(iii) Waterworks Nos. 2 3 and 5 ... ..	216,068
(iv) Waterwork No. 4 ... ..	45,542
(d) The additional cost of the construction of the following waterworks authorised by the Nottingham Corporation Act 1938:—	
(i) So much of Waterworks Nos. 1 and 5 as does not consist of machinery ... ..	41,509
(ii) The provision of machinery in connection with Waterworks Nos. 1 and 5... ..	32,414
(iii) Waterworks Nos. 4 8 and 10 ... ..	115,281

(11) The several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

(12) 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:



(13) Plans and sections showing the lines and levels of the works authorised by this Act (other than the substituted Waterwork No. 10 as defined in this Act hereinafter called "the substituted Waterwork No. 10") and showing the lands required or which may be taken for the purposes or under the powers of this Act (other than the lands required for the purposes of the substituted Waterwork No. 10) 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 in the month of November nineteen hundred and fifty-one with the clerk of the county council of the administrative county of Nottingham and with the town clerk of the city which plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference :

(14) A plan and sections showing the lines and levels of the substituted Waterwork No. 10 and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of the substituted Waterwork No. 10 were deposited in the month of April nineteen hundred and fifty-two with the clerk of the county council of the administrative county of Nottingham which plan sections and book of reference are in this Act referred to as the substituted plan sections 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

1.—(1) This Act may be cited as the Nottingham Corporation Act 1952. Short and collective titles.

(2) The local Acts as defined in section 6 (Interpretation) of this Act and this Act may be cited jointly as the Nottingham Corporation Acts and Orders 1845 to 1952.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Waterworks and water supply.

Part IV.—Transport undertaking.

Part V.—Heating undertaking.

Part VI.—Streets.

Part VII.—Sanitation and buildings.

Division of  
Act into Parts.

PART I  
—cont.

- Part VIII.—Nuisances.  
 Part IX.—Infectious diseases.  
 Part X.—Establishments for massage or special treatment.  
 Part XI.—Superannuation.  
 Part XII.—Finance and rating.  
 Part XIII.—Miscellaneous.  
 Part XIV.—General.

Incorporation  
of Acts.

3. The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts with the following exceptions and modification:—

(a) Section 92 (Parties not to be required to sell part of a house &c.) and sections 127 to 132 (relating to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act, 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:

(2) The following provisions of the Third Schedule to the Water Act 1945:—

Part II (Works and lands) except sections 2 7 and 9;

Part IV (Minerals underlying waterworks);

In Part VI (Breaking open streets &c.) sections 22 27 and 28;

Part XIV (Pollution of water by manufacture &c. of gas);

In Part XVI (General and miscellaneous) sections 80 92 93 and 94:

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of private roads and lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the waterworks authorised by this Act and “the centre of the railway” means the centre of such waterworks respectively.

Application of  
section 265 of  
Public Health  
Act 1875.

4. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local enactment for the time being in force in the city as if the same were re-enacted therein.

5. 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):—

PART I  
—cont.

Application of  
provisions of  
Act of 1936.

- Section 271 (Interpretation of "provide");  
Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);  
Section 276 (Power of local authority to sell certain materials);  
Section 277 (Power of councils to require information as to ownership of premises);  
Section 283 (Notices to be in writing; forms of notices &c.);  
Section 284 (Authentication of documents);  
Section 285 (Service of notices &c.);  
Section 287 (Power to enter premises);  
Section 288 (Penalty for obstructing execution of Act);  
Section 289 (Power to require occupier to permit works to be executed by owner);  
Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);  
Section 292 (Power to make a charge in respect of establishment expenses);  
Section 293 (Recovery of expenses &c.);  
Section 294 (Limitation of liability of certain owners);  
Section 295 (Power of local authority to grant charging orders);  
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);  
Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that—

- (a) the said sections 277 287 289 291 292 295 and 329 shall only apply to the provisions contained in Part VI (Streets) Part VII (Sanitation and buildings) Part VIII (Nuisances) and Part IX (Infectious diseases) of this Act; and  
(b) the said section 293 shall not apply to the provisions contained in Part V (Heating undertaking) of this Act.

PART I  
—cont.  
Interpretation.

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

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

“ the Act of 1913 ” “ the Act of 1923 ” “ the Act of 1925 ”  
“ the Act of 1929 ” “ the Act of 1930 ” “ the Act of  
1935 ” and “ the Act of 1938 ” mean respectively the  
Nottingham Corporation Act 1913 the Nottingham  
Corporation Act 1923 the Nottingham Corporation Act  
1925 the Nottingham Corporation Act 1929 the Not-  
tingham Corporation Act 1930 the Nottingham Cor-  
poration Act 1935 and the Nottingham Corporation  
Act 1938 ;

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

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

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

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

“ the appointed day ” except for the purposes of Part XI  
(Superannuation) of this Act has the meaning assigned  
to it by section 137 (The appointed day) of this Act ;

“ the city ” means the city of Nottingham and county of the  
same city ;

“ contravention ” includes a failure to comply and “ con-  
travene ” shall be construed accordingly ;

“ the Corporation ” means the lord mayor aldermen and  
citizens of the city ;

“ the council ” means the council of the city ;

“ the county ” means the administrative county of Notting-  
ham and “ the county council ” means the county  
council of the county ;

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

“ electric line ” has the same meaning as in the Electric  
Lighting Act 1882 ;

“ the electricity authority ” means the British Electricity  
Authority ;

“ the electricity board ” means the East Midlands Electri-  
city Board ;

- “enactment” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the city ;
- “food” has the same meaning as in the Food and Drugs Act 1938 ;
- “the gas board” means the East Midlands Gas Board ;
- “the general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the city ;
- “heat” means heat supplied or intended to be supplied by means of hot water or steam ;
- “the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 and by this Act ;
- “the local Acts” means the local Acts specified in Part I of the schedule to this Act and the orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those orders ;
- “the Minister” means the Minister of Housing and Local Government ;
- “road authority” means with reference to any road or part of any road over which any proposed trolley vehicle route will pass the council of a county or county district who are responsible for or liable to contribute to the maintenance of such road or part of a road ;
- “statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;
- “substituted Waterwork No. 10” means the substituted Waterwork No. 10 described in section 25 (Power to make waterworks) of this Act ;
- “telegraphic line” has the same meaning as in the Telegraph Act 1878 ;
- “the town clerk” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the town clerk the medical officer of health the surveyor and any sanitary inspector of the city ;

PART I  
—cont.

“the transport undertaking of the Corporation” has the meaning assigned to it by section 76 (Receipts and expenses of transport undertaking) of the Act of 1938;

“the tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) For the purposes of—

(a) the Act of 1913 the Act of 1925 the Act of 1929 the Act of 1930 the Nottingham Corporation (Trolley Vehicles) Order 1934 the Act of 1935 the Nottingham Corporation Act 1947 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 without rails upon roads 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 means.

(4) 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

## LANDS

Power to  
acquire lands.

7.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use—

(a) such of the lands delineated on the substituted plan and described in the substituted book of reference as may be required for substituted Waterwork No. 10 authorised by Part III (Waterworks and water supply) of this Act;

(b) such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of Waterwork No. 11 authorised by the said Part III of this Act; and

(c) such of the lands in the parish of Papplewick in the rural district of Basford in the county delineated on the deposited plans and described in the deposited book of

reference and therein numbered 2 to 6 inclusive as may be required for the purposes of laying discharge pipes and apparatus under section 28 (Power to discharge waste water and purified sewage effluent) of this Act.

(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 December nineteen hundred and fifty-two.

8.—(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 plans or the substituted plan or in the deposited book of reference or the substituted 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 place in which the land is situated for the correction thereof.

Correction  
of errors  
omissions etc.

(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 following officers:—

(a) the town clerk if the land is situated in the city ;

(b) the clerk of the county council if the land is situated in the county ;

and a copy thereof shall be deposited with every clerk of a local authority and clerk of a parish council and chairman of a parish meeting with whom a copy of the deposited plans or the substituted plan (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans or the substituted plan and the deposited book of reference or the substituted 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 in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

9.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition of  
part only of  
certain  
properties.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a

PART II  
—cont.

house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

- (a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory ; or
- (b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

Power to  
expedite entry.

**10.** At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act or in respect of any easement or right in such land 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 or enter on the land in respect of which the easement or right is to be acquired 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 or for the easement or right acquired and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter  
for survey or  
valuation.

**11.** Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land :

Provided that no land shall be entered under this section unless the Corporation not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

Extinction of  
private rights  
of way.

**12.—(1)** Any private right of way over any land that may be acquired compulsorily under this Act shall if the Corporation so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.



(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

13. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-one ; or

(b) any interest in the land created after the said date ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

14. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired or in land in respect of which an easement is acquired under this Act in a case where—

Set off of betterment against compensation.

(a) he has an interest in any other land contiguous with or adjacent to the land so acquired or the land in respect of which an easement is acquired ; and

(b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the works authorised by this Act or any of them ;

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

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

15.—(1) In lieu of acquiring any land that may be acquired under this Act the Corporation may for the purpose of constructing using and maintaining so much of the works authorised by this Act and the discharge pipes and apparatus referred to in section 28 (Power to discharge waste water and purified sewage effluent) of this Act as will be laid underground and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for that purpose.

Power to acquire easements only.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply

PART II  
—cont.

in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement or during the execution of the said works) entitled to fence off or sever that land from the adjoining land ;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use and cultivate the land as if this Act had not been passed.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house :

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Provision of substituted sites.

**16.** The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under this Act.

Power to reinstate owners or occupiers of property.

**17.**—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

Allowances to displaced persons.

**18.**—(1) The Corporation may pay to any person displaced from any building acquired under this Act and carrying on a trade or business therein such reasonable allowance as they think fit towards the loss which in their opinion he will sustain by reason of the disturbance of his trade or business in consequence of his having to quit the building.

(2) In estimating the said loss the Corporation shall have regard to the period for which the premises occupied by that

person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

PART II  
—cont.

(3) The provisions of this section shall be in addition to and not in derogation of any enactment or any rule of law relating to compensation for disturbance.

19.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the works authorised by this Act or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

Agreements  
with adjoining  
owners.

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act.

20.—(1) Any capital money received by the Corporation on the resale or exchange of or by leasing any land acquired under this Act may (so far as they consider necessary and subject to the approval of the Minister) be applied by them in the purchase of other land.

Proceeds of  
disposal of  
surplus land.

(2) Any capital money so received and not so applied shall be applied in or towards the extinguishing of any loan raised by the Corporation under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Corporation otherwise directs and subject in that event to such conditions as he may impose be in addition to and not in substitution for such method of extinguishing the loan as may have been adopted by the Corporation under any enactment.

(4) Any capital money received by the Corporation on the resale or exchange of or by leasing any land acquired under any enactment other than this Act shall be applied in the same manner as capital money received under that enactment is applicable or in such other manner as may be approved by the Minister.

21.—(1) The Corporation by means of an order made by the Corporation and submitted to the appropriate Minister and confirmed by him may be authorised to purchase compulsorily—

Purchase of  
land for  
transport and  
markets under-  
takings.

(a) land whether within or outside the city for the purposes of the transport undertaking of the Corporation ; and

(b) land within the city for the purposes of the markets undertaking of the Corporation.

PART II  
—cont.

(2) For the foregoing purposes the appropriate Minister shall be the Minister of Transport in respect of the transport undertaking and the Minister in respect of the markets undertaking.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

(4) For the purposes of this section the expression "the markets undertaking of the Corporation" includes all lands buildings premises apparatus charter manorial and other rights powers and privileges for the time being vested in held used or enjoyed by the Corporation for the purposes of the markets market-halls market-places slaughterhouses abattoirs lairages wharves or landing places for cattle railway sidings approach roads and cold air stores or refrigerators established or acquired or to be established or acquired by the Corporation and any services or facilities which the Corporation undertake or provide in connection therewith.

Recovery of  
deposit under  
Lands Clauses  
Act.

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

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

Loans for  
erection etc.  
of buildings.

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

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

PART II  
—cont.

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

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
  - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or
  - (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.

PART II  
—cont.

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

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land and building in respect of which the advance was made but any such transfer shall be made subject to the terms of the instrument securing the advance.

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

Undertakings  
and agree-  
ments binding  
on successive  
owners.

24.—(1) Every undertaking given by or to the Corporation to or by the owner of any legal estate in land and every agreement made between the Corporation and any such owner being an undertaking or agreement—

(a) given or made under seal on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

## PART III

## WATERWORKS AND WATER SUPPLY

Power to make  
waterworks.

25.—(1) (a) Subject to the provisions of this Act the Corporation may make and maintain the waterworks referred to in this subsection in the lines and situations and according to the levels and upon the lands following (namely):—

(i) as regards the substituted Waterwork No. 10 the lines situations and levels delineated on the substituted plan and sections and the lands delineated on the substituted plan and described in the substituted book of reference; and

(ii) as regards Waterwork No. 11 the lines situations and levels delineated on the deposited plans and sections and the land delineated on the deposited plans and described in the deposited book of reference.

(b) The waterworks referred to in this subsection are as follows:—

In the county—

Substituted Waterwork No. 10 A service reservoir (to be called “the additional Papplewick service reservoir”) to be situate in the parish of Papplewick in the rural district of Basford in the enclosures numbered 106 110 and 117 on the 1/2500 ordnance map of the said parish (edition 1915) Nottinghamshire sheet No. XXXIII.6;

In the county and the city—

Waterwork No. 11 An aqueduct conduit or line or lines of pipes commencing by a junction with an existing aqueduct at the junction of Forest Lane with Mansfield Road in the said parish of Papplewick passing through the said parish the urban district of Hucknall and the parish of Bestwood Park in the said rural district of Basford to and terminating in the city by a junction with an existing aqueduct at the junction of Arnold Road with Hucknall Road.

(2) In addition to the waterworks hereinbefore described the Corporation may make and maintain—

(a) upon any lands for the time being belonging to them all such buildings tanks machinery electric cables roads tramroads works and apparatus of whatever character; and

(b) in or over any lands in or over which the Corporation have or obtain an easement all such machinery electric cables works and apparatus of whatever character and temporary roads and tramroads being machinery cables works apparatus roads and tramroads for the purposes of which they have or may obtain the easement;

as may be necessary or convenient in connection with or subsidiary to the said waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

(3) Any electrical works or apparatus constructed and maintained under this section shall be so constructed used and

PART III  
—cont.

maintained as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to  
deviate in  
construction of  
waterworks.

26. In the construction of the waterworks authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans or (as the case may be) on the substituted plan (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections or (as the case may be) on the substituted sections to any extent not exceeding six feet upwards and to any extent downwards Provided that except for the purposes of crossing over a stream canal or railway no part of the aqueducts conduits or lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for  
completion  
of waterworks  
and enlarge-  
ment of  
works.

27.—(1) If the waterworks authorised by this Act and shown respectively on the deposited plans and sections and the substituted plan and sections are not completed by the thirty-first day of December nineteen hundred and sixty-two then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

(2) The Corporation may extend enlarge alter reconstruct renew or remove any of the waterworks and plant constructed under this Act as and when occasion may require and also may in the case of the Waterwork No. 11 authorised by this Act lay down additional lines of pipes as and when necessary in order to maintain a continuous supply of water.

Power to  
discharge  
waste water  
and purified  
sewage  
effluent.

28.—(1) The Corporation during and after the construction of the service reservoir substituted Waterwork No. 10 authorised by this Act may discharge into the stream which flows southward on the east side of Mansfield Road adjacent to enclosure No. 130 on the 1/2500 ordnance map (edition 1915) Nottinghamshire sheet No. XXXIII.6 waste water from the said substituted Waterwork No. 10 and for the said purposes may lay and maintain all necessary discharge pipes and apparatus:

Provided that—

- (a) the powers of this section shall not be exercised except in accordance with and subject to the provisions of section 7 of the Rivers (Prevention of Pollution) Act 1951; and



(b) any water or sewage effluent so discharged shall be free from mud solid or offensive matter and matter injurious to fish or spawn or spawning beds or food of fish.

(2) The rate at which the Corporation may cause water to be discharged into the said stream shall not exceed such a rate as may be agreed between the Corporation and the county council or as failing agreement may be determined by arbitration to be reasonable having regard to all the circumstances of the case.

(3) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration.

29. The waterworks to be constructed by the Corporation under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation.

Waterworks to form part of undertaking.

30. The provisions of section 44 (For preservation of amenities) of the Act of 1938 shall extend and apply to and for the purposes of this Act as if the said provisions were with any necessary modifications in terms re-enacted in this Act and made applicable thereto and as if in the said section 44 "Papplewick" was substituted for "Rufford Lambley Bestwood Park Arnold and Kimberley".

Application of section 44 of Act of 1938.

31. The time limited by section 23 (Period for completion of waterworks and enlargement of works) of the Act of 1938 for the completion of the Ramsdale service reservoir (Waterwork No. 8 authorised by that Act) and extended by the Nottingham Corporation Act 1947 is hereby further extended until the thirty-first day of December nineteen hundred and sixty-two.

Extension of time for completion of waterworks authorised in 1938.

32. The provisions of section 81 (For protection of River Trent Catchment Board) of the Act of 1938 shall extend and apply for the protection of the Trent River Board in relation to the waterworks authorised by this Act as if the said provisions were with any necessary modifications in terms re-enacted in this Act and made applicable thereto and as if in the said section 81—

For protection of Trent River Board.

(a) references to the Trent River Board and the Trent River Board area were respectively substituted for references to the River Trent Catchment Board and the River Trent catchment area ;

(b) either of the said waterworks were an " authorised work " within the meaning of the said section ; and

PART III  
—cont.

(c) the following sub-paragraph were substituted for sub-paragraph (a) of paragraph (7) thereof:—

“(a) Not less than seven days before commencing to discharge water through a pipe exceeding nine inches in diameter directly or indirectly into any watercourse in the exercise of the powers of this Act the Corporation shall (except in case of emergency) give notice of their intention to the Trent River Board and the Corporation shall have due regard to any representations which may be made to them as to the time mode and rate of discharge with a view to avoiding or minimising injury or inconvenience therefrom. Provided that whenever the Corporation propose to discharge water on a number of occasions during a period the giving by them of a general notice to that effect accompanied by such particulars as it is reasonably practicable for them to give shall constitute compliance by them with the provisions of this paragraph”.

For protection  
of Hucknall  
Urban District  
Council.

33. For the protection of the urban district council of Hucknall (in this section referred to as “the council”) the following provisions shall apply and have effect unless otherwise agreed between the Corporation and the council:—

- (1) Notwithstanding anything in this Act or shown on the deposited plans and sections the Corporation shall not be authorised to take compulsorily any part of the water undertaking of the council nor without first receiving the written consent (to which conditions may be attached) of the water engineer of the council to alter or interfere with any mains or pipes or other property of the council but such consent shall not be unreasonably withheld:
- (2) Any application for consent under the last foregoing subsection shall be accompanied by a plan a section and sufficient particulars of the portion of the aqueduct Waterwork No. 11 authorised by this Act (in this section referred to as “Work No. 11”) which will be situate in the highway known as Forest Lane in the parish of Papplewick in the rural district of Basford or in the highway known as Moor Road in the urban district of Hucknall as the case may be:
- (3) The Corporation shall be responsible for and make good to the council any losses damages and expenses which may be occasioned to the council by reason or in consequence of the execution or failure of Work No. 11 or by reason of any act default or omission of the Corporation and the Corporation shall effectually

indemnify and hold harmless the council from all claims and demands upon and against them by reason of such execution or failure or by any such act default or omission:

- (4) If the council shall in consequence of the construction maintenance or renewal or the failure of Work No. 11 or any portion thereof in the said roads or either of them reasonably incur in connection with the maintenance inspection or renewal of any water main pipe or apparatus of the council situate in the said roads or either of them at the date of the execution by the Corporation of Work No. 11 or such portion thereof any expense beyond the expense which the council would have had to incur if Work No. 11 had not been constructed the Corporation shall reimburse to the council the additional expense so incurred by them:
- (5) Any difference arising under this section shall be referred to and determined by an arbitrator.

#### PART IV

##### TRANSPORT UNDERTAKING

34.—(1) Section 22 (Power to appoint stages) of the Act of 1923 shall have effect as if in subsection (1) the words “two pence” were substituted for the words “one penny” and “three halfpence” and <sup>fares.</sup>

(2) Section 13 (Cheap fares for labouring classes) of the Nottingham Corporation Act 1902 shall have effect as if in subsection (1) the words “three halfpence” were substituted for the words “one halfpenny” and as if the words “two pence” were substituted for the words “one penny”.

(3) The provisions of the said section 22 of the Act of 1923 as amended by this Act shall extend and apply to the provision maintenance and running of trolley vehicles under the powers of the Act of 1913.

(4) Section 14 (Fares rates and charges) of the Act of 1913 shall have effect as if subsection (2) were omitted therefrom.

35.—(1) (a) If at any time hereafter the Corporation desire to provide equip maintain and use trolley vehicles upon any road dedicated to the public use whether within or outside the city not forming part of any trolley vehicle route for the time being authorised they may make application to the Minister of Transport (in this section referred to as “the Minister”) and the Minister is hereby empowered to make an order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon <sup>Minister may authorise new trolley vehicle routes.</sup>

PART IV  
—cont.

any road or roads to which such application relates and containing such incidental provisions as the Minister may deem expedient and subject to the terms of the order the provisions of the Nottingham Corporation Act 1947 shall apply as if the use of trolley vehicles upon such road were authorised by that Act.

(b) The Minister shall not make an order under this section relating to any road outside the city except with the consent of the local authority and of the road authority and subject to such conditions and restrictions as the local authority and the road authority may agree.

(c) Any trolley vehicle route and the powers relating thereto authorised by the Minister under this section shall be deemed to form part of the transport undertaking of the Corporation.

(2) An order made under this section shall be subject to special parliamentary procedure and the First Schedule to the Statutory Orders (Special Procedure) Act 1945 (which sets out the notices to be given and other requirements to be complied with before an order is made) shall in its application to any such order have effect as if paragraph 1 of the said schedule included a provision requiring the Corporation to comply with any direction which may be given by the Minister as to posting and maintaining notices giving the purport of the application in relation to any road or roads to which it relates in that road or in those roads.

(3) The expression "Act of Parliament" in section 7 of the Telegraph Act 1878 (which makes provision as to work done in pursuance of Acts of Parliament involving any telegraphic lines) shall be construed as including any order made under this section authorising the execution of works.

Byelaws as to  
shelters etc.

36. The Corporation may make byelaws as to the conduct of persons using public service vehicle and trolley vehicle stations shelters conveniences and other premises forming part of the transport undertaking of the Corporation to which the public have access:

Provided that no such byelaws shall apply to any property or vehicles of the West Bridgford Urban District Council.

## PART V

## HEATING UNDERTAKING

Interpretation  
of this Part of  
Act.

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

"heating fittings" includes radiators air heaters water heaters mains pipes meters taps cocks valves ferrules and other works and apparatus used in connection with the supply or use of heat;

“ the heating undertaking ” means the heating undertaking authorised by this Part of this Act and includes all lands stations boiler-houses properties works buildings machinery plant mains pipes apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the provision storage transmission distribution and supply of heat ;

“ main ” includes mechanical and thermal protection for a main and apparatus used in connection with a main.

**38.**—(1) The Corporation may supply heat to such premises as they may think fit in the city upon and subject to the terms and conditions provided by this Part of this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises : Supply of heat.

Provided that in the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice of their intention to do so to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice of such discontinuance shall be given by the Corporation to the owner of such premises.

**39.**—(1) Subject to the provisions of this Part of this Act the Corporation may on lands in the city belonging or leased to them erect lay down maintain work and use stations boiler-houses mains pipes and other works for providing storing transmitting distributing and supplying heat and for producing any material product matter or thing arising or used in the process of such provision of heat (including the generation of electricity) together with such buildings boilers engines pumps machinery sidings electric lines matters and things of whatever description as may be required by the Corporation to enable them to provide store transmit distribute and supply heat and the Corporation may accordingly on those lands provide store transmit distribute and supply heat and may produce such materials products matters and things : Works for provision of heat.

Provided that—

(a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted ;

(b) any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and

PART V  
—cont.

used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

(a) to the electricity authority ; or

(b) with the approval of the electricity authority to the electricity board ;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the electricity authority and the electricity board) elsewhere.

(3) The electricity authority shall take all the electricity generated by the Corporation as aforesaid which is not—

(a) required for or in connection with the supply of heat ;  
or

(b) supplied to the electricity board with the approval of the electricity authority ;

upon such terms and conditions as may be agreed between the Corporation and the electricity authority or in default of agreement determined by arbitration on the basis of a supply by a willing seller to a willing buyer.

(4) Any matter to be determined by arbitration under the last preceding subsection shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the electricity authority or in default of agreement to be appointed by the President of the Institution of Electrical Engineers.

As to construction of station for providing heat.

**40.**—(1) (a) If the council shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act they shall forthwith give to the Minister of Fuel and Power to the electricity authority and to the gas board notice of such resolution and such information with regard to such station as the electricity authority or the gas board (as the case may be) may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station (but not details of design) the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities of heat required by the Corporation and of the times and form at and in which such quantity or quantities will be required.

(b) Any dispute between the Corporation on the one hand and the electricity authority and the gas board or either of them on the other hand as to whether any information is reasonably required by the electricity authority and the gas board or either of them under this subsection shall be referred to and determined by the Minister of Fuel and Power.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the electricity authority and the gas board or either of them may serve upon the Corporation a counter-notice offering a supply of heat to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Corporation and the electricity authority or the gas board (as the case may be).

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Corporation and the electricity authority or the gas board (as the case may be) the terms and conditions upon which a supply of heat is to be given to the Corporation by the electricity authority or the gas board (as the case may be) for the purposes of the heating undertaking are not agreed between them the Corporation shall submit to the Minister for determination the question whether a supply of heat shall be afforded to the Corporation by the electricity authority or the gas board and (if he determines that a supply of heat is to be afforded by the electricity authority or the gas board) the terms and conditions upon which such a supply is to be afforded.

(4) If the Minister determines that a supply of heat shall be afforded to the Corporation by the electricity authority or the gas board the electricity authority or the gas board (as the case may be) shall afford such a supply in accordance with the terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the electricity authority or the gas board offered a supply of heat to the Corporation then if within twenty-eight days after the receipt of the determination of the Minister the electricity authority or the gas board (as the case may be) give notice in writing to the Minister and the Corporation that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat to the Corporation and the Corporation shall be entitled to proceed with their proposals as if this section had not been enacted unless within twenty-eight days of such last-mentioned notice the Corporation serve on the electricity authority or the gas board (as the case may be) a notice requiring a supply in which case the electricity authority or the gas board (as the case may be) shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

PART V  
—cont.Power to buy  
heat in bulk.

41.—(1) The Corporation may enter into and carry into effect agreements with any persons able to supply heat for the furnishing to the Corporation by such persons of a supply of heat for the purposes of this Part of this Act and—

- (a) any such person may enter into any such agreement accordingly; and
- (b) any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of waste heat hot water or steam from any generating station or gasworks and any authority able to supply heat hot water or steam may enter into such an agreement.

Purchase of  
land for  
heating under-  
taking.

42.—(1) The Corporation may be authorised by the Minister to purchase compulsorily for the purposes of the heating undertaking land within the city.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) (a) In this section the expression “land” includes easements and rights in respect of land and the Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land.

(b) In relation to the compulsory acquisition of any such easement or right the Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or right is acquired and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

- (a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land;



(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use and cultivate the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section for an easement or right shall be endorsed with notice of the effect of subsection (5) of this section.

43.—(1) The following provisions of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act namely:—

Power to lay  
mains etc. and  
break open  
streets.

- Part V (Power to lay mains etc.);
- Section 22 (Power to break open streets);
- Section 25 (Protection for railway companies navigation authorities tramway undertakers &c.);
- Section 27 (Remedies where undertakers fail to comply with foregoing requirements);
- Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(2) For the purposes of this Part of this Act in the construction of the provisions incorporated by this section—

- “the undertakers” means the Corporation;
- “supplying water” means supplying heat and “supply of water” shall be construed accordingly;
- “service pipe” means a pipe for supplying heat from a main to any premises; and
- “the limits of supply” means the city.

PART V  
—cont.

(3) Nothing in the provisions incorporated by this section shall authorise the Corporation—

- (a) to lay down a main outside the city except for the purpose of giving or facilitating a supply of heat within the city or of taking a supply of heat from any works or premises outside the city ;
- (b) to supply heat to any premises outside the city.

Consultation  
with statutory  
undertakers as  
to certain  
works.

44.—(1) In this section the expression “the statutory undertakers” means the electricity authority the electricity board and the gas board.

(2) (a) Before the Corporation—

- (i) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act ; or
- (ii) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section ;

they shall give to the Minister of Fuel and Power (in this section referred to as “the said Minister”) and to the statutory undertakers notice of their proposals and such information with regard thereto as the statutory undertakers may within six weeks of the receipt of such notice reasonably require and shall consult with the statutory undertakers on such proposals.

(b) Any dispute between the Corporation and the statutory undertakers or any of them as to whether any information is reasonably required by them under this subsection shall be determined by the said Minister.

(3) Without prejudice to the generality of subsection (2) of this section such information shall include particulars of the proposals (if any) of the Corporation as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes electric lines and apparatus of the statutory undertakers from damage or injury arising directly or indirectly from any mains or pipes to be laid down or placed by the Corporation under the powers of this Part of this Act ;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom ;

- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted or distributed by the Corporation ;
- (d) the methods for measuring the quantity temperature and pressure of the hot water or steam so stored transmitted or distributed ; and
- (e) the independent testing of such measurements.

(4) The statutory undertakers or any of them may within three months after the receipt of such notice or the receipt of such information (whichever is the later) make representations to the said Minister with respect to such proposals.

(5) If no such representations are made the Corporation shall not proceed except in accordance with the proposals sent to the statutory undertakers or any alteration thereof which may be agreed.

(6) If any such representations are made the Corporation shall not proceed with their proposals except with the approval of the said Minister and in accordance with any modification of such proposals which the said Minister may require.

(7) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

**45.**—(1) Subject to the provisions of this section the Corporation may affix to any buildings in the city such brackets mains electric lines and attachments (in this section called “attachments”) as may be required for the purposes of the heating undertaking. Attachment  
of 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 the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice :

PART V  
—cont.

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 under and 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:—

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 Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved by the Minister of Town and Country Planning the Minister of Local Government and Planning or the Minister under section 30 of the Act of 1947; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest.	The Minister.
Building owned by 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 structure and a bridge or aqueduct over a street ;

PART V  
—*cont.*

“ 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 or who would receive the rack-rent if the building were let at a rack-rent ; and the expression “ owned ” shall be construed accordingly.

46.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 39 (Works for provision of heat) of this Act the Corporation may within the city lay down or erect electric lines and apparatus—

Power to lay down or erect electric lines etc.

(a) in under or over any street subject however to the provisions of subsection (3) of this section ; and

(b) with the consent of every owner and occupier of any land not forming part of a street in on or over that land ;

and may from time to time inspect repair alter or renew or may at any time remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise :

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether such a consent is or is not unreasonably withheld shall be referred to and determined by the Minister.

(2) (a) Where the Corporation in the exercise of the powers of this section lay down or erect any electric line or apparatus in on or over any land not forming part of a street or inspect repair alter renew or remove any electric line or apparatus laid down or erected in on or over any such land they shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the laying erection inspection repair alteration renewal or removal of the electric line or apparatus.

(b) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

PART V  
—cont.

(3) The following provisions of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the laying down erection inspection repair alteration renewal or removal of electric lines and apparatus under this section and for the purpose of such application the city shall be deemed to be the limits of supply (namely):—

- Section 22 (Power to break open streets) except the words “and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains”;
- Section 25 (Protection for railway companies navigation authorities tramway undertakers &c.);
- Section 27 (Remedies where undertakers fail to comply with foregoing requirements);
- Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(4) The provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 as amended by the Electricity Act 1947 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric lines or apparatus laid down or erected under this section and references in those provisions to the electricity board or the undertakers shall be construed as references to the Corporation.

(5) The powers of this section shall not be exercised except with the consent of the electricity authority and the electricity board.

**Power to supply fittings.** 47.—(1) In any premises to which the Corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating fittings as may be required for or in connection with the supply or utilisation of the heat so supplied and may instal repair renew or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair renewal or alteration.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any heating fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any heating fittings let for hire by the Corporation and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be ; and

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) removable by the Corporation :

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All heating fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) (a) The Corporation shall so adjust the charges to be made by them under this section as will taking one year with another meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums carried to a sinking fund for repayment of moneys so borrowed.

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year including interest and any sums carried to a sinking fund shall be separately shown in the abstract of accounts of the Corporation for that year.

(6) If any person wilfully injures or suffers to be injured any heating fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

48.—(1) The Corporation may from time to time prescribe a Heating scale of charges (in this section called "heating charges") for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for re-connecting premises thereto and where heat is so supplied to any premises the heating charges in accordance with

PART V  
—cont.

the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the Corporation to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

Provided that if before the expiration of the said seven days notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay the same the Corporation shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

(3) Without prejudice to any other method of recovery any heating charges payable by the tenant of any premises belonging to the Corporation and connected as aforesaid may be recovered as rent due from him.

Security for  
payment of  
accounts.

**49.** The Corporation may require any person desiring to take a supply of heat or to be supplied with heating fittings or materials under this Part of this Act to deposit with the Corporation such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply of heat or of any fittings or materials supplied to him in connection therewith.

Power to enter  
premises.

**50.**—(1) Subject to the provisions of this section any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises in or upon which any heating fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid for the purpose of—

- (a) inspecting and examining any heating fittings whether belonging to the Corporation or not;
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder;



- (c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act ;
- (d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation :

Provided that except in cases of emergency arising from defects in any heating fittings admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that—

- (a) admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry ;  
and
- (b) there is reasonable ground for entry into the premises for any such purpose as aforesaid ;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer of the Corporation entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secure against trespassers as he found them.

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

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART V  
—cont.

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by—

- (a) the electricity authority or the electricity board for the purposes of or in connection with the generation or supply of electricity ; or
- (b) the gas board for the purposes of or in connection with the manufacture storage or supply of gas.

Interference  
with  
apparatus etc.

**51.**—(1) If any person wilfully and without the consent of the Corporation turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(2) If any person wrongfully takes uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds.

Byelaws for  
protection  
of heating  
undertaking.

**52.**—(1) The Corporation may make byelaws for preventing the waste misuse undue consumption or contamination of or interference with the circulation of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste misuse or undue consumption of heat supplied under this Part of this Act.

(2) Byelaws under this section may include provisions—

- (a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the heating fittings to be used ; and
- (b) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—
  - (i) waste misuse undue consumption or contamination of or interference with the circulation of hot water or steam ;
  - (ii) reverberation in pipes ; or
  - (iii) waste misuse or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

53. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of heat or rent of meter or for fittings or materials supplied at the request of the owner or occupier of the premises from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges:

Discount  
for prompt  
payment.

Provided that the Corporation shall make the same allowance to all persons under similar conditions.

54.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of his intention so to do to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises whichever first occurs.

Notice to be  
given before  
quitting  
premises  
supplied with  
heat.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the Corporation at the Guildhall so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heating charges payable to the Corporation.

55.—(1) The provisions of the Town and Country Planning Acts 1944 and 1947 shall where applicable apply to the heating undertaking as if that undertaking were a statutory undertaking and as if the Minister were the "appropriate Minister" within the meaning of section 119 of the Act of 1947.

Application of  
certain Acts  
to heating  
undertaking.

PART V  
—cont.

(2) For the purposes of section 4 of the Special Roads Act 1949 the Corporation in relation to the powers conferred on them by this Part of this Act shall be deemed to be statutory undertakers.

Separate  
accounts.

56.—(1) The Corporation shall keep separate accounts of the heating undertaking so as to include all items which ought to be entered therein in order to show the financial position of the undertaking and so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all income in respect of the undertaking and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts expended in respect of each of the following purposes (that is to say):—

- (a) the working and establishment expenses and cost of maintenance of the undertaking ;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or in connection with the undertaking ;
- (c) the requisite appropriations and instalments or sinking fund payments in respect of the repayment of moneys borrowed for the purposes of or in connection with the undertaking ;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue ;
- (e) any money expended or applied for any of the purposes mentioned in subsection (3) of this section.

(2) The Corporation shall apportion between the account to be kept by them under this section and any other accounts of the Corporation any receipts credits payments and liabilities which from time to time ought to be so apportioned.

(3) If in respect of any financial year the moneys received by the Corporation on account of the revenue of the heating undertaking (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with the heating undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking properly chargeable to revenue the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in the reduction of capital moneys borrowed for the purpose of the heating undertaking ;
- (b) in the renewal construction extension or improvement of any works and conveniences for the purposes of the heating undertaking ;

(c) towards the provision of a reserve fund in respect of the heating undertaking by setting aside such an amount as the Corporation may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of that undertaking.

PART V  
—cont.

57.—(1) The Corporation shall give to the electricity authority and the electricity board and the gas board such reports and returns and such information with respect to the heating undertaking as the electricity authority or the electricity board or the gas board may reasonably require and the electricity authority and the electricity board and the gas board shall give to the Corporation such reports and returns and such information with respect to any supply by them of heat as the Corporation may reasonably require.

Reports etc.  
with respect  
to heating  
undertaking  
etc.

(2) Any dispute between the Corporation on the one hand and the electricity authority or the electricity board or the gas board on the other hand as to whether any reports returns or information are reasonably required by the electricity authority or the electricity board or the gas board or the Corporation (as the case may be) shall be determined by the Minister of Fuel and Power.

58. Nothing in this Part of this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Corporation  
not to be  
exempted from  
proceedings  
for nuisance.

59.—(1) In any case in which—

- (i) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and
- (ii) either the electricity authority the electricity board or the gas board are the owning undertakers or (as the case may be) the operating undertakers;

Modification  
of section 26  
of Act of  
1950.

the said section 26 shall be modified as follows:—

- (a) The notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans sections and particulars of the works;

PART V  
—cont.

- (b) The said notice shall be given not less than seven days before the works are commenced ;
- (c) Any question which may arise under the said section as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

(2) In this section any expressions to which meanings are assigned by the Act of 1950 have the same respective meanings.

PART VI  
STREETSGuard rails in  
private streets.

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

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

- (a) in any street belonging to or repairable by any transport undertakers and forming the approach to any station dock wharf or depot of those undertakers ; or
- (b) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers :

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

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

Retaining  
walls.

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

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

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

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

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

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

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

(a) is in such disrepair as to be liable to endanger persons using the street ; or

(b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid ;

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

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

(a) a retaining wall erected by the Minister of Transport on a trunk road ; or

(b) a length of a wall erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway dock canal or inland navigation undertaking.

**62.**—(1) No part of any awning over the footway of a street in the city being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than one foot six inches from the outer edge of the footway. Awnings over footways.

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

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

PART VI  
—cont.

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

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

Fencing and  
lighting of  
obstructions  
in highways.

**63.**—(1) Where in any highway in the city repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of the erection thereon or thereover of any hoarding or scaffolding or the deposit thereon or therein of any material or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression "defective fitting or structure") the surveyor may cause proper boards or fences to be put up for the protection of passengers or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

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

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

Stopping up  
and diversion  
of highways.

**64.**—(1) Subject to the provisions of this section a court of summary jurisdiction—

(a) if satisfied on the application of the Corporation that a highway within the city is unnecessary may by order authorise the stopping up thereof; and

(b) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) An application or order under this section—

(a) may provide for the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway;



- (b) may be made with respect to any part of a highway ;
- (c) may be made with respect to two or more highways or parts of highways which are connected with each other ;

and in relation to any application or order in respect of a part of a highway or two or more highways or parts of highways any reference in the subsequent provisions of this section to a highway shall be construed as a reference to that part or those highways or parts of highways as the case may be.

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

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

- (a) has at least twenty-eight days before the date on which the application is made been served on the local planning authority and on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport ; and
- (b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as may be reasonably sufficient for notifying persons using the highway of the application ;

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

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

- (a) shall be made unless the written consent of the local planning authority and of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court ;
- (b) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

PART VI  
—cont.

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

(7) An appeal against a decision of a court of summary jurisdiction under this section may be brought to quarter sessions by any person (including the Corporation and the local planning authority) who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

- (a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order ;
- (b) where more than two persons were heard or claimed to be heard in opposition to the application it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk of the court but without prejudice to the right of any of those persons to appear as respondents to the appeal ;
- (c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a rehearing.

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

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

(9) Every order made under this section—

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

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

PART VI  
—cont.

(10) Every order made under this section shall be binding on all persons whatsoever.

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

65.—(1) Where in pursuance of an order made under section 64 (Stopping up and diversion of highways) of this Act any highway or part of a highway is stopped up the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

For protection  
of Postmaster-  
General.

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

PART VI  
—cont.

(2) As soon as the whole or any part of any highway has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

Decorations  
in streets.

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

(2) If any person wilfully removes or damages any flag-pole pylon socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport.

Removal of  
trees etc. from  
streets.

**67.** If any tree or structure or any part thereof shall fall on or across any street in the city the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situated from the occupier thereof.

Removal of  
furniture  
from streets.

**68.**—(1) The Corporation may remove and store any furniture articles goods or materials which may have been placed or dropped (whether accidentally or otherwise) in or upon any street in the city and which—

(a) may have remained there for more than forty-eight hours ; or

(b) are likely to cause an obstruction ;

and the Corporation shall not be liable for any loss or damage caused by such removal or storage.

(2) If the Corporation remove any furniture articles goods or materials under the powers of this section—

(a) they shall if and as soon as it is reasonably practicable so to do notify the person whom they believe to be the owner thereof ; and

(b) they shall not exercise any power to sell any such furniture articles goods or materials whether under section 276 of the Act of 1936 or otherwise until after the expiration of fourteen days from the date of such notification or three months from the day on which they removed the furniture articles goods or materials whichever shall first occur.

69.—(1) No person shall mix mortar or any like substance in any street in the city repairable by the inhabitants at large other than upon such board or in such receptacle as will protect the street from such mortar or substance except with the consent of the surveyor and the surveyor may require such person to comply with such reasonable terms and conditions as he thinks fit including terms and conditions requiring that such mortar or substance shall be removed from the street as soon as reasonably practicable.

PART VI  
—cont.

Mixing of  
mortar in  
highways.

(2) If any person fails to remove any mortar from any such street in accordance with the requirements of the surveyor the Corporation may themselves remove the mortar and recover from him the expenses incurred by them in so doing.

(3) Any person who shall contravene the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding forty shillings.

(4) This section shall not apply to the mixing in any street of mortar or like substance for the purpose of making up maintaining repairing altering or improving such street.

## PART VII

### SANITATION AND BUILDINGS

#### *Sewers drains and sanitary conveniences*

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

Recovery of  
cost of main-  
taining public  
sewers.

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

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

Delegation of  
power to  
examine and  
test drains etc.

PART VII  
—cont.

(2) Where it appears to the medical officer or the sanitary 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 sanitary inspector and make good any damage done by him.

Summary  
power to  
remedy  
stopped-up  
drains etc.

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

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

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

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

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

(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 in the circumstances of the case :

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.

73.—(1) If any drain or private sewer in the city—

- (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 ;

PART VII  
—cont.

Power to repair  
drains and  
private sewers.

the Corporation may after giving not less than seven days' notice to the owner or owners 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 owner or owners of the drain or sewer in such proportions (if there is more than one owner) as the surveyor may determine :

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

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

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

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

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

74.—(1) Where after the passing of this Act any person shall—

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

Abandoned  
drains to be  
cut off.

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

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

75. For the purposes of section 44 of the Act of 1936 any part of a building in the city being a part occupied as a dwelling shall be treated as a separate building and where two or more parts of such a building are occupied as dwellings by separate families each such part shall be treated as a separate building :

Closet accom-  
modation for  
separate  
dwellings.

PART VII  
—cont.

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

Loan of  
temporary  
sanitary con-  
veniences.

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

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

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

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

*Buildings and structures*Height of new  
chimneys.

**77.**—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Corporation and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the Corporation shall reject



the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

- (a) the purpose of the chimney ;
- (b) the position and description of buildings near thereto ;
- (c) the levels of the neighbouring ground ; and
- (d) any other matters requiring consideration in the circumstances.

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

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power.

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

Demolition  
of buildings.

(a) the shoring up of adjacent buildings ; and

(b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site ;  
to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation :

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

(2) Any person aggrieved by a requirement of the Corporation under the preceding subsection may appeal to a court of summary jurisdiction.

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

(4) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

PART VII  
—cont.

(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 other material removed by the Corporation under this section.

(6) All expenses incurred by the Corporation under subsection (4) of this section may be recovered by the Corporation from the owner of the site of the demolished building.

(7) Any person who contravenes the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(8) Nothing in this section shall apply in relation to any poultry-house greenhouse coal shed or cycle shed or other similar structure.

(9) Nothing in this section shall apply in relation to any building or part of a building used by the National Coal Board in connection with colliery activities if the building or any part thereof—

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

(b) not being so situate is throughout its length or width on the side nearest to that street separated from such street by another building not proposed to be demolished or taken down of which no part opposite to that side is of less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down.

(10) Nothing in this section shall apply in relation to any building belonging to any railway dock canal or inland navigation undertakers and held by them for the purposes of their undertaking:

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

Dealing with  
drains and  
sewers before  
demolition of  
premises.

79.—(1) Within six weeks from the receipt of a notice under the last preceding section the Corporation may if it is reasonable so to do having regard to all the circumstances of the case by counter-notice require the person giving such notice either—

(a) to seal any sewer or drain on in or under the site of the building to which the notice relates; or

(b) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected;

and to make good and restore to the satisfaction of the Corporation the surface of the ground disturbed by or interfered with by the execution of any works under paragraph (a) or (b) of this subsection.

PART VII  
—cont.

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

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

As to defective  
premises.

(a) any house in the city or the roof of any building in the city is in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance; and

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

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

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

(3) At any time after the expiration of nine days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the Corporation may execute such works and take such steps as may be necessary to remedy the defective state of the premises to which such notice relates and subject to the provisions of subsection (4)

PART VII  
—cont.

of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

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

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

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

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

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the premises as may be specified in the notice notwithstanding the fact that other defects may exist in such premises and in that case nothing contained in this section or done or executed thereunder shall prejudice or affect the powers of the Corporation under sections 93 to 98 and section 100 of the Act of 1936 in relation to any such other defect in such premises.

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

81.—(1) Section 58 of the Act of 1936 shall in its application to the city have effect as if—

PART VII  
—cont.

(a) in subsection (1) for the words “a local authority” and “the authority” there were substituted the words “the surveyor” and as if after the words “adjoining premises” in paragraph (a) of that subsection there were inserted the words “or on any highway”; and

Dangerous or dilapidated buildings and structures.

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

“(3) If the surveyor is satisfied that any building or structure or part of a building or structure is in such a condition as to require treatment for the removal of any immediate danger he may cause the building or structure to be shored up or fenced off or take such other steps as may be necessary to remove the immediate danger including demolition or partial demolition of the building or structure.

(4) When the surveyor causes a building or structure to be shored up or fenced off under subsection (3) of this section he may cause such boards or fences to be lighted during the hours of darkness.

(5) (a) The local authority may recover from the owner of the building or structure the expenses of any action reasonably taken by the surveyor under subsections (3) or (4) of this section.

(b) In proceedings to recover expenses it shall be a defence to prove that (having regard to all the circumstances including the value of the building or structure demolished and the cost which would be incurred by shoring up and fencing off) it was not reasonably necessary to demolish or partially demolish the building or structure in order to remove the immediate danger.

(6) (a) Where for the purpose of removing any danger the surveyor has in the exercise of his powers under this section demolished any building the owner thereof may apply to a court of summary jurisdiction to determine whether the surveyor was justified in so doing.

(b) In any case in which the court determines that the surveyor was not so justified the owner of such building shall be entitled to be paid by the Corporation compensation to be determined in case of dispute by arbitration.”

(2) Sections 75 to 78 of the Towns Improvement Clauses Act 1847 shall cease to have effect with respect to ruinous or dangerous buildings in the city.

## PART VII

—cont.

Cleansing of  
filthy or  
verminous  
premises.*Filthy or verminous premises or articles*

**82.** Section 83 of the Act of 1936 shall in its application to the city have effect as if the following 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—

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

(b) are verminous;

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

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

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

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

Power to  
require  
vacation of  
premises  
during  
fumigation.

**83.—**(1) If the Corporation serve notice under subsection (3) of section 83 of the Act of 1936 as amended by the last preceding 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—

(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 court of summary jurisdiction.

(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 penalty not exceeding five pounds and to a daily penalty 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.

(6) The Rent and Mortgage Interest (Restrictions) Acts 1920 to 1939 shall not be deemed to cease to apply to any house or premises by reason only of the fact that the house or premises has or have been vacated in compliance with a notice served under this section.

**84.**—(1) No dealer shall in the city—

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

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

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

- (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 sanitary 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 and the Corporation may recover from the dealer the expenses incurred by the medical officer or the sanitary inspector in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a penalty 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) the expression “preparation for sale” shall not include disinfestation.

Prohibition  
of sale of  
verminous  
articles.

## PART VIII

## NUISANCES

Smoke from  
industrial  
furnaces.

**85.**—(1) As from the appointed day no person shall instal in any premises in the city any furnace for steam raising or for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding ten pounds and if after there has been a conviction of an offence of installing a furnace in contravention of those provisions any person uses that furnace he shall unless it has been altered so as to comply with those provisions be liable to a penalty not exceeding five pounds for each day on which he so uses the furnace:

Provided that a person so using such furnace shall not be liable to the last-mentioned penalty unless he himself was convicted of the said offence or if he was not so convicted unless prior to such use or the continuance of the use he had received notice from the Corporation that there had been a conviction in respect of the installation of such furnace.

(3) If a person before installing in any premises a furnace to which this section applies submits to the Corporation a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the Corporation may within six weeks from the receipt of the plan specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

(a) if the notice states that they are so satisfied ; or

(b) if they do not serve any notice under this subsection before the expiration of the said six weeks ;

no proceedings shall be taken against that person under this section in respect of the installation of the furnace in accordance with the plan specification and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the Corporation shall consult the Minister of Fuel and Power.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated as aforesaid—

(a) a court in any proceedings under this section ; and



(b) the Corporation on considering a plan specification and other information received under subsection (3) of this section :

PART VIII  
—cont.

shall have regard to cost and to local conditions and circumstances.

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

Silencers for  
internal  
combustion  
engines.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the Corporation may give him notice that the engine is being used or has been so used and if after the elapse 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 penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

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

(a) to enter at all reasonable hours any premises on which there is reason to believe that any such engine is being or has been used in contravention of subsection (1) of this section ; and

(b) to inspect and test any silencer on the exhaust of any such engine found on the premises and for that purpose to require such silencer to be taken off and removed ; and any expenses incurred under this subsection by any such officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises any such engine which is not provided with an effectual silencer on the exhaust thereof :

Provided that this subsection shall not apply to any premises belonging to railway undertakers and used by them for the purpose of their railway undertaking.

## PART IX

### INFECTIOUS DISEASES

**87.** For the purposes of this Part of this Act and of Part IX of the Act of 1923 the expression “infectious disease” shall mean—

Definition of  
infectious  
disease.

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

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

PART IX  
—cont.

Entry into  
premises in  
case of  
infectious  
disease.

**88.**—(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 city there is a person who is or has been suffering from an infectious 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 or an assistant medical officer named by 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 or assistant 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 or assistant 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.

Amendment  
of section 81  
of Act of  
1923.

**89.** Section 81 (Information to be furnished as to infectious disease) of the Act of 1923 shall have effect as if the following were substituted for subsection (3) thereof:—

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

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

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

Restriction on  
attendance at  
schools places  
of assembly  
etc.

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

“(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 ”.

PART IX  
—cont.

**91.**—(1) With a view to preventing the spread of an infectious disease the Corporation on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in the city for a time specified in the notice. Exclusion of children from entertainments.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by the Corporation with a copy of a notice published under the preceding subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a penalty not exceeding five pounds :

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression “prescribed age” in relation to any notice means such age not exceeding sixteen as may be prescribed by the notice.

**92.**—(1) If the medical officer certifies—

(a) that any 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 city intended for consumption by persons other than himself or members of his household ; and

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

Prohibition of tuberculous persons from handling food.

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 court of summary jurisdiction may on the application of the Corporation order him to comply with the request

PART IX  
—cont.

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 penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

Power to  
authorise  
medical  
practitioners  
to examine  
inmates of  
common  
lodging-  
houses.

93. A warrant granted by a justice of the peace under section 243 of the Act of 1936 may authorise any duly registered medical practitioner named by the medical officer to execute the powers of entry and examination referred to in that section and such practitioner may thereupon exercise such powers.

## PART X

## ESTABLISHMENTS FOR MASSAGE OR SPECIAL TREATMENT

Definition of  
establishment  
for massage or  
special  
treatment.

94. In this Part of this Act the expression "establishment for massage or special treatment" means any premises used or represented as being or intended to be used for the reception or treatment of persons requiring—

- (a) massage ; or
- (b) electric treatment or radiant heat light electric vapour or other baths for therapeutic treatment ; or
- (c) other similar treatment.

Establishments  
for massage  
or special  
treatment to  
be licensed.

Applications  
for licences.

95. As from the appointed day no person shall in the city carry on an establishment for massage or special treatment without a licence from the Corporation authorising him so to do.

96.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in the application state—

- (a) his full name ;
- (b) his age and nationality ;
- (c) his technical qualifications ;
- (d) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body ;

- (e) the name under which and the address at which the establishment is carried on or proposed to be carried on ;
- (f) the nature of the establishment and of the business carried on or proposed to be carried on thereat ;
- (g) whether and if so to what extent he is or has been interested in any other establishment for massage or special treatment ; and
- (h) such further information (if any) as the Corporation may reasonably require with respect to him or the establishment carried on or proposed to be carried on by him.

(2) The person making an application under this section shall when making the same pay to the Corporation a fee of five shillings in respect of an application for the grant or renewal of a licence and the fees paid on any such application may be retained by the Corporation whether such licence is or is not granted or renewed.

(3) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

97.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on an establishment for massage or special treatment of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the treatment afforded or in the nature of the business carried on at the establishment and generally for securing the proper conduct of the establishment:

Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years ; or
- (b) to any person who may be unsuitable to hold such licence ; or
- (c) in respect of any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable ; or
- (d) in respect of any establishment which has been or is being improperly conducted ; or

PART X  
—cont.

(e) in respect of any establishment in which massage or special treatment is or may be administered by any person who does not possess such technical qualifications as may be reasonably necessary ; or

(f) in respect of any establishment which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(3) Where an application is made for the renewal of a licence and objections have been taken to such renewal or when it is proposed to revoke a licence notice to that effect shall at least seven days before the question of renewal or revocation is considered be given to the applicant or holder of the licence and if within three days after the receipt of such notice the applicant or holder requires to be heard the application shall not be refused or the licence revoked unless the Corporation has afforded him an opportunity of being heard before a committee of the council against the refusal or revocation.

Any notice served under this subsection shall state the objections to renewal or the grounds on which revocation is proposed and shall notify the aforesaid right of being heard and also the effect of subsection (2) of this section and the right of appeal conferred by subsection (4) of this section and the time within which such appeal may be brought.

(4) Any person aggrieved by a refusal of the Corporation to grant or renew a licence or a revocation of a licence under this Part of this Act or by any conditions attached to such a licence may appeal to a court of summary jurisdiction.

(5) Every licence granted or renewed as aforesaid shall (unless revoked) be valid until the date of the next annual meeting fixed for the purpose of considering applications under this Part of this Act and no longer.

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

(a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his establishment for massage or special treatment ;

(b) prescribing the entries to be made in connection with such business in such books or cards or forms ;

Byelaws as to  
establishments  
for massage  
or special  
treatment.

- (c) for preventing fraud and immorality in the conduct of establishments so licensed ; and
- (d) generally for regulating any premises used for the purposes of or in connection with any such establishment.

PART X  
—cont.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made under this section.

**99.**—(1) Any officer or other person duly authorised by the Corporation in that behalf may— Powers of entry and inspection.

- (a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which there is reasonable cause to believe are used for the purposes of or in connection with an establishment for massage or special treatment ; and
- (b) inspect such premises and the books cards or forms kept in connection with the establishment carried on at those premises.

(2) The provisions of subsections (2) to (5) of section 287 of the Act of 1936 shall have effect as if they were re-enacted in this section and in terms made applicable thereto.

**100.**—(1) Every person who carries on an establishment for massage or special treatment without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give such particulars as are required by this Part of this Act to be given shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a fine impose any period of imprisonment not exceeding three months. Penalties for offences in respect of establishments for massage etc.

(2) Every person who—

- (a) contravenes the provisions of any byelaw made under this Part of this Act ; or
- (b) issues publishes or displays or causes to be issued published or displayed any advertisement relating to an establishment for massage or special treatment which is not licensed in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice from the

PART X  
—cont.

Corporation that the licence relating to such establishment has expired or has been refused or revoked under the provisions of this Part of this Act; or

- (c) contravenes the provisions of subsection (2) of section 98 (Byelaws as to establishments for massage or special treatment) of this Act;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) In respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

Saving for establishments carried on by medical practitioners.

**101.** The provisions of this Part of this Act shall not apply to an establishment for massage or special treatment carried on by a registered medical practitioner.

Saving for members of certain societies.

**102.**—(1) Subject as hereinafter provided the provisions of this Part of this Act prohibiting a person from carrying on an establishment for massage or special treatment without a licence from the Corporation authorising him so to do shall not apply to a registered member of the Chartered Society of Physiotherapy or a registered member of the Faculty of Physiotherapists who holds a diploma granted by the said faculty before the first day of January nineteen hundred and fifty-two carrying on or proposing to carry on any such establishment with respect to which there has been lodged with the Corporation a certificate in a form to be approved by the Corporation and signed by two registered medical practitioners not being in partnership with each other and not having any financial or other interest in such establishment to the effect that the person carrying on or proposing to carry on such establishment is a suitable person to carry on the same at the premises used or to be used therefor:

Provided that any such certificate shall not be valid—

- (a) with respect to any person or premises other than the person or premises specified therein; or
- (b) for a period extending beyond the expiration of one month after the date of the annual meeting fixed for the purpose of considering applications under this Part of this Act.

(2) Any registered member of either of the said societies carrying on an establishment for massage or special treatment with respect to which a valid certificate is deposited with the Corporation under subsection (1) of this section is in this section referred to as a “registered member”.



(3) During the validity of any such certificate the provisions of this Part of this Act (other than section 95 (Establishments for massage or special treatment to be licensed) section 96 (Applications for licences) and section 97 (Grant of licences)) shall apply to a registered member and to the establishment carried on by him—

(a) as if he held a licence under this Part of this Act ; and

(b) as if the premises with respect to which the certificate has been given were the premises specified in the licence :

Provided that no person other than the medical officer or a registered medical practitioner shall be entitled for the purposes of this Part of this Act to inspect the premises at which the establishment is carried on or the books cards or forms kept in connection with such establishment.

(4) The provisions of this section shall apply to a registered member and to the establishment carried on by him so long only as he complies with the provisions of the charter granted to the Chartered Society of Physiotherapy and with the byelaws made thereunder or with the constitution of the Faculty of Physiotherapists and with the byelaws made thereunder as the case may be.

**103.** Notwithstanding anything in this Part of this Act the provisions thereof shall not apply to—

Saving for  
certain  
premises.

(1) any hospital provided by the Minister of Health ; or

(2) any nursing home which is for the time being registered under the Act of 1936 or exempted from registration under that Act by a certificate granted by either the Corporation or the said Minister and at which the persons administering massage or special treatment have such technical qualifications as may be reasonably necessary ; or

(3) any premises used for the reception or treatment of persons for any purpose to which the provisions of this Part of this Act apply but not so used for the purpose of gain or reward ; or

(4) any premises being an establishment for massage or special treatment merely by reason of face or scalp massage being administered in those premises.

## PART XI

## SUPERANNUATION

*Preliminary*

Interpretation  
of this Part  
of Act.

**104.**—(1) In this Part of this Act except as otherwise expressly provided and unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings And—

“ the Act of 1937 ” means the Local Government Superannuation Act 1937 ;

“ the appointed day ” means the first day of April nineteen hundred and fifty-three ;

“ average remuneration ” has the meaning assigned to it by subsection (5) of section 8 of the Act of 1937 as applied by subsection (2) of this section ;

“ the extended provisions ” means the provisions of sections 105 to 114 of this Act ;

“ national service ” in relation to any person means compulsory national service within the meaning of the Superannuation (Miscellaneous Provisions) Act 1948 and includes any period immediately following the termination thereof during which the person with the consent of the Corporation continues in similar service ;

“ the regulations ” means the National Health Service (Superannuation) Regulations 1950 ;

“ the superannuation fund ” means the superannuation fund maintained by the Corporation under Part I of the Act of 1937.

(2) For the purpose of the extended provisions—

(i) the provisions of subsection (7) of section 8 of the Act of 1937 shall apply as if the reference to subsection (2) of the said section 8 included a reference to the extended provisions ;

(ii) the provisions of subsection (5) of section 12 of the Act of 1937 shall apply as if the reference to superannuation allowance included reference to superannuation allowance retiring allowance death gratuity or widow's pension payable in accordance with the extended provisions ;

(iii) the provisions of subsection (5) of section 8 of the Act of 1937 shall apply as if the word “ three ” were substituted for the word “ five ” wherever the latter occurs ;

- (iv) the provisions of subsection (6) of section 8 of the Act of 1937 shall apply as if the reference to subsection (1) included a reference to the extended provisions.

PART XI  
—cont.

*Extended provisions*

- 105.** The extended provisions shall come into operation on the appointed day and shall apply to—
- (a) every person who is or becomes a contributory employee of the Corporation or of the Nottingham Magistrates Courts Committee on or after the appointed day; and
- (b) any person who by virtue of an order under section 1 of the Probation Officers (Superannuation) Act 1947 is or becomes a contributor to the superannuation fund:

Commence-  
ment and  
application of  
extended  
provisions.

Provided that the extended provisions shall not apply to—

- (i) any person referred to in paragraph (a) or (b) of this section who immediately before the appointed day is or is deemed to be a contributory employee and who before the first day of June nineteen hundred and fifty-three gives notice to the Corporation that he desires that the extended provisions shall not apply to him; or
- (ii) any employee of the Corporation who by virtue of Part III or Part IV of the regulations may become entitled to superannuation benefits under the Act of 1937 as modified by the regulations or would have become so entitled had he not exercised the option under the regulations or under any regulations thereby revoked to retain former superannuation benefits.

**106.**—(1) The provisions of this section shall apply to a contributory employee instead of subsections (2) (3) and (4) of section 8 of the Act of 1937.

New scale of  
superannuation  
allowances.

(2) Subject to the provisions of this Part of this Act the superannuation allowance to be made to a contributory employee shall be on the following scale (that is to say):—

- (a) in respect of every completed year of contributing service one-eightieth of his average remuneration;
- (b) in respect of every year of non-contributing service one-one-hundred-and-sixtieth of his average remuneration:

Provided that in the case of any particular contributory employee the employing authority may on his becoming entitled to a superannuation allowance resolve that there shall be substituted for the said fraction of one-one-hundred-and-sixtieth any larger fraction not exceeding one-eightieth.

PART XI  
—cont.

(3) A superannuation allowance payable to a contributory employee shall not exceed forty-eightieths of his average remuneration and in such a case as is referred to in paragraph (a) of subsection (1) of section 8 of the Act of 1937 shall not be less than—

- (i) twenty-eightieths of such remuneration ; or
- (ii) one-eightieth of such remuneration in respect of each year of contributing service which he could have completed before attaining the age of compulsory retirement if he had continued to be a contributory employee until that age and one-one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service ;

whichever is the less.

Retiring  
allowance.

**107.**—(1) A contributory employee who has completed ten years' service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body or who has attained the age of sixty years after completing five years' service and ceases to be employed by the employing authority for any reason other than resignation or dismissal in consequence of an offence of a fraudulent character or of grave misconduct shall on ceasing to be employed by the employing authority be entitled to receive a lump sum retiring allowance.

(2) The retiring allowance to be made to a contributory employee shall be a sum equal to the aggregate of the following amounts namely three-eightieths of his average remuneration in respect of each completed year of contributing service and three-one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service :

Provided that—

- (a) in the case of any particular contributory employee the employing authority may on his becoming entitled to a retiring allowance resolve that there shall be substituted for the said fraction of three-one-hundred-and-sixtieths any larger fraction not exceeding three-eightieths or in the case of the fraction of one-one-hundred-and-sixtieth referred to in paragraph (b) and sub-paragraph (iv) of paragraph (c) of this proviso any larger fraction not exceeding one-eightieth ;
- (b) in the case of a contributory employee in respect of whose service a widow's pension may become payable under section 110 (Widow's pension) of this Act the amount of the retiring allowance shall be a sum equal to the aggregate of the following amounts namely one-eightieth of his average remuneration in respect of

each completed year of contributing service and one-one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service or such higher fraction as may be substituted in accordance with paragraph (a) of this proviso ;

(c) if in the case of a contributory employee who is a widower or who is divorced or judicially separated from his wife the death of the wife or the divorce or separation has taken place on or after the date on which this Part of this Act first applied to him the amount of the retiring allowance shall be a sum equal to the aggregate of the following amounts namely:—

(i) three-eightieths of his average remuneration in respect of each completed year of contributing service since the date of the death of his wife or the divorce or the separation as the case may be ;

(ii) one-eightieth of such remuneration in respect of each completed year comprised in the remainder of his contributing service ;

(iii) three-one-hundred-and-sixtieths of such remuneration (or such higher fraction as may be substituted in accordance with paragraph (a) of this proviso) in respect of each year of non-contributing service since the date of the death of his wife or the divorce or the separation as the case may be ; and

(iv) one-one-hundred-and-sixtieth of such remuneration (or such higher fraction as aforesaid) in respect of each year comprised in the remainder of his non-contributing service ;

(d) the maximum amount of the retiring allowance payable under this section shall not exceed—

(i) in the case of any such contributory employee as is referred to in paragraph (a) or paragraph (c) of this proviso one and a half times his average remuneration ; or

(ii) in the case of any such contributory employee as is referred to in paragraph (b) of this proviso one-half of his average remuneration ;

but for the purpose of calculating such maximum amount any increase in the retiring allowance authorised by subsection (3) of this section shall be disregarded ; and

(e) if in the case of a contributory employee to whom no superannuation allowance is payable the amount of the retiring allowance calculated as aforesaid is less than the amount of his contributions together (except

PART XI  
—cont.

in the case of a contributory employee who voluntarily resigns after having attained the age of sixty years and before attaining the age of compulsory retirement) with compound interest thereon calculated to the date of his ceasing to be employed by the employing authority at the rate of three per centum per annum with half-yearly rests the retiring allowance shall be increased by the amount of the deficiency.

(3) In the case of any contributory employee (other than a contributory employee who immediately before the appointed day was entitled by virtue of any enactment or any scheme to the payment on his death of a sum of money by way of death gratuity or other similar benefit) the amount of the retiring allowance shall be increased by one-half of one per centum in respect of each completed year of contributing service during any period before the appointed day and one-quarter of one per centum in respect of each year of non-contributing service during any such period:

Provided that where the whole or any part of the retiring allowance payable to a contributory employee falls to be calculated in respect of any completed year of contributing service during any such period as aforesaid by reference to one-eightieth of his average remuneration or in respect of any year of non-contributing service during any such period as aforesaid by reference to one-one-hundred-and-sixtieth of such remuneration one and one-half per centum shall be substituted for one-half of one per centum in respect of each such completed year of contributing service and three-quarters of one per centum shall be substituted for one-quarter of one per centum in respect of each such year of non-contributing service:

Provided also that where a higher fraction than three-one-hundred-and-sixtieths or one-one-hundred-and-sixtieth is substituted in accordance with paragraph (a) of the proviso to subsection (2) of this section the amount of the retiring allowance shall be increased in respect of each year of non-contributing service by a percentage bearing the same proportion to one-quarter of one per centum or three-quarters of one per centum (as the case may be) as the substituted fraction bears to three-one-hundred-and-sixtieths or one-one-hundred-and-sixtieth (as the case may be).

Short service  
gratuity.

**108.** A contributory employee who has completed more than five but less than ten years' service shall if he ceases to be employed on account of incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body be entitled to receive a short service gratuity of a sum equal to the amount of his average remuneration:

Provided that if the contributory employee is also entitled to a retiring allowance the short service gratuity shall be reduced by the amount of the said allowance.

PART XI  
—cont.

109. If—

Death  
gratuity.

(a) a contributory employee dies and at the date of his death he has completed five years' service ; or

(b) a person who has after completing five years' service ceased for any reason other than his resignation or dismissal in consequence of an offence of a fraudulent character or of grave misconduct to be a contributory employee—

(i) dies within twelve months after so ceasing to be a contributory employee ; or

(ii) after so ceasing in order to undertake national service dies within six months after the termination of such last-mentioned service ;

without having received a return of his contributions to the superannuation fund or without having become entitled to a superannuation allowance or retiring allowance or short service gratuity or without again having become a contributory employee ; or

(c) a person dies after having become entitled to a superannuation allowance in accordance with the scale prescribed by section 106 (New scale of superannuation allowances) of this Act or to a retiring allowance or short service gratuity under this Part of this Act ;

then the council shall pay to his legal personal representatives out of the superannuation fund a death gratuity of a sum equal to—

(i) three-eighths of his average remuneration in respect of each completed year of his contributing service and three-one-hundred-and-sixtieths thereof in respect of each year of his non-contributing service ; or

(ii) the amount of his contributions together with compound interest thereon calculated to the date on which he ceased to hold his employment at the rate of three per centum per annum with half-yearly rests ; or

(iii) (except in the case mentioned in paragraph (b) of this subsection) his average remuneration ;

whichever is the greatest :

Provided that—

(i) in the case of any particular contributory employee or person in respect of whose service a death gratuity is payable under this section the employing authority may on a death gratuity becoming payable to his legal

PART XI  
—cont.

personal representatives resolve that there shall be substituted for the said fraction of three-one-hundred-and-sixtieths any larger fraction not exceeding three-eightieths or that there shall be substituted for the fraction of one-one-hundred-and-sixtieth referred to in paragraph (ii) of this proviso any larger fraction not exceeding one-eightieth ;

- (ii) in the case of a contributory employee or person on whose death a widow's pension is payable under section 110 (Widow's pension) of this Act the amount of the death gratuity shall be a sum equal to one-eightieth of his average remuneration in respect of each completed year of his contributing service and one-one-hundred-and-sixtieth thereof in respect of each year of his non-contributing service unless a larger fraction is substituted in accordance with paragraph (i) of this proviso or if the capital value of the widow's pension is less than the amount of the death gratuity which would have been payable apart from this proviso a sum equal to the difference between such capital value and such amount whichever of the two sums is the greater ; and
- (iii) in the case of a person who dies after having become entitled to a superannuation allowance or a retiring allowance or short service gratuity there shall be deducted from the death gratuity a sum equal to the aggregate amount of any payments made on account of the said allowances or of the short service gratuity and in addition if the person was entitled to a superannuation allowance and had surrendered a part thereof any sum which would have been paid on account thereof but for the surrender.

Widow's  
pension.

**110.**—(1) This section applies to the widow of—

- (a) a person who at the time of his death was in receipt of or entitled to a superannuation allowance in accordance with the scale prescribed by section 106 (New scale of superannuation allowances) of this Act ; or
- (b) a contributory employee who dies while in the service of the employing authority after completing ten years' service ; or
- (c) a contributory employee who after completing ten years' service ceases for any reason other than his resignation or dismissal in consequence of an offence of a fraudulent character or of grave misconduct to be employed by the employing authority and—
- (i) dies within twelve months of his so ceasing ; or



(ii) after so ceasing in order to undertake national service dies within six months after the termination of such last-mentioned service ;

but without having received any return of his contributions to the superannuation fund or without the payment of a transfer value having been made in respect of him ;

but does not apply to any such widow if—

- (i) her marriage took place on or after the day on which her husband ceased to be employed by the employing authority ; or
- (ii) her husband before ceasing to be employed or if he died while still in the service of the employing authority before dying had reached the age of compulsory retirement applicable to his case or not having reached that age had reached the age of sixty years and had completed forty years' service and the marriage had taken place after he had reached the age of compulsory retirement or the age of sixty years having completed forty years' service (as the case may be) ; or
- (iii) she and her husband were at the date of his death judicially separated.

(2) A widow to whom this section applies shall subject to the provisions of this section be entitled during her life to the payment out of the superannuation fund of an annual pension.

(3) The annual amount of the pension payable under this section shall be—

- (a) in the case of the widow of such a person as is referred to in paragraph (a) of subsection (1) of this section one-third of the annual amount of the superannuation allowance of which he was in receipt or to which he was entitled at the time of his death ;
- (b) in the case of the widow of such a contributory employee as is referred to in paragraph (b) or paragraph (c) of the said subsection (1) one-third of the annual amount of the superannuation allowance to which he would have been entitled if he had ceased under the circumstances mentioned in paragraph (a) of subsection (1) of section 8 of the Act of 1937 to be employed by the employing authority immediately before the date of his death and had on so ceasing been entitled to receive a superannuation allowance :

Provided that for the purpose of calculating pursuant to this subsection the superannuation allowance to which any such

PART XI  
—cont.

contributory employee as is referred to in paragraph (b) or paragraph (c) of subsection (1) of this section would have been entitled if he had ceased to be employed by the employing authority immediately before the date of his death the employing authority may resolve that there shall be substituted for the fraction of one-one-hundred-and-sixtieth referred to in paragraph (b) of subsection (2) of the said section 106 of this Act any larger fraction not exceeding one-eightieth:

Provided also that—

- (i) if in either case the age of the widow was less than that of her husband and she has no children or ceases to have any children included in her family within the meaning of the Family Allowances Act 1945 or her age was greater than that of her husband the widow's pension shall be reduced or increased (as the case may require) by such an amount as shall be certified to be just by an actuary; and
- (ii) if any such superannuation allowance as is mentioned in paragraph (a) or paragraph (b) of this subsection is or would have been reduced under regulations made under the National Insurance Act 1946 or under the Nottingham City Council (Modified Superannuation Benefits) Scheme 1939 no account shall be taken of the reduction and such superannuation allowance shall for the purposes of this subsection be deemed to be the superannuation allowance which would have been payable but for any reduction under those regulations.

(4) Payment of a pension to a widow under this section shall be made at such intervals not being longer than three months as the council may determine but if any widow in receipt of a pension under this section remarries such pension shall cease to be payable as from the date of remarriage.

(5) No pension shall be payable to a widow under this section in respect of any period during which she is cohabiting with a man as his wife.

(6) If a widow who is in receipt of a pension under this Part of this Act remarries or dies and the aggregate amount of the payments made to her by way of pension or to her husband or to the legal personal representatives of her husband by way of superannuation allowance retiring allowance or death gratuity is less than the amount of the death gratuity which would have been payable in respect of the death of her husband if no widow's pension had been payable in respect of her husband's service there shall be paid to her or to her legal personal representative as the case may require a sum equal to the deficiency.

**111.** No payment shall be made under section 10 of the Act of 1937—

PART XI  
—cont.

- (a) to a contributory employee to whom a superannuation allowance under section 106 (New scale of superannuation allowances) or a retiring allowance is payable under section 107 (Retiring allowance) of this Act ;
- (b) to a contributory employee to whom a short service gratuity is payable under section 108 (Short service gratuity) of this Act ;
- (c) to the legal personal representatives of a contributory employee in respect of whom a death gratuity is payable under section 109 (Death gratuity) of this Act ; or
- (d) to the legal personal representatives of a widow to whom a pension was payable under section 110 (Widow's pension) of this Act.

Non-return of contributions in certain cases.

**112.**—(1) Every superannuation allowance retiring allowance short service gratuity death gratuity or widow's pension payable in accordance with the provisions of this Part of the Act shall be paid out of the superannuation fund.

Repayments to be made to superannuation fund in certain cases.

(2) Payment of any such superannuation allowance or pension shall be made at such intervals not being longer than three months as the Corporation may determine.

(3) If any extra charge is occasioned to the superannuation fund as the result of any resolution of the employing authority substituting a larger fraction of the average remuneration of any contributory employee than one-one-hundred-and-sixtieth or three-one-hundred-and-sixtieths (as the case may be) for the purpose of calculating in respect of any year of non-contributing service the amount of any superannuation allowance retiring allowance death gratuity or widow's pension payable in accordance with the provisions of this Part of this Act such extra charge shall be repaid to the superannuation fund by the employing authority.

**113.** Article 5 of the Nottingham City Council (Modified Superannuation Benefits) Scheme 1939 shall apply in respect of a contributory employee as if after the words "superannuation allowance" in the said article there were inserted the words "retiring allowance short service gratuity or death gratuity payable in accordance with the provisions of Part XI of the Nottingham Corporation Act 1952".

Modification of Nottingham City Council (Modified Superannuation Benefits) Scheme 1939.

**114.** In every case in which under the extended provisions a discretion is exercisable in relation to a person who is not an employee of the Corporation and the effect of exercising such

Application to persons not employed by Corporation.

PART XI  
—cont.

discretion in favour of that person would if this section had not been enacted be to increase the amount from time to time payable out of the superannuation fund to or in respect of him the following provisions shall have effect:—

- (a) as regards any justices' clerk or assistant to a justices' clerk the discretionary powers shall be exercisable by the Nottingham Magistrates Courts Committee but a copy of every determination of that committee in reference thereto shall be sent forthwith to the Corporation who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final;
- (b) as regards persons to whom an order under section 1 of the Probation Officers (Superannuation) Act 1947 applies the discretionary powers shall be exercisable by the probation committee but a copy of every determination of that committee in reference thereto shall be sent forthwith to the Corporation who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final.

*Miscellaneous*

Allocation of  
part of pension  
to dependants.

**115.**—(1) A contributory employee who becomes entitled to a superannuation allowance upon ceasing to hold his employment otherwise than in the circumstances mentioned in paragraph (a) of subsection (1) of section 8 of the Act of 1937 may thereupon notify his desire subject to and in accordance with the provisions of the first schedule to the regulations with any necessary modifications to surrender part of the superannuation allowance in consideration of the grant of a pension to either the spouse or any dependant of the employee on his death of such value as according to tables prepared from time to time by the government actuary is actuarially equivalent at the date on which he ceased to be employed to the value of that part of the superannuation allowance which is surrendered.

(2) If a contributory employee would if he ceased to be employed be entitled to a superannuation allowance otherwise than under the circumstances mentioned in paragraph (a) of subsection (1) of section 8 of the Act of 1937 he may at any time before ceasing to be employed notify his desire to surrender part of the superannuation allowance in accordance with the provisions of the preceding subsection and if he dies before having become entitled to the allowance but after having so notified his desire to surrender a part of the allowance he shall be deemed to have become entitled to the allowance to which he would have become entitled had he retired on the day preceding the date of his death.

(3) The proviso to subsection (3) of section 10 of the Act of 1937 shall apply to a contributory employee who has given notice under the preceding provisions of this section as if for the words "rules made under the last preceding section" there were substituted the words "the provisions of section 115 of the Nottingham Corporation Act 1952".

(4) This section shall not apply to—

- (i) any employee of the Corporation who by virtue of Part III or Part IV of the regulations may become entitled to superannuation benefits under the Act of 1937 as modified by the regulations;
- (ii) any employee whose widow would be entitled to a widow's pension under the provisions of section 110 (Widow's pension) of this Act;

and any notice given under this section shall cease to be operative if the employee by whom it has been given ceases to be an employee to whom this section applies in consequence of the provisions of this subsection.

**116.** The provisions of section 9 of the Act of 1937 and of any rules made thereunder shall cease to apply to any contributory employee.

Cesser of section 9 of Act of 1937.

**117.** Where any allowance or pension payable under the Act of 1937 or this Part of this Act is an annual sum of an amount not exceeding twenty-six pounds the council may discharge their liability in respect thereof by the payment of a lump sum representing the capital value of the annual sum.

Power to compound small annual benefits.

**118.—**(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

Payment of pension etc. of person of unsound mind.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

PART XI  
—cont.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner 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 employee former employee or pensioner shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice 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 power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice to that person in a form approved by the Master in Lunacy:

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

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power 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 master withdraws the notice.

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

## PART XII

## FINANCE AND RATING

Power to  
borrow.

119.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and the Corporation shall pay off all moneys so borrowed within such periods as they may determine not exceeding those

respectively mentioned in the third column of the said table (namely):—

PART XII  
—cont.

1	2	3
Purpose	Amount	Period for repayment
(a) The purchase of lands minerals and easements for the purposes of this Act.	The sum requisite	Sixty years from the date or dates of borrowing.
(b) The construction of substituted Waterwork No. 10 by this Act authorised.	£107,260	Thirty-five years from the date or dates of borrowing.
(c) The construction of Waterwork No. 11 by this Act authorised.	£134,383	Forty years from the date or dates of borrowing.
(d) The additional cost of construction of the following waterworks authorised by the Nottingham Corporation Act 1947:—		
(1) So much of Waterwork No. 1 as does not consist of machinery;	£76,454	Forty years from the date or dates of borrowing.
(2) The provision of machinery in connection with Waterwork No. 1;	£52,151	Twenty years from the date or dates of borrowing.
(3) Waterworks Nos. 2 3 and 5;	£216,068	Forty years from the date or dates of borrowing.
(4) Waterwork No. 4.	£45,542	Thirty-five years from the date or dates of borrowing.
(e) The additional cost of the construction of the following waterworks authorised by the Act of 1938:—		
(1) So much of Waterworks Nos. 1 and 5 as does not consist of machinery;	£41,509	Forty years from the date or dates of borrowing.
(2) The provision of machinery in connection with Waterworks Nos. 1 and 5;	£32,414	Twenty years from the date or dates of borrowing.
(3) Waterworks Nos. 4 8 and 10.	£115,281	Thirty-five years from the date or dates of borrowing.
(f) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

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

PART XII  
—cont.

borrowed under the said Part IX and the period fixed by this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

Saving for  
powers of  
Treasury.

**120.** It shall not be lawful to exercise the powers of borrowing conferred by this Act (except the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Power to  
Corporation  
to borrow etc.  
for reconstruc-  
tion of  
corporate land.

**121.** 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 existing building thereon shall be purposes for which the Corporation may borrow or may expend money out of their general rate fund.

Recovery of  
rates from  
persons  
removing.

**122.** 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 heating charge or any water rate or charge which may be due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons.

Service of  
demand notes.

**123.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of the Corporation.

Demand  
complaint  
information or  
summons may  
contain  
several sums.

**124.** There may be included in one and the same demand complaint information or summons or in any schedule thereto any general rate or water rate or charges for water or charges for the supply of heat or money due in respect of any general rate or water rate or charges for water or charges for the supply of heat due and payable to the Corporation from the same person whether the same are or may be levied due payable or recoverable under the same or different enactments from time to time in force in the city.



PART XIII

MISCELLANEOUS

- 125.** If any person wilfully and without the consent of the Corporation—
- (a) obstructs the access to any police telephone call box or installation provided by the Corporation or any shelter or box so provided for the use of police constables ;
  - (b) removes obliterates alters defaces or obscures any plate or mark provided by the Corporation for indicating the position of any such call box installation shelter or box or the position of any fire hydrant ; or
  - (c) interferes with the equipment in any such call box installation shelter or box ;

Offences in respect of telephone boxes fire hydrants etc.

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

- 126.** Any person who shall wilfully remove or otherwise interfere with—

Interference with refuse bins etc.

- (a) any dustbin refuse bin or street orderly bin or other receptacle for the temporary deposit or collection of refuse dust ashes or rubbish ; or
- (b) any street sand bin ;

belonging to the Corporation shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

- 127.**—(1) As from the appointed day where the slaughter of an animal shall take place outside a slaughter-house and the carcass of the animal shall be brought into a slaughter-house within the city such carcass and the organs thereof shall be retained and kept apart from any other meat until such carcass and organs have been inspected or their removal has been authorised in accordance with the provisions of the Public Health (Meat) Regulations.

Animals slaughtered outside slaughter-houses.

(2) Where there is any contravention of the provisions of this section the occupier of the slaughter-house and also the person by whom the carcass is prepared or dressed shall be liable to a penalty not exceeding five pounds.

- (3) In this section—

- (a) the expression “Public Health (Meat) Regulations” means regulations for the time being in force under section 8 of the Food and Drugs Act 1938 or having effect by virtue of subsection (3) of section 101 of that Act as if they had been made under the said section 8 ;

PART XIII  
—cont.

(b) the expression "animal" means any animal the flesh of which whether or not intended for human consumption shall be brought into a slaughter-house;

(c) the expression "meat" means the flesh of any animal which is sold or intended for sale for human consumption;

(d) the expression "slaughter-house" has the meaning assigned to it by section 100 of the Food and Drugs Act 1938.

## Inedible fat.

**128.** If any person takes or causes to be taken any fat unfit for food into any premises in the city in which any food of which fat is an ingredient is manufactured or prepared for sale he shall be liable to a penalty not exceeding ten pounds or in the case of a second or subsequent offence to a penalty not exceeding fifty pounds:

Provided that in any proceedings under this section it shall be a defence to prove that the fat was not taken into the premises for the purpose of being used and has not been used as an ingredient in the manufacture or preparation of food.

Summary  
recovery of  
damages for  
negligence.

**129.** Any compensation recoverable by the Corporation for damage caused by negligence to any lamp or lamp-post belonging to them or any apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

Penalty on  
fraudulent  
sale.

**130.**—(1) If in the city any person wilfully makes any false statement as to the weight of any fuel which is being sold delivered or offered or exposed for sale or as to the tare weight of a vehicle used for the delivery of fuel or wilfully increases the weight of any fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of fuel 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.

(2) In this section the expression "fuel" means coal coke or any solid fuel derived from coal or of which coal or coke is a constituent wood fuel or peat.

(3) Section 23 of the Weights and Measures Act 1889 shall cease to have effect in the city with reference to any vehicle in which coal is carried or the person in charge of such vehicle.

Evidence of  
appointments  
authority etc.

**131.**—(1) In any proceedings under any enactment—

(a) a document purporting to be certified by the town clerk as a copy of a resolution order or report passed or made by the council or by any committee thereof

on a specified date shall be evidence that that resolution order or report was duly passed or made by the council or that committee on the said date ;

(b) a document purporting to be so certified as a copy of a minute duly drawn up entered and signed in accordance with paragraph 3 of Part V of the Third Schedule to the Act of 1933 of the proceedings of a meeting of the council or of any committee thereof on a specified date shall be evidence to the same extent as the original minute ;

(c) a document purporting to be so certified as a copy of the appointment of or of any authority given to an officer of the council or any committee thereof on a specified date shall be evidence that that appointment or authority was duly made or given by the council or that committee on the said date.

(2) In this section the expression " officer " includes a servant solicitor or agent.

(3) Section 286 of the Act of 1936 shall cease to apply to the council.

**132.** Notwithstanding anything contained 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 3 shall be deemed to have been made and signed in accordance with sub-paragraph (1) thereof.

As to minutes  
of council  
meetings etc.

**133.—**(1) Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary school 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 reasonable cause to attend such school before the date fixed by such agreement for the pupil to cease such attendance 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 which the court may think fit to award in all the circumstances of the case.

School  
agreements.

PART XIII  
—cont.

(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.

False  
statements to  
obtain rent  
rebate reduc-  
tions in pay-  
ments under  
Education  
Acts etc.

**134.**—(1) If any person for the purpose of obtaining for himself or any other person the occupation of any house belonging to the Corporation or a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any payment due to the Corporation under the Education Acts 1944 to 1948 or any regulations made thereunder—

- (a) knowingly makes to the Corporation or any of their employees a false statement or false representation relating to his or that other person’s need for accommodation or ability to pay the rent or make the payment; or
- (b) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular;

he shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such penalty and imprisonment.

(2) If any person is convicted of an offence under this section the court may order him to pay to the Corporation the amount of the rebate or reduction so obtained or (as the case may be) may terminate the tenancy of the house.

Amendment of  
Wilford Bridge  
Act 1862.

**135.**—(1) Sections 22 23 24 26 and 31 of the Wilford Bridge Act 1862 shall be read and have effect as if—

- (a) for the references therein to the county surveyor there were references to the Corporation; and
- (b) for the reference therein to—
  - (i) the justices for the county of Nottingham at any of their general quarter sessions assembled;
  - (ii) any two or more justices appointed to superintend the repairs of county bridges repairable by the county of Nottingham; and

(iii) the court of quarter sessions for the county of Nottingham ;

PART XIII  
—cont.

there was in each case a reference to the recorder of the city.

(2) Section 25 of the Wilford Bridge Act 1862 is hereby repealed.

#### PART XIV

##### GENERAL

136. 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 sections 36 (Byelaws as to shelters etc.) and 98 (Byelaws as to establishments for massage or special treatment) of this Act the confirming authority shall be the Secretary of State. Confirming authority for byelaws.

137.—(1) For the purposes of this Act (except Part XI (Superannuation) thereof) the expression “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed day.

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

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

(a) of the passing of any such resolution and of the date fixed thereby ; and

(b) of the general effect of the provisions of this Act coming into operation as from that date ;

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

(4) Either—

(a) a copy of any such newspaper containing any such notice ; or

(b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page 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

PART XIV  
—cont.

(b) had before that day duly applied for the licence or registration required by that provision ;

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 139 (Appeals) of this Act.

Restriction  
on right to  
prosecute.

**138.** Proceedings in respect of an offence created by or under this Act (except section 130 (Penalty on fraudulent sale) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

## Appeals.

**139.**—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a court of summary jurisdiction under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action ; or
- (b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time ;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

Apportionment  
of expenses in  
case of joint  
owners.

**140.** Where under the provisions of this Act or any local Act for the time being in force in the city the Corporation shall execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the Corporation or in case of dispute by a court of summary jurisdiction.

**141.** Whenever the Corporation or any of their officers under any enactment execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to execute re-execute or alter such work or do such act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on their part or the part of any of their officers or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation or such officer in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

PART XIV  
—cont.

In executing works for owner Corporation liable for negligence only.

**142.** Where in pursuance of any enactment the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of such terms or conditions shall as regards liability to a penalty and other consequences be deemed equivalent to the execution of the works or the doing of the act or thing without the required consent.

Breach of conditions of consent of Corporation.

**143.** Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Damages and charges to be settled by court.

**144.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration.

Application of Arbitration Act.

**145.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Determination of compensation.

PART XIV  
—cont.Inquiries by  
Ministers.

**146.** The Minister the Minister of Transport the Minister of Civil Aviation and the Minister of Fuel and Power may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

For protection  
of county  
council.

**147.** The following provisions for the protection of the county council shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Corporation have effect with respect to the exercise of any of the powers of this Act (that is to say):—

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during (the construction thereof incorporated by this Act and of section 12 (Extinction of private rights of way) of this Act shall not apply with respect to any lands of the county council.

For protection  
of electricity  
board.

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

(1) In this section—

“ apparatus ” means electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the electricity board and includes any structure constructed for the lodging therein of apparatus ;

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

“ position ” includes depth :

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not—

(a) acquire any apparatus under the powers of this Act otherwise than by agreement ; or

(b) acquire any interest in any lands in which the electricity board possess an easement or right of constructing or maintaining any apparatus except subject to that easement or right :

(3) (a) Before commencing to execute or do on any lands acquired under the powers of this Act any work or thing which may affect any apparatus or interfere with or render less convenient the access to any apparatus the Corporation shall give twenty-eight days' notice to the electricity board of their intention to execute such work or do such thing and shall at the same



time deliver a plan and section of any work or (as the case may be) a description of any thing proposed to be executed or done ;

(b) If it should appear to the electricity board that the execution of such work or the doing of such thing would interfere with or endanger any apparatus or interfere with or impede the supply of electricity by the electricity board or interfere with or render less convenient the access to any apparatus the electricity board may raise lower or otherwise alter the position of such apparatus or support the same or substitute temporarily or otherwise other apparatus or lay or construct new apparatus in such position (whether under upon or above ground) and in such manner as may be considered necessary or lay or place under around or over any apparatus pipes ducts cement concrete or other protective material ;

(c) Any difference as to the necessity of such raising lowering alteration support substitution laying or construction of apparatus or such laying or placing of pipes ducts cement concrete or other protective material (all of which are hereinafter referred to as " protective works ") shall be settled by arbitration as hereinafter provided ;

(d) The Corporation shall on the completion of the protective works pay to the electricity board the reasonable expenses incurred by them in the execution thereof :

- (4) Where the Corporation require to alter the position of or interfere with any apparatus the provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall (mutatis mutandis and subject to the provisions of subsection (9) of this section) apply in relation to such alteration or interference whether or not such apparatus is under a street or place authorised to be broken up by the Corporation and shall be deemed to extend to any apparatus laid down erected or constructed upon or above the level of the ground and the Corporation shall not alter the position of or interfere with any apparatus except in accordance with and subject to the said provisions as applied and extended as aforesaid :
- (5) Whenever by virtue of the provisions of section 64 (Stopping up and diversion of highways) of this Act any highway or any part of highway in which any

PART XIV  
—cont.

apparatus is situate is stopped up or diverted the electricity board—

(a) shall notwithstanding such stopping up or diversion continue to have the same powers and rights in respect of any apparatus remaining in the highway or part of highway so stopped up or diverted as if the same had remained a highway but nothing in Part I of the Act of 1950 shall by reason only of this subsection have effect in relation to those powers or rights ; or

(b) may and if so required by the Corporation shall—

(i) remove the apparatus and relay or replace the same in the highway (if any) substituted for the highway or part of highway so stopped up or diverted or in such other position as the electricity board may reasonably determine ; or

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

(6) The Corporation shall repay to the electricity board the reasonable expenses incurred by the electricity board in or in connection with—

(a) the removal and relaying or replacing of any apparatus or the provision and laying or placing of any new apparatus under the provisions of subsection (5) of this section ; and

(b) 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 subsection :

Provided that subsections (3) and (4) of section 23 of the Act of 1950 which imposes limitations on undertakers' rights to payments shall so far as applicable extend and apply to any payment to be made by the Corporation under paragraph (a) of this subsection as if the works therein mentioned were undertakers' works within the meaning of subsection (2) of the said section 23 and as if in the said subsection (3) the words " and the placing of apparatus of that type dimensions or capacity or the placing of apparatus at that depth as the case may be had not been 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 " were omitted :

- (7) Nothing in section 78 (Demolition of buildings) of this Act shall apply to any building (not being a house offices or a showroom) belonging to the electricity board and held by them for the purposes of their undertaking :
- (8) In exercise of the powers of section 86 (Silencers for internal combustion engines) of this Act in relation to any premises occupied or used by the electricity board in connection with the supply of electricity an authorised officer of the Corporation shall observe any precautions reasonably required by the electricity board in the interests of safety and for preventing interference with the supply of electricity :
- (9) (a) Any difference which may arise between the Corporation and the electricity board under subsections (3) to (8) of this section or under section 15 of the Electric Lighting Act 1882 or section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 as respectively applied or extended by this section shall be referred to arbitration ;
- (b) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the electricity board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

149. 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 :— For protection of gas board.

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

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

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

“ position ” includes depth :

- (2) Whenever by virtue of the provisions of section 64 (Stopping up and diversion of highways) of this Act any highway or any part of highway in which any apparatus is situate is stopped up or diverted the gas board shall notwithstanding such stopping up or diversion continue to have the same powers and rights in

PART XIV  
—cont.

respect of any apparatus remaining in the highway or part of highway so stopped up or diverted as if the same had remained a highway or may and if so required by the Corporation shall—

(i) remove the apparatus and relay or replace the same in the highway (if any) substituted for the highway or part of highway so stopped up or diverted or in such other position as the gas board may reasonably determine; or

(ii) provide and lay or place other apparatus in such substituted highway or 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 in or in connection with—

(a) the removal and relaying or replacing of any apparatus or the provision and laying or placing of any new apparatus under the provisions of subsection (2) of this section; and

(b) 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 subsection:

Provided that subsections (3) and 4) of section 23 of the Act of 1950 shall so far as applicable extend and apply to any payment to be made by the Corporation under paragraph (a) of this subsection as if the works therein mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in the said subsection (3) the words "and the placing of apparatus of that type dimensions or capacity or the placing of apparatus at that depth as the case may be had not been 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" were omitted:

(4) The Corporation shall so exercise the powers of section 66 (Decorations in streets) of this Act as not (so far as reasonably practicable) to render less convenient the access to any apparatus:

(5) Nothing in section 73 (Power to repair drains and private sewers) of this Act shall authorise the Corporation to execute any works in or under any operational lands within the meaning of the Act of 1947 of the gas board without the consent of the gas board but such consent

shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by arbitration :

- (6) Nothing in section 78 (Demolition of buildings) of this Act shall apply to any building (not being a house offices or a showroom) belonging to the gas board and held by them for the purposes of their undertaking :
- (7) In exercise of the powers of section 86 (Silencers for internal combustion engines) of this Act in relation to any premises occupied or used by the gas board in connection with the manufacture storage or supply of gas an authorised officer of the Corporation shall observe any precautions reasonably required by the gas board in the interests of safety and for preventing interference with the supply of gas :
- (8) (a) Any difference which may arise between the Corporation and the gas board under this section shall be referred to arbitration ;

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

**150.** Nothing in this Act shall authorise the development of any land or the erection of any buildings or the execution of any works in contravention of any requirements or restrictions imposed by or under any enactment as to the erection placing or making of buildings erections or excavations or the construction formation or laying out of means of access to or from any road or as to the submission of plans and specifications or the giving of notices to any authority : Saving for certain requirements.

Provided that this section shall not apply to or affect the execution by the Corporation of any works shown on the deposited plans and sections or the substituted plan and sections nor shall anything in this section deprive the Corporation of any exemption (whether absolute or conditional) to which they are entitled under any enactment referred to in this section.

**151.** This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

PART XIV  
—cont.  
Repeal.

**152.** The following enactments are hereby repealed:—

The Nottingham Corporation Act 1899—

Section 22 (Rates for passengers):

The Act of 1913—

Section 15 (Board of Trade may authorise trolley vehicles):

The Act of 1923—

Section 77 (Extended meaning of “infectious disease” for certain purposes);

Section 78 (Power to close Sunday schools to prevent spread of disease etc.);

Section 79 (Restriction on attendance at Sunday schools and places of assembly when infectious disease prevails);

Section 82 (Medical inspection of inmates of common lodging-houses &c. when infectious disease prevails):

The Act of 1935—

Section 19 (As to defective drains);

Section 25 (Penalty on fraudulent sale):

The Act of 1938—

Section 60 (As to erection of retaining walls);

Section 70 (Prohibition of sale of verminous furniture &c.).

Costs of Act.

**153.** 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.

## SCHEDULE

## PART I

## NOTTINGHAM LOCAL ACTS

Session and chapter	Title or short title
8 & 9 Vict. c. vii ...	An Act for inclosing lands in the parish of Saint Mary in the town and county of the town of Nottingham.
8 & 9 Vict. c. xix ...	Nottingham Waterworks Act 1845.
17 Vict. c. x ...	Nottingham Waterworks Amendment Act 1854.
30 Vict. c. x ...	Nottingham Improvement Act 1867.
35 & 36 Vict. c. cv ...	Nottingham and Leen District Sewerage Act 1872.
37 & 38 Vict. c. cxxxvii	Nottingham Waterworks Act 1874.
37 & 38 Vict. c. cxciv...	Nottingham Improvement Act 1874.
40 Vict. c. xxxi ...	Nottingham Borough Extension Act 1877.
41 Vict. c. xlv ...	Nottingham Waterworks Act 1878.
41 Vict. c. xci ...	Nottingham Improvement Act 1878.
42 Vict. c. xi ...	Nottingham Waterworks Act 1879.
42 & 43 Vict. c. cciv ...	Nottingham Improvement Act 1879.
43 & 44 Vict. c. ccviii ...	Nottingham Corporation Loans Act 1880.
45 & 46 Vict. c. ccxvii ...	Nottingham Corporation Act 1882.
46 & 47 Vict. c. lxxviii	Nottingham Corporation Act 1883.
57 & 58 Vict. c. clxxviii	Nottingham Corporation Act 1894.
60 & 61 Vict. c. cc ...	Nottingham Corporation Water Act 1897.
60 & 61 Vict. c. ccxxxviii	Nottingham Improvement Act 1897.
61 & 62 Vict. c. lxxi ...	Nottingham Corporation Act 1898.
62 & 63 Vict. c. ci ...	Nottingham Corporation Act 1899.
63 & 64 Vict. c. cxxxii	Nottingham Corporation Act 1900.
2 Edw. 7. c. ccxxxiii ...	Nottingham Corporation Act 1902.
5 Edw. 7. c. clxxv ...	Nottingham Corporation Act 1905.
10 Edw. 7. & 1 Geo. 5. c. xlv.	Nottingham Corporation Act 1910.
3 & 4 Geo. 5. c. cxiii ...	Nottingham Corporation Act 1913.
10 & 11 Geo. 5. c. lxvi	Nottingham Corporation Act 1920.
13 & 14 Geo. 5. c. c ...	Nottingham Corporation Act 1923.
15 & 16 Geo. 5. c. cix ...	Nottingham Corporation Act 1925.
19 & 20 Geo. 5. c. lxi ...	Nottingham Corporation Act 1929.
20 & 21 Geo. 5. c. cxiv	Nottingham Corporation Act 1930.
22 & 23 Geo. 5. c. lxxx	Nottingham Corporation Act 1932.
25 & 26 Geo. 5. c. cxix	Nottingham Corporation Act 1935.
1 & 2 Geo. 6. c. xciv ...	Nottingham Corporation Act 1938.
10 & 11 Geo. 6. c. xxxvi	Nottingham Corporation Act 1947.
14 & 15 Geo. 6. c. xxxi	Nottingham City and County Boundaries Act 1951.

## PART II

## ORDERS RELATING TO THE CITY

Session and chapter	Short title of Confirmation Act	Order thereby confirmed
39 Vict. c. xvi	Local Government Board's Provisional Orders Confirmation (Briton Ferry &c.) Act 1876.	The two Orders relating to Nottingham both dated 24th April 1876.
39 & 40 Vict. c. cxviii.	Local Government Board's Provisional Orders Confirmation (Bingley &c.) Act 1876.	The Order relating to Nottingham dated 22nd June 1876.
39 & 40 Vict. c. ccxxxv.	Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Act 1876.	The Order relating to Nottingham dated 17th June 1876.
40 & 41 Vict. c. lxxvii.	Local Government Board's Provisional Orders Confirmation (Altrincham &c.) Act 1877.	The Order relating to Nottingham dated 17th April 1877.
40 & 41 Vict. c. cxxiv.	Tramways Orders Confirmation Act 1877.	Nottingham and District Tramways Order 1877.
44 & 45 Vict. c. cii.	Local Government Board's Provisional Orders Confirmation (Birmingham Tame and Rea &c.) Act 1881.	The Order relating to Nottingham dated 11th May 1881.
45 & 46 Vict. c. lix.	Local Government Board's Provisional Order Confirmation (Artizans and Labourers Dwellings) Act 1882.	The Order relating to Nottingham dated 13th May 1882.
45 & 46 Vict. c. lxii.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1882.	The Order relating to Nottingham dated 9th May 1882.
47 & 48 Vict. c. cxii.	Tramways Orders Confirmation (No. 1) Act 1884.	Nottingham Tramways Order 1884.
47 & 48 Vict. c. ccxiv.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884.	The Order relating to Nottingham dated 4th June 1884.
50 & 51 Vict. c. xcix.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1887.	The Order relating to Nottingham dated 19th April 1887.
52 & 53 Vict. c. cxiii.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1889.	The Order relating to Nottingham dated 23rd May 1889.
55 & 56 Vict. c. lxxviii.	Local Government Board's Provisional Orders Confirmation Act 1892.	The Order relating to Nottingham dated 9th March 1892.
55 & 56 Vict. c. ccxxiii.	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1892.	Nottingham Order 1892.



Session and chapter	Short title of Confirmation Act	Order thereby confirmed
57 Vict. c. xxi	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1894.	Nottingham Order 1894.
59 & 60 Vict. c. clxxi.	Local Government Board's Provisional Order Confirmation (No. 22) Act 1896.	Nottingham Order 1896.
61 & 62 Vict. c. lxxxi.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1898.	Nottingham Order 1898.
13 & 14 Geo. 5. c. iv.	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1923.	Nottingham Order 1923.
21 & 22 Geo. 5. c. lxxvii.	Public Works Facilities Scheme (Nottingham Corporation) Confirmation Act 1931.	Nottingham Corporation (Waterworks) Scheme 1931.
24 & 25 Geo. 5. c. li.	Nottingham Corporation (Trolley Vehicles) Order Confirmation Act 1934.	Nottingham Corporation (Trolley Vehicles) Order 1934.

*Table of Statutes referred to in this Act other than those included in the schedule*

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Wilford Bridge Act 1862 ...	25 & 26 Vict. c. cxvi.
Public Health Act 1875 ...	38 & 39 Vict. c. 55.
Local Loans Act 1875 ...	38 & 39 Vict. c. 83.
Telegraph Act 1878 ...	41 & 42 Vict. c. 76.
Summary Jurisdiction Act 1879 ...	42 & 43 Vict. c. 49.
Electric Lighting Act 1882... ..	45 & 46 Vict. c. 56.
Weights and Measures Act 1889 ...	52 & 53 Vict. c. 21.
Lunacy Act 1890 ... ..	53 Vict. c. 5.
Electric Lighting (Clauses) Act 1899 ...	62 & 63 Vict. c. 19.
Acquisition of Land (Assessment of Compensation) Act 1919 ... ..	9 & 10 Geo. 5. c. 57.
Land Charges Act 1925 ... ..	15 Geo. 5. c. 22.
Rating and Valuation Act 1925 ... ..	15 & 16 Geo. 5. c. 90.
Law of Property (Amendment) Act 1926 ...	16 & 17 Geo. 5. c. 11.
Summary Jurisdiction (Appeals) Act 1933 ...	23 & 24 Geo. 5. c. 38.
Local Government Act 1933 ... ..	23 & 24 Geo. 5. c. 51.
Housing Act 1935 ... ..	25 & 26 Geo. 5. c. 40.
Public Health Act 1936 ... ..	26 Geo. 5 & 1 Edw. 8. c. 49.
Factories Act 1937 ... ..	1 Edw. 8 & 1 Geo. 6. c. 67.

Short title	Session and chapter
Local Government Superannuation Act 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 68.
Hire Purchase Act 1938 ... ..	1 & 2 Geo. 6. c. 53.
Food and Drugs Act 1938... ..	1 & 2 Geo. 6. c. 56.
Education Act 1944 ... ..	7 & 8 Geo. 6. c. 31.
Town and Country Planning Act 1944 ... ..	7 & 8 Geo. 6. c. 47.
Local Authorities Loans Act 1945 ... ..	8 & 9 Geo. 6. c. 18.
Family Allowances Act 1945 ... ..	8 & 9 Geo. 6. c. 41.
Water Act 1945 ... ..	8 & 9 Geo. 6. c. 42.
Statutory Orders (Special Procedure) Act 1945 ...	9 & 10 Geo. 6. c. 18.
Acquisition of Land (Authorisation Procedure) Act 1946 ... ..	9 & 10 Geo. 6. c. 49.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6. c. 58.
National Insurance Act 1946 ... ..	9 & 10 Geo. 6. c. 67.
Probation Officers (Superannuation) Act 1947 ...	10 & 11 Geo. 6. c. 38.
Town and Country Planning Act 1947 ... ..	10 & 11 Geo. 6. c. 51.
Electricity Act 1947 ... ..	10 & 11 Geo. 6. c. 54.
Superannuation (Miscellaneous Provisions) Act 1948.	11 & 12 Geo. 6. c. 33.
Special Roads Act 1949 ... ..	12 & 13 Geo. 6. c. 32.
Lands Tribunal Act 1949 ... ..	12 & 13 Geo. 6. c. 42.
Civil Aviation Act 1949 ... ..	12 & 13 Geo. 6. c. 67.
National Parks and Access to the Countryside Act 1949 ... ..	12 13 & 14 Geo. 6. c. 97.
Arbitration Act 1950 ... ..	14 Geo. 6. c. 27.
Public Utilities Street Works Act 1950 ... ..	14 Geo. 6. c. 39.
Rivers (Prevention of Pollution) Act 1951 ...	14 & 15 Geo. 6. c. 66.

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