

# Glamorgan County Council Act, 1952

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

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## CHAPTER li

An Act to confer further powers on the Glamorgan County Council and local authorities in the county of Glamorgan in relation to lands and highways and the local government improvement health and finances of the county and with respect to places of entertainment to make further provision for the superannuation of employees and for other purposes. [1st August 1952.]

**W**HEREAS it is expedient that further and better provision should be made with reference to lands roads and highways and for the local government improvement health and finances of the administrative county of Glamorgan and that the powers of the county council of that administrative county (hereinafter referred to as "the Council") and of the local authorities within the said administrative county should be enlarged and extended as by this Act provided:

And whereas it is expedient to make further provision for the superannuation of officers and servants of the Council and of persons who contribute to the superannuation fund of the Council and to amend the enactments relating thereto:

And whereas it is expedient to confer further powers on the Council and local authorities with reference to places used for certain classes of public entertainment:

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

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

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

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

## PART I

## PRELIMINARY

Short title.

1. This Act may be cited as the Glamorgan County Council Act 1952.

Division of  
Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Highways.

Part IV.—Open spaces camps and pleasure grounds.

Part V.—Licensing of entertainments public order etc.

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Incorporation  
of Lands  
Clauses Acts.

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

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

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 220 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

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

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

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



- “ Act of 1950 ” means the Public Utilities Street Works Act 1950 ;
- “ authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money ;
- “ claimed road ” means a county road in respect of which a local authority have claimed or may hereafter claim under section 32 of the Local Government Act 1929 to exercise and are exercising the functions of maintenance and repair ;
- “ commission ” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly ;
- “ Council ” means the county council of the administrative county of Glamorgan ;
- “ county ” means the administrative county of Glamorgan ;
- “ county fund ” means the county fund of the Council ;
- “ county road ” has the same meaning as in Part III of the Local Government Act 1929 ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction thereof ;
- “ district ” means a borough or an urban or rural district in the county ;
- “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a district ;
- “ financial year ” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year ;
- “ gas board ” means the Wales Gas Board ;
- “ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district ;
- “ highway authority ” means—
- (a) in the case of a trunk road the Minister of Transport or with his consent the authority who are

PART I  
—cont.

for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road ;

(b) in the case of a county road except a claimed road and in the case of any other road for the time being maintained by the Council the Council ; and

(c) in the case of any other highway (not being a highway repairable by the commission) the local authority for the district in which the highway is situate ;

“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 ;

“local authority” means the council of a district ;

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

“parish council” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish ;

“public service vehicle” has the same meaning as in the Road Traffic Acts 1930 to 1947 ;

“rural district council” means the council of a rural district in the county ;

“standing joint committee” means the standing joint committee of the Glamorgan quarter sessions and the council appointed under section 30 of the Local Government Act 1888 ;

“statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;

“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 the council of any county or county district or by any authority

being a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities rentcharges or securities transferable by delivery ;

“ statutory undertakers ” means any company body or person authorised by any Act of Parliament or order having the force of an Act to supply electricity gas or water and any authority company body or person authorised by any enactment to lay or maintain sewers or to operate tramways or trolley vehicles ;

“ street ” and “ road ” have the meanings assigned to the word “ street ” in the Act of 1936 ;

“ trolley vehicle ” has the same meaning as in section 121 of the Road Traffic Act 1930 ;

“ urban district ” means a borough or an urban district in the county ;

“ verge ” includes lands situate between two carriageways and any part of a street which is not a carriageway footway or cycle track.

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

5. The sections of this Act of which the numbers and marginal notes are set out in the First Schedule to this Act shall not be exercisable by or apply to a rural district council unless and until they have adopted those sections in accordance with section 6 (Adoption by rural councils of certain provisions of Act) of this Act. Certain provisions of Act not to operate in rural districts until adopted.

6.—(1) A rural district council may adopt in respect of their district or a part thereof all or any of the sections of this Act of which the numbers and marginal notes are set out in Part I of the First Schedule to this Act. Adoption by rural councils of certain provisions of Act.

(2) The adoption by a rural district council of all or any of the said sections of this Act shall be by a resolution of that council passed in accordance with the provisions contained in Part II of the said First Schedule and upon a resolution of adoption coming into operation the provisions of this Act to which it extends shall apply to the district of that council or to the part thereof to which the said resolution relates.

7.—(1) Subject to the provisions of this section and of section 5 (Certain provisions of Act not to operate in rural districts until adopted) and section 6 (Adoption by rural councils of certain provisions of Act) of this Act Parts II III and VI of this Act shall come into operation on the first day of April nineteen hundred and fifty-three. Application of Parts II III and VI in urban districts.

PART I  
—cont.

(2) At any time before the first day of January nineteen hundred and fifty-three a poll may be demanded with respect to the question whether Parts II III and VI of this Act or any of them or any sections therein shall come into operation in any urban district by the council thereof or by a requisition in writing signed by not less than one hundred persons registered in accordance with the provisions of the Representation of the People Acts as local government electors in the district and delivered to the mayor in the case of a borough or the chairman of the council in the case of an urban district.

(3) If a poll is demanded in any district in pursuance of this section the mayor in the case of a borough or the chairman of the council in the case of an urban district shall proceed by poll to take the opinion of the electors upon the question upon which the poll is demanded unless the demand is withdrawn.

(4) The provisions contained in subsection (3) of section 255 of the Act of 1933 and in paragraphs 12 to 19 of the Ninth Schedule to that Act and the regulations made and the forms prescribed under those provisions shall so far as applicable apply to and in respect of the taking of a poll under this section.

(5) If the result of a poll taken in any district under this section is against Parts II III and VI of this Act or any of them or any sections therein coming into operation in the district such Parts or such Part or those sections shall not come into operation therein except as provided in the next succeeding subsection.

(6) If the result of any poll taken in any district under this section is against Parts II III and VI of this Act or any of them or any sections therein coming into operation in the district the council thereof may at any time after the expiration of three years from the date on which the last poll was taken determine that the question shall again be submitted to the local government electors and in that case a poll shall again be taken in accordance with the provisions of this section.

(7) If in pursuance of this section a poll is taken in any district the clerk shall immediately after the result has been declared give notice of such result to the Secretary of State the Minister and the Council.

(8) A certificate purporting to be signed by the clerk stating—  
(a) the result of a poll demanded under this section in respect of his district;  
(b) that no such poll has been demanded; or  
(c) that no such poll has been demanded except in reference to the sections mentioned in the certificate;

shall be evidence of the statement contained therein.



PART II  
LANDS

8. Section 158 (Acquisition of land in advance of requirements) of the Act of 1933 in its application to the Council shall be read and have effect as if the words "with the consent of and subject to any conditions imposed by the appropriate Minister" and subsection (3) of the said section were omitted therefrom.

Amendment of section 158 of Local Government Act 1933 in relation to Council.

9.—(1) The Council 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.

Power to reinstate owners or occupiers of property.

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

10.—(1) The Council may—

Retention and disposal of land.

(a) retain and hold and use for such time as they think fit any land or interest in land acquired by them under this Act ;

(b) sell lease exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form) ;

(c) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest ;

(d) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition ;

(e) on any such exchange pay or receive money for equality of exchange :

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of the land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained

PART II  
—cont.

in any conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any persons from or through whom the Council have derived title to it.

Proceeds of  
disposal of  
surplus land.

11.—(1) Any capital money received by the Council 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.

(2) Any capital money so received and not so applied shall (subject to the provisions of section 93 (Capital fund) and section 95 (Consolidated loans fund) of this Act) be applied by them in or towards the extinguishing of any loan raised by the Council under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Council 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 Council under any enactment.

(4) Any capital money received by the Council 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.

Compensation  
may be in  
land.

12. The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent.

Application of  
Lands Clauses  
Acts to  
purchases by  
agreement.

13.—(1) For the purpose of any enactment empowering the acquisition by the Council of land by agreement for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily the Lands Clauses Acts except the provisions relating to access to the special Act and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 shall so far as concerns any such acquisition be deemed to be incorporated with such enactment and in construing those Acts for the purposes of this section such enactment shall be deemed to be the special Act and the Council shall be deemed to be promoters of the undertaking.

(2) The powers exercisable under this section shall be in addition to the powers exercisable under any other enactment



14. Subject to the provisions of this Act a local authority may exercise the powers contained in the foregoing provisions of this Part of this Act other than section 8 (Amendment of section 158 of Local Government Act 1933 in relation to Council) and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

PART II  
—cont.  
Application  
of certain  
provisions  
of Part II to  
local  
authorities.

- (a) “ local authority ” for “ Council ” ;
- (b) “ district ” for “ county ” ; and
- (c) “ general rate fund ” for “ county fund ” .

15.—(1) A local authority may by agreement acquire (whether by purchase lease or exchange) and hold any land which in their opinion it is desirable that they should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of their district notwithstanding that the land may not be immediately required.

Extension of  
power to  
acquire land  
by agreement.

(2) Any land acquired under this section may be appropriated by the local authority subject to and in accordance with the provisions of section 163 of the Act of 1933 as if it were not required for the purposes for which it was acquired.

(3) Pending such appropriation as aforesaid all expenses incurred by the local authority under this section shall be payable out of the general rate fund.

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

Loans for  
erection etc.  
of buildings.

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 local authority will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the local authority 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 ;

PART II  
—cont.

- (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 local authority 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 local authority and to produce to them when required the receipts for the premiums paid in respect of the insurance ; or
  - (ii) (if the local authority elect themselves to insure the said building against fire) to repay to them the amounts of any premiums paid by them from time to time in that behalf ;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the local authority and authorised in writing by the clerk of the local authority 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 local authority (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 local authority have agreed to grant a lease and the expression "lease" shall be construed accordingly.

PART II  
—cont.

**17.**—(1) A local authority may (with the consent of the Minister) lay out and develop any land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave channel and kerb streets and highways:

Provided that nothing in this section shall apply to land acquired by the local authority under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

(2) The local authority may use or dispose of the building or other materials of any houses or structures on any land acquired or appropriated by them which they deem it necessary or desirable to pull down.

### PART III

#### HIGHWAYS

##### *A.—New streets*

**18.**—(1) In this Part of this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

"classified road" has the same meaning as in the Local Government Act 1929;

"private street" means a street within the meaning of the Private Street Works Act 1892 or a street to which section 150 of the Public Health Act 1875 applies or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947;

"private street works" means works executed under the Private Street Works Act 1892 or section 150 of the Public Health Act 1875 or in relation to land which is deemed to be a private street as aforesaid works executed under either of those Acts as applied by subsection (3) of the said section 48 or by this Act;

"street byelaws" means any byelaws for the time being in force in any district with respect to the construction and laying out of new streets;

"structure" means a wall fence hoarding or similar erection but for the purpose of this definition the expression "wall" does not include a wall forming part of a permanent building;

PART III  
—cont.

“transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “transfers” shall be construed accordingly.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

Prohibition of  
building until  
street defined.

**19.**—(1) Where a plan and sections of a new street have been deposited with a local authority in pursuance of street byelaws and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts on the land on which the building is to be erected and on any land which will be occupied in connection with the building.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a penalty not exceeding twenty pounds and the local authority may—

(a) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street; and

(b) in the case of a contravention of subsection (2) remove the building or structure;

and in either case recover the expenses of so doing from that person.

Prohibition of  
building until  
street formed  
and sewered.

**20.**—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws:

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

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



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

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

(4) The execution of any works under the provisions of this section shall not relieve any person from any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or any local Act relating to private street works for the time being in force in the district of the local authority.

21.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out: Termination of new streets.

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways repairable by the inhabitants at large.

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

(3) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the local authority may remove the structure and recover the expenses of so doing from that person:

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

22.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purpose of securing the proper laying Adjustment of boundaries of estates in connection with streets.

PART III  
—cont.

out or development of any estate through which the street is to run by notice require that such provision shall be made—

(a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto and for effecting exchanges of land in connection therewith ; and

(b) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate ;

as may be necessary or desirable having regard to the line and lay-out of the new street.

(2) Any such notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or the widening or adaptation of a road foot-path or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall failing agreement between the local authority and the persons interested in the respective estates be determined by a single arbitrator to be appointed in default of agreement by the Minister.

(5) An agreement or award made under this section may provide for the payment of money by the local authority but no such award shall provide for the payment of money by any other person without his consent.

(6) Any award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land or the removal modification or imposition of covenants restrictions and conditions attaching to any land which may be provided for by the award and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall unless and except in so far as the award may otherwise provide be paid by the local authority.

(8) Any land or money received by any person in respect of any adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts (if any) as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the land exchanged therefor and any such covenants restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.



(10) For the purposes of this section a local authority may themselves purchase any land by agreement and—

- (a) may sell or lease the whole or part of any land so purchased at such time and at such price and on such conditions as they think fit ; or
- (b) may exchange the whole or part of any such land for other land at such time and on such conditions as they think fit and pay or receive money for equality of exchange ; or
- (c) may appropriate any such land for any purpose approved by the Minister ;

and until any such sale lease exchange or appropriation may occupy manage or let the land or any part thereof in such manner as they think reasonable :

Provided that a local authority shall not without the consent of the Minister sell or lease any such land at a price or rent or for a consideration less than the current market value of the land but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(11) In this section the expression "estate" includes any parcel of land.

#### B.—Verges and trees

23.—(1) Subject to the provisions of this section the highway authority shall have power—

- (a) to plant trees or shrubs in any street or in tubs placed by them for the purpose in any such street ;
- (b) to lay out grass verges or gardens in any such street ;
- (c) to erect and maintain guards or fences and otherwise do anything expedient for the maintenance or protection of such streets shrubs tubs grass verges or gardens ;
- (d) to cut down any such tree or shrub to remove any such tub and to abolish any such grass verge or garden or enlarge or diminish the area thereof.

Trees grass  
verges and  
gardens.

(2) The highway authority may by notice prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon—

- (a) any grass verge which is maintained in an ornamental condition or mown and which has been laid out or is deemed to have been laid out under this section ; or
- (b) any garden which has been so laid out or deemed to have been laid out ; or
- (c) any grass margin caused to be laid out by the Minister of Transport under section 1 of the Roads Improvement Act 1925 which is maintained in an ornamental condition or mown.

PART III  
—cont.

(3) Any such notice as is referred to in the last foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(4) Subject to the provisions of this subsection the powers conferred by this section shall not be exercisable except in a street maintainable by and vested in the highway authority or upon land so vested which forms part of a street:

Provided that with the consent of the Council the local authority may exercise any such power in a street in respect of which the Council are the highway authority and that when carrying out in any street or any part thereof any works under section 150 of the Public Health Act 1875 or the Private Street Works Act 1892 the authority carrying out such works may exercise any such power in the street or that part thereof with the consent of the majority in number and rateable value of the owners of the land <sup>of that</sup> part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

(5) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

(6) Section 1 of the Roads Improvement Act 1925 shall cease to apply within the county and anything done by the highway authority under that section before the passing of this Act shall be deemed to have been done under this section.

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

Damage to  
trees etc. on  
highways and  
in open spaces.

24.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway or in any open space to which the public have access within the county—

(a) remove or cut any turf; or

(b) pluck any bud blossom flower or leaf of any tree shrub or plant or remove cut or displace any plant if the tree shrub or plant has been planted by the person having control of the highway or open space for the purpose of improving the amenities thereof and adequate notice stating the effect of this paragraph is conspicuously placed on such highway or open space.

(2) Any person offending against this section shall be liable to a penalty not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

PART III  
—cont.

(3) Nothing in this section shall—

- (a) apply to any open space vested in or under the control of the council of a district a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty ; or
- (b) affect any right of any persons authorised by any enactment to open or break up any street or road or any land for the purpose of laying making altering repairing or renewing any main pipe sluice weir sewer electric line duct substation transformer station street-box drain tramway or trolley vehicle equipment or other apparatus.

25. If any tree fence wall or structure or any part thereof shall fall on or across any street repairable by them so that obstruction is caused or is likely to be caused to persons or vehicles using such street the highway authority may remove and pending such removal may fence light and watch 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 fence wall or structure or any part thereof was situate from the occupier thereof: Removal of trees etc. from streets.

Provided that the highway authority shall only fence light and watch any such tree fence wall or structure or part thereof if it is in their opinion impossible to remove the same before nightfall on the day on which it fell and it shall be the duty of the highway authority to remove the tree fence wall or structure or part thereof without unreasonable delay :

Provided further that the highway authority shall if time permits give notice to the owner of any such tree fence wall or structure before removing the same and in any other case shall give notice to such owner as soon as practicable of such removal.

### C.—Improvements

26.—(1) Subject to the provisions of this section the Council may enter into and carry into effect agreements with persons having a legal interest in land adjoining any county roads in the county for the adjustment of the boundary of the road. Adjustment of boundaries of county roads.

PART III  
—cont.

(2) For the purposes of this section the Council—

- (a) may exchange land including land forming the site of the road for other land and pay or receive money for equality of exchange ; and
- (b) shall be deemed to be the owners of the land forming the site of the road and shall be entitled to convey any such land in accordance with the agreement.

(3) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in some local newspaper circulating in the district in which such land is situate.

(4) During the said period of one month any four ratepayers of the district may appeal to a court of summary jurisdiction against the proposal to enter into the agreement.

(5) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any land of the Council in any case in which the consent of that department would have been required if this Act had not been passed.

(6) In this section the expression “ratepayers” has the same meaning as in the Rating and Valuation Act 1925.

Repair of  
boundary  
roads.

**27.** Where the boundary between the county and any other county or county borough or the boundary between any districts in the county divides any road longitudinally the councils or authorities who but for this enactment would be responsible for the maintenance and repair of the portions of the road on each side of the boundary shall in lieu of maintaining and repairing the portion for which they are so responsible maintain and repair respectively such part or parts of the road throughout its entire width as shall be agreed upon or as failing agreement shall in the case of any road wholly within the county be determined by the Council on the application of either party and in any other case be determined by the Minister of Transport on the application of either party.

*D.—Stopping up*

**28.**—(1) For the purpose of—

- (a) making any new street for the purpose of which premises have been purchased under section 154 of the Public Health Act 1875 ; or

Temporary  
stoppage of  
streets.



(b) providing a parking place for vehicles under section 68 of the Public Health Act 1925 ;

PART III  
—cont.

the local authority may break up and for any reasonable time stop up divert and interfere with any street within their district and divert the traffic therefrom and prevent persons using it:

Provided that the local authority shall not exercise the powers of this section—

- (i) as respects any trunk road without the consent of the Minister of Transport ; or
- (ii) as respects any county road other than a claimed road without the consent of the Council ; or
- (iii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land ; or
- (iv) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock canal inland navigation or passenger road transport undertakers ; or
- (v) so as to obstruct or interfere with the access to any mains pipes or other apparatus of the gas board.

(2) The code in Part II of the Act of 1950 (which relates to cases where apparatus is affected by road works) shall have effect as if the works authorised by this section were mentioned in paragraph (a) of subsection (1) of section 21 of the first-mentioned Act and as if the apparatus belonging to a tramway or trolley vehicle undertaking were “undertakers’ apparatus” for the purposes of the said Part II.

*E.—Erections etc. in highways*

29.—(1) If a local authority by resolution determine that any stall or other erection on any forecourt is by reason of its character injurious to the amenities of the street on which the forecourt abuts the local authority may by notice require the owner or occupier of the forecourt either to make such alterations in the stall or erection as may be necessary to prevent it from being injurious to the amenities of the street or if he so elects to remove it.

Forecourts  
injurious to  
amenities of  
street.

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

(3) In this section the expression “erection” does not include an advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply.

PART III  
—cont.Public seats in  
roads.

30.—(1) The Council and any parish council or person with the consent of the highway authority and subject to such conditions as the highway authority may impose may in proper and convenient situations in any road or roadside waste thereof provide and erect and maintain seats for the use of the public.

(2) The Council may contribute to the expenses incurred by any parish council in exercising the powers of this section.

Milk stands  
in roads.

31.—(1) Any person with the consent of the highway authority and subject to such conditions as they may impose may in proper and convenient situations in any road or roadside waste thereof provide stands for milk churns and containers.

(2) Any person who without the consent of the highway authority erects stands for milk churns and containers in any road or roadside waste thereof shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the highway authority may themselves remove the said stands in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

Shelters etc.  
for passengers  
on public  
service  
vehicles etc.

32.—(1) In any street in their district or on land belonging to them and abutting on any such street the local authority may subject to the provisions of this section erect and maintain at stopping places on the routes of public service vehicles or trolley vehicles—

(a) shelters and other accommodation for persons intending to travel by such vehicles ; and

(b) barriers for the regulation of queues of such persons :

Provided that the powers of this section for the erection of barriers shall not be exercisable in any district in which byelaws under section 75 of the Public Health Act 1925 are for the time being in force.

(2) A local authority shall not exercise the powers of this section—

(a) without the consent of the Minister of Transport in any street being a trunk road or on land abutting on any such street ; or

(b) without the consent of the undertakers concerned—

(i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street ; or

(ii) in any street belonging to and repairable by any transport undertakers and forming the approach



to any station dock wharf or depot of such undertakers ; or

(iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers ; or

(c) without the consent of the owner of the land or premises concerned in any street or on land abutting on any street in such manner as to obstruct an existing access to any land or premises abutting on such street.

(3) A local authority shall not exercise the powers of this section without the consent of the Council in any street being a county road (not being a claimed road).

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

(5) Any question arising as to whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any shelter or other accommodation or barriers has been unreasonably required shall—

(a) in the case of a consent of the Minister of Transport be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers ;

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

(6) A local authority may enter into and carry into effect agreements with any person authorised to run public service vehicles or trolley vehicles in their district in relation to the erection maintenance and use of any such shelter or other accommodation or barriers and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

(7) A local authority shall not in pursuance of this section erect or maintain any shelter or other accommodation or barrier opposite to or in the immediate vicinity of any entrance to or exit from any premises used as a cinematograph theatre.

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

PART III  
—cont.

(9) The code in Part II of the Act of 1950 (which relates to cases where apparatus is affected by road works) shall have effect as if the works authorised by this section were mentioned in paragraph (a) of subsection (1) of section 21 of the Act of 1950.

Awnings over  
footways.

**33.**—(1) No part of any awning over the footway of a street in the county 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.

(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 local authority 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.

(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.

Barriers in  
streets.

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

Provided that the local authority shall not exercise the powers of this subsection—

- (a) as respects any trunk road without the consent of the Minister of Transport; or
- (b) as respects any county road without the consent of the Council; or
- (c) as respects any street belonging to or repairable by any railway dock canal inland navigation or passenger road transport undertakers and forming the approach to any station dock wharf or depot of those undertakers without the consent of those undertakers or so as to obstruct the access to or exit from any such station dock wharf or depot; or

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

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

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

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

**35.**—(1) The owner or occupier of any premises situated under or abutting on a pavement forming part of a street in the county may with the consent of the highway authority provide means for the admission of light or air to the premises through the pavement. Pavement lights and ventilators.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit and such terms and conditions shall be binding on successive owners and occupiers of the premises and 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.

#### *F.—Protection of highways*

**36.**—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in a district any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street. Application of building line to walls etc.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding five pounds.

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected as mentioned in subsection (1) of this section for the purpose of the construction alteration repair or maintenance of any building or works:

Provided that if any such temporary structure is not removed when the construction alteration repair or maintenance of the building or works is completed the person who erected the structure shall be liable to a penalty not exceeding five pounds.

PART III  
—cont.

(4) Where any person is convicted of an offence under either of the last two foregoing subsections the court by which he was convicted may order him within such time as may be fixed by the order to remove the structure or if he so elects to set it back or alter it so that it no longer contravenes the provisions of subsection (1) of this section and if he fails to comply with the order—

- (a) he shall be liable to a penalty not exceeding twenty shillings for each day on which the failure continues ; and
- (b) the local authority after giving him notice of their intention so to do may remove the structure and recover from him the expense incurred by them in so doing :

Provided that he shall not be liable to a penalty for any day after that on which the local authority have given him notice of their intention to remove the structure.

(5) Where after the expiration of five years from the passing of this Act there is on any site in a district a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

- (a) the local authority may by notice stating the effect of paragraphs (b) and (c) of this subsection require the owner or occupier of the site to remove set back or alter the structure within such time (not being less than seven days) as may be specified in the notice so that it will comply with those provisions ;
- (b) if the owner or occupier complies with the said notice the local authority shall on demand repay to him the reasonable expenses incurred by him in so doing ;
- (c) if the owner or occupier fails to comply with the said notice the local authority at their own expense may remove the structure but shall if he so requires re-erect it so as not to contravene the said provisions.

(6) In this section the expression “ building line ” in relation to any land means—

- (a) any building line prescribed by the local authority in respect of the land under the provisions of any enactment ; or
- (b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the local authority under subsection (2) of section 140 of the Housing Act 1936 ; or
- (c) if there be neither of such lines then the line beyond which a house or building may not (except with the



consent of the local authority) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

PART III  
—cont.

(7) The provisions of this section shall not apply to any 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 purposes of their railway dock canal or inland navigation undertaking.

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

(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 a district ; 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 local authority (after consultation with the highway authority where the local authority is not the highway authority) 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 local authority 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 local authority or where the local authority is not the highway authority the highway authority may by notice to the owner or occupier require him to execute such work as may be necessary

PART III  
—cont.

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 retaining wall on a street 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.

(6) The provisions of this section shall not apply to a retaining wall on a street erected by the highway authority.

Hoards to be  
set up during  
building  
operations.

**38.**—(1) Every person intending to build or take down any building or to alter or repair the outward part of any building in or abutting on any road in the county repairable by the inhabitants at large shall if required by the Council—

- (a) before beginning the same cause close-boarded hoards or fences to be put up to the satisfaction of the Council in order to separate the building from the county road ;
- (b) make a convenient covered platform and handrail to serve as a footway for passengers outside such hoard or fence ;
- (c) maintain such hoard or fence with such platform and handrail as aforesaid in good condition to the satisfaction of the Council during such time as they may require and cause the same to be sufficiently lighted during the night ; and
- (d) remove such hoard or fence with such platform and handrail as aforesaid when required by the Council.

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

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

(4) Section 80 of the Towns Improvement Clauses Act 1847 and section 34 of the Public Health Acts Amendment Act 1890 in relation to the county are hereby repealed.

(5) In the application of this section to a trunk road the powers thereof may be exercised with the consent of the Minister of Transport by the authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 to 1946 with respect to that trunk road.



39.—(1) After the passing of this Act no part of any building (including the foundations) shall except with the consent of the local authority and (where the local authority is not the highway authority) the highway authority be constructed so as to extend under the footway of any street at a less depth than six feet below the surface of such footway.

PART III  
—cont.  
Restriction on  
buildings  
under streets.

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

(3) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as offices) by any railway dock canal or inland navigation undertakers in the exercise of their statutory powers.

40.—(1) Where the plans of any new building in a district intended or adapted for use as a house have been deposited with the local authority of that district in pursuance of building byelaws they may by notice prohibit the sale letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a street which either is a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with street byelaws.

Means of  
access to  
buildings.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

(a) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936 ; or

(b) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun ;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

(3) If it appears to the local authority to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the local authority may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person :

PART III  
—cont.

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

Fencing and  
lighting of  
obstructions in  
highways.

41.—(1) Where in any highway 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 to the highway authority 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 highway authority in erecting maintaining 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.

*G.—Private streets*Evasion by  
owners of  
private street  
works  
expenses.

## 42. If—

- (a) any owner of land fronting adjoining or abutting on a private street in the county transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and
- (b) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that land ; and
- (c) the highway authority are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and

(d) a court of summary jurisdiction is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works ;

then the expenses so apportioned or so much thereof as has not been recovered by the highway authority may to such extent as the court may determine be recovered from the owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

43.—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any highway so repairable and the use of such street involves passage across or interference with any part of such highway the highway authority may require the person by whom such street has been or is being laid out or constructed to construct across such part of the highway a carriage-crossing of such materials and in such manner as they may prescribe.

Carriage-crossings at ends of private streets.

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

(3) (a) Not less than twenty-eight days before prescribing the manner in which a carriage-crossing shall be constructed under subsection (1) of this section the highway authority shall give notice thereof to any statutory undertakers any of whose mains pipes or apparatus would be situate in or under such carriage-crossing and shall if requested by such undertakers require the lowering of any such mains pipes or apparatus to such depth below the surface of the carriage-crossing not exceeding four feet measured from the upper side of any such main pipe or apparatus as the undertakers may prescribe and the work of such lowering may be carried out by the undertakers and the cost reasonably incurred by them in so doing shall be repaid to them by the highway authority who may recover the same from the person and in the manner from whom and in which expenses are recoverable under subsection (4) of this section.

(b) In this subsection the expression "statutory undertakers" includes the Postmaster-General but does not include the gas board and the expression "apparatus" includes a telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General.

(c) Any dispute between the highway authority and any statutory undertakers under this subsection shall be determined by arbitration.

(4) If the highway authority require the construction of any carriage-crossing across any part of a highway repairable by the inhabitants at large they may but no other person shall

PART III  
—cont.

execute such works as may be necessary to secure compliance with such requirement and recover the expenses of so doing from the person by whom such street has been or is being laid out or constructed.

(5) Nothing in this section shall impose on the person by whom such street has been or is being laid out or constructed any obligation to maintain any crossing constructed in pursuance of a requirement under this section.

(6) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the surveyor of the highway authority made before the passing of this Act certified that such street had before the first day of July nineteen hundred and fifty-one been completed in accordance with plans and specifications approved and required by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not at that date been taken over by the highway authority.

Application of  
Act of 1892  
to parts of  
public streets.

**44.**—(1) Notwithstanding anything in the Private Street Works Act 1892 where it appears to the Council or in the case of an urban district the local authority that by reason of additions made otherwise than by the giving up for the purpose by the Council or such local authority as the case may be of lands owned by them to an existing footpath bridle-path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) a new street has been formed the Council or such local authority as the case may be may in respect of such street or any part of such street carry out private street works under the provisions of the said Act of 1892 and apportion the expenses thereof on the premises fronting adjoining or abutting on such street or such part thereof as if no part of the said street was so repairable.

(2) Notwithstanding anything in the said Act of 1892 the Council or such local authority as the case may be may under the provisions of that Act carry out private street works throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions of subsection (1) of this section the Council or such local authority as the case may be shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so repairable.

(3) For the purposes of any apportionment under subsection (2) of this section premises fronting adjoining or abutting on a street shall be deemed to front adjoin or abut on the portion of the street which is not repairable by the inhabitants at large.



PART III  
—cont.

(4) If the highway authority impose any condition under paragraph (c) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement made under this section.

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall if in force in a district cease to be in force therein and if not in force in a district shall not be declared to be in force therein and the following provisions of this subsection shall have effect as respects streets in such district which are repairable by the inhabitants at large:—

- (a) Any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the highway authority giving particulars of the work proposed;
- (b) The highway authority may approve the work proposed either with or without modifications or propose alternative work or reject the application;
- (c) The highway authority shall give the applicant notice of their decision under the foregoing paragraph and if they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;
- (d) The applicant may deposit with the highway authority the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work;
- (e) As soon as practicable after such a deposit has been made the highway authority shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the highway authority by or to the applicant as the case may require.

Power of local authorities to contribute to repair of county road footpaths.

47. A local authority who for the time being are not exercising the functions of maintenance and repair of any county road within their district may nevertheless contribute to the expenses of paving or otherwise maintaining and repairing or improving of any of the footpaths on or by the side of any county road within their district such sums as may be agreed between such local authority and the Council.

(4) In this section the expression "private street works" means works executed under the said Act of 1892.

PART III  
—cont.

45. The power of the Council or in an urban district of the local authority under section 15 of the Private Street Works Act 1892 to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under that Act in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise so be apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the Council or the local authority as the case may be under this section in respect of such premises.

Extension of power to contribute to expenses of private street works.

#### H.—Footpaths

46.—(1) Where the owner or occupier of any premises in the county which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the highway authority may by notice to the owner or occupier (as the case may be) either—

Crossings over footways.

- (a) require the construction across the grass verge or footway of a carriage-crossing constructed of such materials and in such manner as may be specified in the notice; or
- (b) in the case of a footway require it to be strengthened or adapted in such manner as may be so specified; or
- (c) impose such other reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as may be so specified:

Provided that this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Act of 1947.

(2) Any person aggrieved by a requirement of or a condition imposed by the highway authority under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If the highway authority make any requirement under paragraph (a) or paragraph (b) of subsection (1) of this section they may but no other person shall execute such works as may be necessary to secure compliance with that requirement and may recover the expenses of so doing from the owner or occupier.

one or more local newspapers circulating in their district or districts and by placards posted in conspicuous positions in or near to some part of that area and such placards shall be left so posted so long as the order is in force.

(5) (a) Any occupier of a movable dwelling who fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(6) (a) Where a court of summary jurisdiction has made an order under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings an application for the rescission of the order may be made to the court—

- (i) at any time by the local authority on whose complaint the order was made ; or
- (ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the local authority not less than fourteen days' notice of his intended application ;

and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the local authority or local authorities of the district or districts within which the area to which the order related is situate in one or more local newspapers circulating in their district or districts and the local authority or local authorities shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (4) of this section.

PART IV  
—cont.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Act of 1947 has already been granted otherwise than by a development order but without prejudice to the powers of the court by order to require the removal of any particular one or more movable dwellings with respect to which the local authority have complained on any of the grounds mentioned under paragraph (b) of subsection (1) of this section.

Byelaws as  
to camping  
grounds.

57.—(1) A local authority for the purpose of securing the amenities of their district in relation to the use of camping grounds and movable dwellings situate thereon may make byelaws with respect to any camping grounds within their district whether provided by the local authority or not—

- (a) for preventing the amenities of their district being prejudicially affected by the state or condition of any such camping ground ;
- (b) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the movable dwellings situate thereon ;
- (c) for preventing annoyance to the residents in or visitors to their district by the conduct of the occupiers of or persons frequenting movable dwellings situate on any such camping ground.

(2) (a) A copy of any byelaws made by a local authority under this section shall be appended to any licence granted by them under section 269 of the Act of 1936.

(b) A local authority in granting any licence under the said section 269 shall not attach any condition which is inconsistent with any byelaws made by them under this section.

Saving from  
last two  
preceding  
sections.

58. The last two preceding sections of this Act shall not apply to—

- (a) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society ;
- (b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter ;
- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;



- (d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;
- (e) any movable dwelling which is used by a member of any duly constituted society or organisation which by their rules undertake the responsibility for the good conduct of their members when in camp and for their proper use of movable dwellings ; or
- (f) any movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business :

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society body association or organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground ;
- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of movable dwellings ;
- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ; and

PART IV  
—cont.

- (v) if any society association organisation or body referred to in the said paragraphs (a) and (b) are using any camping ground provided by a local authority or if any person being a member of any such society association organisation or body or a person referred to in the said paragraph (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society association organisation or body or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the local authority under this Part of this Act respecting that camping ground.

Provision of  
camping  
grounds by  
local  
authorities.

**59.**—(1) A local authority may subject to the approval of the Minister by agreement purchase or take on lease land within their district and use the same or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of movable dwellings as may be prescribed from time to time by the local authority.

(2) The local authority before applying for the approval of the Minister of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in their district and in such other manner (if any) as the Minister may direct.

The said notice shall state the matters mentioned in paragraph (d) of subsection (3) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the clerk to the local authority.

(3) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider any representations on the proposal of the local authority which may be duly made with respect to any relevant circumstances and particularly as to—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties ;
- (b) the ability of the occupiers of movable dwellings to comply with any byelaws respecting the use of camping grounds made by the local authority under this Part of this Act ;

(c) the distance between and area of camping grounds in the neighbourhood whether provided by the local authority under this section or not; and

(d) the area and situation of and the condition as to the provision of water supply sanitation and otherwise proposed to be prescribed by the local authority with respect to the proposed camping ground;

and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(4) Before signifying such approval the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held.

(5) The local authority shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

(6) Where a local authority have provided under this section a camping ground the occupier of any movable dwelling may (subject to any limitation on the number or definition of the class of movable dwellings which may have been prescribed by the local authority with respect to the use of that camping ground for movable dwellings) encamp upon that camping ground on payment of such fee as may be prescribed by the local authority.

60.—(1) A local authority may make byelaws—

(a) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public;

(b) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink;

(c) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

Byelaws as to  
pleasure fairs  
and roller-  
skating rinks.

(2) In this section—

(a) the expression "pleasure fair" means any place—

(i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies; and

(ii) for admission to which or for the use of the contrivances in which a charge is made;



PART IV  
—cont.

(b) the expression “roller-skating rink” means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following:—

- (a) circuses ;
- (b) exhibitions of human beings or of performing animals ;
- (c) merry-go-rounds roundabouts swings switchback railways ;
- (d) coconut shies hoop-las shooting galleries ;
- (e) dodgems or other mechanical riding or driving contrivances ;
- (f) automatic or other machines intended for entertainment or amusement ;
- (g) anything similar to any of the foregoing.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
- (b) any place owned by or under the management and control of an authority having power to make byelaws with respect to entertainments provided at that place ; or
- (c) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (d) any entertainment the profits whereof are devoted to a religious or charitable purpose ; or
- (e) any entertainment which is by virtue of the Cinematograph Act 1909 prohibited from being given elsewhere than in premises licensed for the purpose in accordance with the provisions of that Act.

(5) The local authority shall—

- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws ; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the local authority in writing by any of the said bodies and a statement showing the effect if any given to any such representation.



(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

PART IV  
—cont.

*C.—Miscellaneous*

61. The Council or a parish council may exercise the powers of section 76 (Provisions as to deposit and disposal of refuse and for prohibiting interference with dustbins and refuse tips) of the Act of 1936 as though they were included in the definition of a local authority for the purposes of the said section : Application to Council and parish councils of section 76 of Act of 1936.

Provided that the powers of the said section 76 of the Act of 1936 as applied by this section shall not be exercised—

- (a) as respects a road without the consent of the highway authority ;
- (b) as respects an open space park or recreation ground without the consent of the Council or parish council to whom the open space park or recreation ground belongs or by whom it is maintained ;
- (c) as respects other land to which the public have access without the consent of the owner thereof.

PART V

LICENSING OF ENTERTAINMENTS PUBLIC ORDER ETC.

62. Notwithstanding anything in section 3 (Adoption of Act by local authorities) or section 5 (Power to Local Government Board to extend particular provisions to rural districts) of the Public Health Acts Amendment Act 1890 (hereinafter in this section called "the Act of 1890") Part IV (Music and dancing) of the Act of 1890 shall by virtue of this Act apply on and after the first day of April nineteen hundred and fifty-three in every district. Music and dancing licences.

63.—(1) In this section "boxing entertainment" and "wrestling entertainment" mean any public contest exhibition or display of boxing or (as the case may be) wrestling but do not include boxing or wrestling entertainments which are provided— Boxing and wrestling licences.

- (a) by travelling showmen at pleasure fairs ;
- (b) in premises licensed under Part IV of the Public Health Acts Amendment Act 1890 as applied by the last foregoing section for music and dancing or under the Theatres Act 1843 provided that such licence continues to be in operation so long as such boxing or wrestling entertainment is in progress ;
- (c) by bona fide organisations associations clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit ; or

PART V  
—cont.

(d) by any university university college college of a university training college establishment of further education or school.

(2) As from the first day of April nineteen hundred and fifty-three a boxing or wrestling entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of this section.

(3) The licensing justices of the licensing district in which the premises are situate (hereinafter called "the justices") may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(4) A licence granted under this section shall be in force for one year or for such shorter period (to be stated in the licence) as the justices on the grant of the licence shall determine unless it shall have been previously revoked :

Provided that the justices may (if they think fit) grant a licence (in this section referred to as an "occasional licence") for the use of any premises for a boxing or wrestling entertainment on such one or more particular occasions only as may be specified in the licence.

(5) The justices may transfer any licence granted under this section to such person as they think fit.

(6) (a) An applicant for grant or transfer of a licence under this section shall give not less than twenty-eight days' notice of his intention to make such application to the justices and to the chief officer of police of the district and the applicant shall also furnish such particulars and give such other notices as the justices may prescribe.

(b) An applicant for an occasional licence or for the renewal thereof shall give to the justices twenty-eight days' notice of his intention to make such application.

(c) An applicant for the renewal of a licence (other than an occasional licence) shall give to the justices twenty-eight days' notice of his intention to make such application.

(7) A person when making application under this section shall pay to the justices such fee as the justices may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period not less than one year	1	0	0

£ s. d.

PART V  
—cont.

- |   |       |
|---|-------|
| (b) in respect of an application for the grant or renewal of a licence for any period less than one year ten shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed | 1 0 0 |
| (c) in respect of an application for the grant of an occasional licence   | 5 0   |
| (d) in respect of an application for the transfer of a licence  | 5 0   |

and the fees paid on any application for the grant renewal or transfer of a licence may be retained by the justices whether such licence is or is not granted renewed or transferred.

(8) Any premises used for the purpose of a boxing or wrestling entertainment although licensed under this section shall not be opened for that purpose except on the days and between the hours stated in the licence.

**64. Any person who—**

Penalties.

- (a) provides an entertainment to which the last foregoing section applies without a licence appropriate for such entertainment under that section ; or
- (b) being the occupier or rated as occupier of any premises keeps or uses those premises or allows them to be kept or used for any such entertainment without a licence appropriate for such entertainment under the said section ; or
- (c) being a person to whom a licence has been granted or transferred under the said section in respect of any premises keeps or uses those premises or allows them to be kept or used in contravention of the terms conditions or restrictions on or subject to which the licence was granted or transferred ;

shall be liable—

- (i) in respect of an offence under paragraph (a) or (b) of this section to a penalty not exceeding fifty pounds ; and
- (ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding twenty pounds ;

and in either case to a daily penalty not exceeding five pounds.

**65.** In the event of death of the holder of a licence under section 63 (Boxing and wrestling licences) of this Act then the person carrying on at the premises the functions in respect of

Transmission  
in case of  
death.

PART V  
—cont.

which the licence was granted shall be deemed to be the holder of the licence until such time as a new licence has been granted to some other person.

Cancellation  
of licences.

66. The justices may upon receiving from the holder of a licence under section 63 (Boxing and wrestling licences) of this Act for the time being in force a written request in that behalf accompanied by the licence cancel the licence.

Notice to be  
affixed.

67. Except in the case of an occasional licence under section 63 (Boxing and wrestling licences) of this Act there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this Part of this Act an inscription so as to be easily legible in the following terms:—

“ Licensed in pursuance of Act of Parliament for ”  
with the addition of words showing the purpose or purposes for which the same are licensed.

Powers of entry  
and inspection.

68.—(1) A police officer or a duly authorised member of the Glamorgan fire brigade may at all reasonable times enter any premises licensed under section 63 (Boxing and wrestling licences) of this Act in which there is reason to believe that an entertainment to which the provisions of the said section apply is being or is about to be given with a view to seeing whether the provisions of the said section applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under the said section has been granted are complied with.

(2) A police officer or a duly authorised member of the Glamorgan fire brigade may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which there is reason to suspect that an offence under the said section 63 of this Act is being committed.

(3) Every person who refuses to permit any such officer or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to  
revoke  
licences.

69. If the holder of a licence granted renewed or transferred under section 63 (Boxing and wrestling licences) of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the justices.



70.—(1) The Council shall prior to the first day of April nineteen hundred and fifty-three cause public notice to be given of the effect of the foregoing sections in this Part of this Act and of the date when they will come into force by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think sufficient.

PART V  
—cont.  
Notice of  
certain  
provisions of  
this Part of  
Act.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

71.—(1) No procession shall pass through the streets of a district unless written notice stating the route by which and the time at which it will so pass has been delivered at the office of the clerk of the local authority and the principal police station in the district at least thirty-six hours (exclusive of Sundays) before the time so stated.

Notice of  
street  
processions.

(2) If any procession passes through the streets of a district in contravention of the foregoing subsection or by a route or at a time other than that stated in the notice delivered with respect thereto under that subsection any person organising or conducting the procession shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression "procession" means any public or ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to any public or ceremonial procession habitually held.

72.—(1) Subject to the provisions of this section the standing joint committee may provide—

Police  
telephone call  
boxes and  
shelters.

(a) such police telephone call boxes and installations; and

(b) such shelters or boxes for the use of police constables;

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

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

(3) The standing joint committee shall not exercise the powers of this section—

(a) without the consent of the highway authority in any street; or

(b) without the consent of the local authority in any park or public place belonging to such local authority; or

PART V  
—cont.

(c) without the consent of the undertakers concerned—

(i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street ; or

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

(iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of such undertakers.

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

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

(a) in the case of a consent of the Minister of Transport be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers ;

(b) in the case of a consent under paragraph (b) of subsection (3) of this section be referred to and determined by the Minister ;

(c) in the case of any other consent be referred to and determined by the Minister of Transport.

(6) The standing joint committee shall not in pursuance of this section place or maintain any box installation or shelter opposite to or in the immediate vicinity of any entrance to or exit from any premises used as a cinematograph theatre.

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

73.—(1) If any person wilfully and without the consent of the standing joint committee—

(a) obstructs the access to any police telephone call box or installation provided by the standing joint committee or any shelter or box so provided for the use of police constables ; or

(b) removes, obliterates, alters, defaces or obscures any plate or mark provided by the standing joint committee for indicating the position of any such call box installation shelter or box ;

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

(2) If any person—

(a) telephones or causes to be telephoned from any such call box any statement which he knows to be false ; or

(b) for the purpose of requiring the services of the police, the fire brigade or an ambulance telephones or causes to be telephoned any such statement from a telephone call box provided in the county by the Postmaster-General ;

he shall be liable to a penalty not exceeding five pounds.

74. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire hydrant open water supply designated for fire-fighting purposes by agreement or pipeline laid to supply water for fire-fighting purposes or who shall remove, efface or deface any plate or mark indicating the position of such alarm hydrant water supply or pipeline shall be liable to a penalty not exceeding ten pounds and the Council may recover from him the expenses of removing the obstruction or replacing or making good the plate or mark. Fire hydrants and alarms.

75. Any person who shall wilfully remove or otherwise interfere with any dustbin, refuse bin or street orderly bin or other receptacle for the temporary deposit or collection of refuse, dust, ashes or rubbish or any street sand bin belonging to the Council or a local authority shall be liable to a penalty not exceeding forty shillings and the Council or the local authority (as the case may be) may recover the expenses of replacement and making good from such person. Interference with refuse bins etc.

76.—(1) While any child is entering or leaving any school provided or maintained by the Council as the local education authority or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child— Prohibition on solicitation of school children to sell or exchange articles etc. at schools.

(a) to sell to such person any article or thing ; or

(b) to exchange with such person any article or thing for any other article or thing.

PART V  
—cont.

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

(3) In this section the expression "child" has the meaning assigned to it by section 114 of the Education Act 1944.

Derelict petrol  
tanks.

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

(2) Any officer of the Council or of the local authority concerned or where a harbour authority is the authority for granting petroleum spirit licences in accordance with section 2 of the Petroleum (Consolidation) Act 1928 any officer of such harbour authority duly authorised by them may on producing a copy of his authority purporting to be signed by the clerk of the Council or of the local authority or of the harbour authority (as the case may be) require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such vessel and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) Any person who after due warning contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928.

Provisions as  
to motor  
vehicles let for  
hire.

**78.** The provisions of the Town Police Clauses Act 1847 shall extend to empower the council of an urban district or the council of a rural district in which the provisions of the said Act with respect to hackney carriages are for the time being in force to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of such council in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by



the day or for longer periods of hire or to a trolley vehicle or a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles :

PART V  
—cont.

Provided also that nothing in this section shall empower the local authority to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

## PART VI

### PUBLIC HEALTH

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

Interpretation  
of Part VI.

“ clerk ” means the town clerk of a borough or the clerk of the council of an urban district or of a rural district ;

“ coal industry activities ” has the meaning assigned to it by section 63 of the Coal Industry Nationalisation Act 1946 so however that the limitation contained in subparagraph (2) of paragraph 22 of the First Schedule to that Act shall not apply ;

“ notifiable disease ” means—

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

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

“ river or stream ” for the purposes of section 82 (For preventing obstruction to streams by culverts etc.) section 83 (Cleansing of rivers and streams) and section 84 (Entry for purposes of last two preceding sections) of this Act includes any watercourse within the meaning of that expression in the Land Drainage Act 1930 but does not include any such watercourse which is for the time being a main river of the Glamorgan River Board or of the South West Wales River Board.

#### A.—Infectious diseases

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

Restriction on  
attendance at  
public places  
etc.

“ (b) having the care of a person—

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

PART VI  
—cont.

(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”.

Exclusion of  
children from  
entertainments.

**81.**—(1) With a view to preventing the spread of a notifiable disease a local authority on the advice of the medical officer of health for their district 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 district for a time specified in the notice.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by a local authority 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.

*B.—Rivers and streams*For preventing  
obstruction to  
streams by  
culverts etc.

**82.**—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work a local authority may within their district reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work.

(2) A local authority and any other local authority or person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

- (a) restrict the exercise by the local authority of their powers in relation to culverts channels or other works; or
- (b) impose upon the local authority any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the local authority to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(5) Nothing in this section shall authorise the local authority to reconstruct improve repair or remove any existing culvert channel or other work or to construct or maintain any new culvert channel or other work in through or under or so as to affect any land used or held by the National Coal Board in connection with coal industry activities without the consent of the said board but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(6) Nothing in this section shall authorise the local authority to execute any work in or in connection with any watercourse for the time being vested in or under the control of any internal drainage board without the consent in writing of that board which consent may be given subject to such reasonable terms and conditions as the said board may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture and Fisheries.

(7) Nothing in this section shall apply to—

(a) any culvert channel or work constructed or to be constructed by the lord mayor aldermen and citizens of the city of Cardiff under express statutory powers or prejudice or affect the rights or powers of the said lord mayor aldermen and citizens under section 11 (Power to take water) of the Cardiff Waterworks Act 1878 or authorise the construction of any works which will or may affect or interfere with the exercise of such rights or powers ; or

(b) any culvert channel or work constructed or to be constructed by the mayor aldermen and burgesses of the county borough of Swansea under express statutory powers or prejudice or affect the rights or powers of the said mayor aldermen and burgesses under section 6 (Power to take lands and waters) of the Swansea Corporation Water Act 1884 section 6 (Power to take lands and waters) of the Swansea Corporation Water Act 1892 and the Swansea Corporation (Waterworks) Order

PART VI  
—cont.

1948 or authorise the construction of any works which will or may affect or interfere with the exercise of such rights or powers.

Cleansing of  
rivers and  
streams.

**83.**—(1) If any river or stream or any part thereof within a district is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the local authority may by notice require the owner or occupier of any lands in the district abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream :

Provided that nothing in this section shall authorise the local authority to require the National Coal Board to cleanse or put in proper order any river or stream or any part thereof the flow of water along which is obstructed or impeded by reason of any subsidence caused by the working of minerals by the said board Any dispute as to whether the flow of water is so obstructed or impeded shall be determined by arbitration.

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

Provided that in the said section 290 of the Act of 1936 as so applied the following subsection shall be substituted for subsection (6) :—

“(6) Subject to such right of appeal as aforesaid if the person required by the notice to execute works fails to execute the works indicated within the time thereby limited the local authority may themselves execute the works and recover from that person the expenses reasonably incurred by them in so doing or a fair apportionment of such expenses having regard to the extent to which the act or default of that person has contributed to the obstruction or impediment to which the notice relates and in the absence of agreement any question as to whether the whole of such expenses shall be recoverable as aforesaid or as to the fairness of such apportionment shall be determined by arbitration.”

(3) Nothing in this section shall authorise the local authority to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the



commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

PART VI  
—cont.

(4) The powers of this section shall not be exercised in relation to any river or stream for the time being vested in or under the control of any internal drainage board or of the Glamorgan River Board or the South West Wales River Board without the consents in writing of those boards respectively which consents may be given subject to such reasonable terms and conditions as the said boards respectively may think fit but no such consent shall be unreasonably withheld and any question whether any such consent is or is not unreasonably withheld or whether any such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture and Fisheries.

84.—(1) Any authorised officer of a local authority shall on producing if so required some duly authenticated document showing his authority have a right at all reasonable hours to enter any premises in the district of the local authority for the purpose of—

Entry for  
purposes of  
last two  
preceding  
sections.

- (a) inspecting any river or stream or any culvert channel or other work ;
- (b) ascertaining whether or not circumstances exist which would authorise or require the local authority to take any action or execute any work under the last two preceding sections ;
- (c) taking any action or executing any work authorised or required by the last two preceding sections to be taken or executed by the local authority :

Provided that 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) The provisions of this section shall not authorise any officer of the local authority to enter any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(3) The provisions of this section shall not authorise any officer of the local authority to enter any land used or held by the National Coal Board in connection with coal industry activities without the consent of the said board but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

## C.—Buildings and structures

PART VI  
—cont.  
Further  
provisions as  
to means of  
escape from  
fire in case of  
certain  
buildings.

85.—(1) Section 60 of the Act of 1936 shall in its application to a district have effect as if the following were substituted for subsection (4) thereof:—

“(4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

(a) is let in flats or tenement dwellings ; or

(b) is used as an inn hotel boarding-house hospital nursing home boarding school children’s home aged persons’ home or similar institution or as a restaurant shop store office or warehouse.”

(2) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under subsection (1) of section 60 of the Act of 1936 in relation to—

(a) any building let in flats or tenement dwellings ; or

(b) premises referred to in paragraph (b) of subsection (4) of the said section 60 as amended by this section ;

not being a building or premises in respect of which a notice could have been given under the said section before the coming into operation of this section the following provisions shall apply and have effect:—

(i) In the case of expenditure incurred in relation to any such building as aforesaid let in flats or tenements such expenditure shall for the purpose of paragraph (a) of subsection (1) of section 2 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 be deemed to be expenditure on the improvement of the dwelling-houses within such building and the owner of the building may apply to the county court for an order apportioning such expenditure between the several dwelling-houses comprised in such building and the court may on such application make such order as may be just and equitable in all the circumstances ;

(ii) In the case of expenditure incurred in relation to any such premises as aforesaid if the owner thereof alleges that any tenant of the premises should meet or contribute to meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of section 60 of the Act of 1936) apply to the county court for an order making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expense incurred in executing the works and to other

relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances.

PART VI  
—cont.

86.—(1) If it appears to a local authority that for the purpose of preventing fire in any building in their district to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

Further provision for public and other buildings.

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

the local authority may by notice require the owner of the building to make such provision in regard to the matters aforesaid as may be necessary:

Provided that—

- (i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Act 1909 is for the time being in force;
- (ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

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

## PART VII

### SUPERANNUATION ETC.

87. In this Part of this Act—

Interpretation of Part VII.

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

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

“ superannuation fund ” means the superannuation fund of the Council;

words and expressions to which meanings are assigned in the Act of 1937 and to which meanings are not assigned by this Part of this Act have the same respective meanings.

PART VII  
—cont.Extension and  
modification of  
Act of 1937.

88.—(1) The provisions of this section (which provisions are in this Part of this Act referred to as “the extended provisions”) shall come into operation on the first day of April nineteen hundred and fifty-three and shall apply to every person who is or becomes a contributory employee in relation to the superannuation fund and to any person who by virtue of the Act of 1937 is or becomes deemed to be a contributory employee of the Council and to 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 except—

- (a) any employee of the Council who by virtue of Part III (Officers of local health authorities) or Part IV (Officers of local education authorities) 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;
- (b) (i) any person who on the first day of April nineteen hundred and fifty-three is a contributory employee and who before the first day of July nineteen hundred and fifty-three gives notice to the Council that he desires that the extended provisions shall not apply to him;
- (ii) any person who after the first day of April nineteen hundred and fifty-three becomes a contributory employee and within three months thereafter gives notice to the Council that he desires that the extended provisions shall not apply to him;

Provided that any such notice as is referred to in this sub-paragraph shall remain effective only so long as the person remains a contributory employee without a disqualifying break of service;

- (c) any contributory employee who on the first day of April nineteen hundred and fifty-three is entitled to contribute to the superannuation fund at a rate of less than five per centum of his remuneration unless before the first day of July nineteen hundred and fifty-three he agrees that the rate of his contributions shall as from the said first day of April be increased to five per centum;
- (d) any contributory employee who is appointed after the first day of April nineteen hundred and fifty-three and who is entitled to contribute to the superannuation fund at a rate of less than five per centum of his remuneration unless within three months after his appointment he agrees that the rate of his contributions shall as from the date of his appointment be increased to five per centum.



(2) The Act of 1937 shall extend and apply in relation to any person to whom the extended provisions apply as if in consideration of the contributions required thereby there were substituted for any title accruing in respect of service reckonable under the Act of 1937 to a superannuation allowance lump sum retiring allowance injury allowance or death gratuity a title to such benefits as are conferred by regulations 7 to 9 inclusive and regulation 12 of the regulations and there were conferred by the Act of 1937 in addition or in substitution for any similar benefits to which such person might become entitled thereunder in respect of service reckonable under the Act of 1937 the benefits conferred by regulations 10 11 and 13 of the regulations and the Act of 1937 shall have effect accordingly with any necessary modifications:

Provided that—

(a) the said regulation 7 shall have effect as if the following words were substituted for paragraph (a):—

“ (a) an annual pension if either—

(i) he 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

(ii) he has attained the age of sixty years and completed forty years' service ; or

(iii) he has attained the age of sixty-five years and completed ten years' service ; and ”

and as if all the words in paragraph (b) after the word “ satisfies ” were omitted and the words “ paragraph (a) of this regulation ” inserted in lieu thereof ;

(b) in the application of any regulation in Part I of the regulations for the purposes of this subsection references to pensionable age shall be construed as references to the age of compulsory retirement references in regulations 6 (1) (a) and 19 (1) to such an age as is thereafter mentioned shall be construed as references to the age of compulsory retirement and references to forty-five years or forty-five-eightieths respectively shall be construed as references to forty years and forty-eightieths respectively ;

(c) the amount of any retiring allowance to which any person to whom the extended provisions apply may become entitled shall be increased as nearly as may be in accordance with the provisions of regulation 29 (3) of the regulations.

PART VII  
—cont.

(3) The Act of 1937 in its application to any person to whom the extended provisions apply shall be further modified to provide that the employing authority may on any annual pension lump sum retiring allowance or death gratuity becoming payable to or in respect of such person resolve that in respect of every year of non-contributing service there shall be substituted for the fraction of his average remuneration and for the percentage added to his retiring allowance a larger fraction or percentage as the case may be thereof but not larger than the fraction or percentage applicable under the regulations in respect of every year of contributing service :

Provided that any extra charge resulting from any resolution passed by the employing authority under this subsection shall be repaid by the employing authority to the superannuation fund.

(4) The Act of 1937 in its application to any such person as aforesaid shall be further modified to confer a right on him by making payments similar to those provided for by the Third Schedule to the regulations to reckon any period of non-contributing service as a period of contributing service and shall have effect as if the provisions of the said Third Schedule were incorporated therein with the modification that the reference therein to the calculation of interest at the rate of two and one-half per centum with yearly rests shall be construed as a reference to the calculation of interest at the rate of three per centum per annum with half-yearly rests and with any other necessary modifications.

Power to grant  
gratuities in  
certain cases.

**89.**—(1) Subsection (2) of section 11 of the Act of 1937 (which authorises the grant of a gratuity in certain cases to a contributory employee who is permanently incapacitated by an injury sustained in the discharge of his duty) shall apply in respect of a contributory employee who has not attained the age of compulsory retirement applicable in his case and who ceases to be employed in consequence of his being permanently incapacitated by disease acquired by him in consequence of his duty and without his own default and specifically attributable to the nature of his duty.

(2) Subject to the provisions of this section the Council (if they think fit) may grant a gratuity by way either of a lump sum or of periodical payments to the widow or dependants of any of their employees who may die in their service or of any former employee who may die within twelve months after he shall have ceased to be in their employment :

Provided that—

(a) no grant shall be made under this subsection if a grant is made under section 11 of the Act of 1937 or subsection (1) of this section ;

(b) a resolution to make a grant under this subsection shall not be passed more than one year after the date on which the notification of the death of the employee is received by the Council.

(3) The amount of a gratuity granted under the last foregoing subsection shall not exceed in the aggregate an amount equal to twice the annual emoluments of the employment:

Provided that—

(a) if a pension is granted to the widow of the deceased employee in pursuance of section 9 of the Act of 1937 or of any other enactment or regulation made thereunder; or

(b) if the widow or dependant of the deceased employee is entitled in consequence of his death to compensation under the Workmen's Compensation Act 1925 or to death benefit under the National Insurance (Industrial Injuries) Act 1946;

the amount of the gratuity shall not in the aggregate exceed an amount equal to the annual emoluments of the employment if the employee was a contributory employee or half of that amount if he was not a contributory employee.

(4) Every gratuity granted under this section shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such employee would have been charged or been paid if he had continued in his employment.

(5) The Council may exercise the powers of this section in reference to an employee of the standing joint committee or of the magistrates' courts committee for the county as if he were an employee of the Council:

Provided that as regards justices' clerks or persons to assist a justice's clerk in the performance of his duties the powers of this section shall be exercisable by the said magistrates' courts committee but a copy of every determination of the committee in reference thereto shall be sent forthwith to the Council who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final.

(6) As regards any person who by virtue of an order made under section 1 of the Probation Officers (Superannuation) Act 1947 is a contributor to the superannuation fund the powers of this section 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 Council who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final.

PART VII  
—cont.

(7) No grant shall be made under this section to an employee or to the widow or dependant of an employee to whom the regulations or the foregoing provisions of this Part of this Act apply or to whom they applied immediately before his death.

As to proof  
of continued  
existence of  
pensioners.

90. Notwithstanding anything in the Local Government Superannuation Acts 1937 and 1939 the Council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts 1944 and 1947 or any other superannuation pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Council in such manner and at such times as they may from time to time require of the continued existence of such person and such other information is given to the Council as may be reasonably required by them for enabling them properly to exercise the powers conferred upon them by the said Acts and this Part of this Act.

Power to  
compound  
small annual  
benefits.

91. Where any allowances or pension payable under 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.

## PART VIII

## FINANCE

*A.—Financial provisions relating to funds of the Council*

Power to  
borrow.

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

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses of this Act;
- (c) such sums as may be requisite for the purpose of lending to a local authority under section 98 (Power to Council to lend money to local authorities) of this Act.

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

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



borrowed under Part IX of that Act and the period fixed under this section for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART VIII  
—cont.

**93.**—(1) The Council may (if they think fit) establish a fund to be called “the capital fund” to which they may pay—

Capital fund.

- (a) any sums derived from the sale of any property of the Council (not otherwise applied);
- (b) the balance of the revenue moneys of the county fund (not required by law to be carried forward for any other purpose) on the thirty-first day in March in any year or any part of such balance; and
- (c) such other sums being revenue moneys from the county fund (in addition to a sum equal to the interest earned on the capital fund and any income arising from the application of that fund to the purposes authorised) as the Council may by resolution direct:

Provided that—

- (i) the aggregate amount paid to the capital fund under paragraphs (b) and (c) of this subsection (exclusive of the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of four times the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925; and
- (ii) payments into the capital fund shall not be made during any period in which that fund amounts to five hundred thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Council may apply any moneys in the capital fund to an amount not exceeding in any one transaction the sum of fifty thousand pounds or such greater sum as may be allowed by the Minister in any case in defraying any expenditure to which capital is properly applicable (including the exercise of any statutory borrowing powers) or in providing money for repayment of loans (but not in making the annual payment required to be made therefor).

(3) (a) Pending the application of the capital fund to the purposes authorised in the foregoing subsection the moneys in the capital fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

PART VIII  
—cont.

(b) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the foregoing paragraph of this subsection together with any income arising from the application of the capital fund to the purposes authorised shall be carried to and form part of the county fund and (subject to the limitation imposed by proviso (ii) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital fund.

(4) All moneys derived from the sale of any land which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund may if the Council think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Council.

Renewal and  
repairs fund.

94.—(1) The Council may establish a fund to be called “the renewal and repairs fund” for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining renewing and replacing any buildings works plant tools machinery appliances vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply any fund so established or any part thereof in defraying such expenditure.

(2) The Council may from time to time pay out of the county fund such sums as they think fit into the renewal and repairs fund.

(3) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed four hundred thousand pounds or such larger sum as the Minister may from time to time approve.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (1) of this section such moneys shall (unless applied in any other manner authorised by any enactment) within a reasonable period be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in the manner provided by this subsection together with any income arising from the application of the renewal and repairs fund to the purposes authorised shall be carried to and form part of the county fund and (subject to the limitation imposed by subsection (3) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

95.—(1) Notwithstanding anything contained in any other enactment the Council may establish a fund to be called “the consolidated loans fund” to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

PART VIII  
—cont.

Consolidated  
loans fund.

- (a) all moneys borrowed by the Council by the issue of any authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power ;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are paid to the capital fund established by the Council under section 93 (Capital fund) of this Act or are applied by the Council with due authority to another capital purpose ; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt :

And except as aforesaid there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council ;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council ; and
- (c) in lending money to any local authority in accordance with section 98 (Power to Council to lend money to local authorities) of this Act :

And the moneys of the consolidated loans fund not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such investments shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the

PART VIII  
—cont.

management of that fund and separate accounts shall be kept of those sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal and repairs depreciation contingency insurance superannuation or other similar fund (in this section respectively referred to as "the lending fund") and not for the time being required for the purposes for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) the moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and
- (b) there shall be paid out of the consolidated loans fund to the county fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings and in the accounts of the county fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) (a) The powers conferred by this section shall not be exercised by the Council except in accordance with a scheme made by the Council and approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(b) Any scheme approved by the Minister under this section may be altered extended or revoked by a scheme made and approved in like manner as the original scheme.

General  
insurance fund.

96.—(1) The Council may establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the Council (in this section referred to as "the specified risks").

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.



(3) In each year after the establishment of the insurance fund the Council shall pay into that fund either—

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured in some insurance office of good repute against the specified risks ; or
- (b) if the Council insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Council may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Council which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in respect of the specified risks all moneys for the time being standing in the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Council shall in every year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the county fund an amount equal to the interest and other annual proceeds carried to the county fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

PART VIII  
—cont.

(7) For the purposes of this section the Council may if they deem it expedient include in the specified risks risks of accident to any teacher employed in any voluntary school in the county.

(8) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in respect of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings departments or services of the Council and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

(9) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Council.

*B.—General*

Receipt in case  
of minors.

**97.** If any money is payable by the Council to any employee (other than wages or salary) or creditor or the holder of any authorised security and the person entitled to such payment is a minor the receipt of the guardian shall be a sufficient discharge to the Council.

Power to  
Council to lend  
money to local  
authorities.

**98.—**(1) The Council may lend to any local authority and the local authority may borrow from the Council such money as the Council think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed.

(2) The provisions of the County Councils (Loans for advances to Parish Councils) Order 1934 or any other order made by the Minister for the time being in force under section 201 of the Act of 1933 shall apply to any money lent under the powers of this section as if any local authority were a parish council.

(3) For the purposes of this section the expression "local authority" means the council of any county or county district and any authority being a local authority as defined by section 34

of the Local Loans Act 1875 and includes any river board or drainage board and any joint board or joint committee if all the constituent authorities are, such local authorities as aforesaid.

PART VIII  
—cont.

**99.**—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds (in this Act referred to as “bonds”) in accordance with the provisions of this Act. Power to issue bonds.

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

Section 209 (Notice of trusts);

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

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

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

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

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

- 100.** The Council may pay reasonable expenses in providing— Expenses of public entertainment etc. by Council.
- (i) public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception of distinguished persons residing in or visiting the county;
  - (ii) refreshments for representatives of the Council local authorities or other bodies and for other persons attending conferences convened by the Council;
  - (iii) tokens or mementoes for persons performing public ceremonies.

**101.**—(1) The Council may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest to him by post if he does Interest warrants by post.

PART VIII  
—cont.

not object and if such person does not within fourteen days from the receipt of such notice give notice to the Council of such objection the Council may from time to time send orders for the payment of interest or warrants by post to the address of such person appearing in the register :

Provided that if such person give notice to the Council that he desires such orders or warrants to be sent to another person at a given address the Council may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Council by any other of them.

(3) The posting by the Council of an order for the payment of interest or a warrant in pursuance of this section shall as respects the liability of the Council be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Capital fund of  
local  
authorities.

**102.** The provisions of section 93 (Capital fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ;
- (c) the equivalent of two times the product of a penny rate were therein referred to in lieu of the equivalent of four times the product of a penny rate ;
- (d) such respective sums as the Minister may prescribe were therein referred to in lieu of the respective sums of five hundred thousand pounds and fifty thousand pounds ; and
- (e) sums derived from the sale of property forming part of any passenger road transport undertaking or water undertaking of the local authority were excluded from the moneys which a local authority may pay into the fund and expenditure in connection with any such undertaking were excluded from the expenditure to which a local authority may apply any moneys in the fund :

Provided that any sum derived from the sale of any corporate land of the council of a borough as defined by section 305 of the



Act of 1933 and paid into the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

PART VIII  
—cont.

**103.** The provisions of section 94 (Renewal and repairs fund) of this Act shall extend and apply to a local authority as if—

Renewal and  
repairs fund of  
local  
authorities.

(a) the local authority were therein referred to in lieu of the Council ;

(b) the general rate fund were therein referred to in lieu of the county fund ; and

(c) such sum as the Minister may prescribe were therein referred to in lieu of the sum of four hundred thousand pounds :

Provided that the provisions of the said section 94 shall not extend and apply to any expenditure of the local authority in connection with any buildings works plant appliances or things for the purposes of any undertaking of the local authority in respect of which they are authorised to provide a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

**104.** With the consent of the Minister the provisions of section 95 (Consolidated loans fund) of this Act shall extend and apply to a local authority as if—

Consolidated  
loans fund  
of local  
authorities.

(a) the local authority were therein referred to in lieu of the Council ;

(b) the general rate fund were therein referred to in lieu of the county fund ; and

(c) paragraph (c) of subsection (2) were omitted from that subsection.

**105.**—(1) With the consent of the Minister the provisions of section 96 (General insurance fund) of this Act shall extend and apply to a local authority as if—

General  
insurance fund  
of local  
authorities.

(a) the local authority were therein referred to in lieu of the Council ;

(b) the general rate fund were therein referred to in lieu of the county fund :

Provided that the Minister when giving his consent to a local authority to establish an insurance fund or at any time thereafter may determine the sum which for the purposes of the said section in its application to such local authority shall be “ the prescribed amount ”.

(2) Two or more local authorities having power to exercise the provisions of the said section may with the consent of the Minister exercise that power jointly in accordance with a scheme

PART VIII  
—cont.

made by such local authorities and approved by the Minister who may prescribe such modifications as appear to him desirable when giving his consent.

(3) Any moneys standing to the credit of any existing insurance fund of a local authority shall be carried to the credit of the insurance fund of such local authority authorised by this section.

Adoption by  
local  
authorities of  
provisions of  
Part VIII of  
Act.

**106.**—(1) A local authority may adopt in respect of their district section 97 (Receipt in case of minors) 100 (Expenses of public entertainment etc. by Council) or 101 (Interest warrants by post) of this Act.

(2) The adoption by a local authority of all or any of the said provisions shall be by resolution of such authority.

(3) The provisions of Part II of the First Schedule to this Act shall apply to the passing and coming into operation of the resolution of adoption as if for references therein to “the rural district council” there were inserted references to “the local authority” and as if the district therein referred to were the district of the local authority.

(4) Upon the resolution of adoption coming into operation the provisions of this Act to which it extends shall apply to the authority concerned.

## PART IX

## MISCELLANEOUS

Authorisation  
of appearance  
of Council's  
officers in legal  
proceedings.

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

Proof of  
resolutions.

**108.** A document purporting to be certified by the clerk of the Council as a copy of a resolution passed by the Council or a committee of the Council on a specified date shall be evidence that that resolution was duly passed by the Council or the committee of the Council (as the case may be) on the said date.

Amendment  
of section 7  
of Act of 1933  
in its  
application  
to Council.

**109.** Section 7 of the Act of 1933 shall in its application to the Council be read and have effect as if the following proviso had been inserted at the end of subsection (4) of that section:—

“Provided that if the persons entitled to vote at such meeting so determine the person presiding at the meeting may declare the names of the persons for whom votes have been cast and the number of votes which each has received.”

**110.** 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.

PART IX  
—cont.  
As to minutes  
of Council  
meetings etc.

**111.**—(1) The Council may preserve arrange index classify and publish such records deeds and other documents of the county and of the Council or such extracts from them or reference to their contents as the Council may think to be of public interest.

Preservation  
and  
publication of  
records.

(2) A local authority may publish such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933 or such extracts from them or reference to their contents as they may think to be of public interest.

**112.**—(1) The Council may advertise the facilities and amenities afforded by the county as a tourist centre place of historical or cultural interest or holiday resort in any manner which the Council may think fit and for that purpose and in connection with their powers under the Public Libraries Acts 1892 to 1919 may—

Power to  
advertise  
facilities of  
county or  
districts.

- (a) cause to be published and may sell or dispose of bulletins journals and leaflets and documents of historical or literary interest having a local connection;
- (b) combine with any other organisation company or person and with any local authority authorised in that behalf; and
- (c) expend a sum which shall not in any financial year exceed the equivalent of twice the product of a penny rate levied in the county as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

(2) Any expenditure by a local authority under this section shall be separate from and additional to the expenditure (if any) of that authority under the Local Authorities (Publicity) Act 1931.

**113.**—(1) The Council a local authority or parish council may erect and maintain such posts and signs as may be necessary for the purpose of warning persons of dangerous conditions

As to warning  
posts and  
signs.

PART IX  
-cont.

existing in the vicinity of such posts and signs with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land.

(2) The Council may contribute to the expenses incurred by a local authority or parish council in exercising the powers of this section.

(3) Nothing in this section shall be in derogation of any order or regulations made by the Minister of Transport in respect of traffic signs or any general or special directions given by him in pursuance of section 48 of the Road Traffic Act 1930.

Supply of  
goods by  
Council to  
other  
authorities.

**114.**—(1) The Council may purchase and store and supply to an authority any goods or materials required for the discharge of the functions of that authority and for those purposes the Council and any authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient.

(2) For the purposes of this section the expression "authority" means an authority discharging functions within the county of Glamorgan being—

- (a) the council of a county borough or of a district or a joint committee appointed by two or more such councils ;
- (b) any statutory or other body of persons discharging functions in pursuance of any statutory enactment or regulation made thereunder ;
- (c) any university or medical school.

Restrictions  
on use of  
loudspeakers  
in streets.

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

(2) No person shall operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in a district unless he shall have given notice at the principal police station in such district at least forty-eight hours before such loudspeaker is operated.

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

(4) This section shall not apply to the use of a loudspeaker—

- (a) by the Council or a local authority or the police in the execution of their duty or in case of emergency ;



- (b) by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission ;
- (c) by persons operating a service or services of public service vehicles for the purpose of announcements to their passengers or staff at any of their stations or depots ;
- (d) by a travelling showman in any part of a street while such part thereof is being used as a pleasure fair and such fair is open to the public ; or
- (e) by any person in case of emergency.

PART IX  
—cont.

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

**116.**—(1) Any agreement entered into between the Council School 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 Council 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 Council 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. agreements.

(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.

**117.** In any case in which the Council are empowered to recover the whole or any part of the cost incurred by them— Determination of sums for maintenance.

- (a) in respect of the maintenance or treatment or the maintenance and treatment of any person in any premises which are provided or maintained by the Council or to the cost of the provision or maintenance of which the Council contribute ;

PART IX  
—cont.

(b) in respect of the maintenance of any person in any premises which are not provided or maintained by the Council or to the cost of the provision or maintenance of which the Council do not contribute ; or

(c) in respect of the maintenance of any child who is boarded out by the Council in any premises ;

the Council for the purpose of ascertaining such cost may determine that two or more of such premises (being premises used for comparable purposes) shall be regarded as one and that such cost shall be ascertained by reference to the expenses incurred in respect of such two or more of such premises.

Subscriptions  
to scientific  
bodies and  
other expenses.

**118.** The Council may pay reasonable subscriptions (whether annually or otherwise) to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which is or are engaged in investigations or the keeping of records of use or value to the Council and any reasonable expenses of the attendance of any members or officers of the Council at or of persons nominated by the Council to attend conferences or meetings of such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings :

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

Recovery of  
sums paid to  
officers etc.

**119.** Where the Council has paid in advance to any officer or servant of the Council or whose salary or wages are payable by the Council the amount of his salary or wages (as the case may be) or a periodical payment on account of his pension and such officer or servant dies before the expiration of the period in respect of which such payment is made the Council shall not be required to demand the return of any portion not being more than ten pounds of such payment.

Application  
of certain  
provisions of  
Part IX to  
local  
authorities.

**120.**—(1) A local authority may exercise the powers contained in the provisions of this Act hereinafter mentioned and those provisions shall accordingly have effect with any necessary modifications including the substitution of “ a local authority ” or “ the local authority ” as may be appropriate for “ the Council ”.

(2) The provisions hereinbefore referred to are the following :—

Section 110 (As to minutes of Council meetings etc.) ;  
Section 119 (Recovery of sums paid to officers etc.).

PART X  
GENERAL

**121.**—(1) No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of carrying out any powers or duties of the Council subject any member or officer of the Council or other person as aforesaid personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as aforesaid shall be borne and repaid out of the county fund and the county rate of the Council:

Protection of Council and their officers from personal liability.

Provided that nothing in this section shall exempt any member of the Council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which such member authorised or joined in authorising.

(2) The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their officers from personal liability shall enure for the benefit of any member of any local authority and any officer of such authority or other person acting under the direction of such authority in relation to the execution by such local authority officer or person of the provisions of any local enactment.

**122.** Whenever the Council or any of their officers under any enactment execute re-execute or alter any work or do any act or thing in default of the owner occupier or other person required to execute re-execute or alter such work or do such act or thing the Council 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 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 Council 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.

In executing works for owner Council liable for negligence only.

**123.** Where in pursuance of any enactment the Council or a local authority 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 any such terms or conditions shall be deemed as regards liability to a

Breach of conditions of consent.

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—cont.

penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by any highway authority under any provision of this Act.

Restriction on  
right to  
prosecute.

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

Apportionment  
of expenses in  
case of joint  
owners.

**125.** Where under the provisions of any enactment in force within the county the Council shall execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those enactments or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the Council or in case of dispute by a court of summary jurisdiction.

Damages and  
charges to be  
settled by  
court.

**126.** 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.

Compensation  
how to be  
determined.

**127.** 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.

Confirming  
authority for  
byelaws.

**128.** As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under section 60 (Byelaws as to pleasure fairs and roller-skating rinks) the confirming authority shall be the Secretary of State.

## Appeals.

**129.**—(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 Council or highway authority 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;

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—cont.

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 Council or highway authority themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

**130.** The Minister the Minister of Transport and the Minister of Agriculture and Fisheries 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. Inquiries by Ministers.

**131.—**(1) 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 and as if the expression “local authority” included the Council and any local authority:— 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);

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—cont.

- 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 the said sections 277 287 288 289 291 294 295 and 329 shall only apply to the provisions contained in Part III (Highways) Part IV (Open spaces camps and pleasure grounds) and Part VI (Public health) of this Act:

Provided also that the said section 293 shall not apply to section 114 (Supply of goods by Council to other authorities) of this Act.

(2) Section 284 of the Act of 1936 shall extend and apply in relation to any enactment for the time being in force in the county or in any district as if that section were enacted in that enactment and in terms made applicable thereto.

Application of  
Arbitration  
Acts.

**132.** 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) the reference shall be subject to the provisions of the Arbitration Act 1950 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the President of the Institution of Civil Engineers.

Saving for  
trusts etc.

**133.** No power conferred upon a local authority by section 17 (Development of land) and section 55 (Parking places in parks etc.) of this Act shall be exercised in such a manner—

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

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

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—cont.

**134.**—(1) The provisions of this Part of this Act hereinafter mentioned shall extend to the local authorities and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

Application of certain provisions of Part X to local authorities.

(a) “local authority” for “Council”; and

(b) “district of the local authority” for “county”.

(2) The provisions hereinbefore referred to are the following:—

Section 122 (In executing works for owner Council liable for negligence only);

Section 124 (Restriction on right to prosecute);

Section 125 (Apportionment of expenses in case of joint owners);

Section 129 (Appeals):

Provided that the powers of the said section 124 (Restriction on right to prosecute) shall extend only to local authorities in whose district an offence is alleged to have been committed.

**135.** The provisions contained in the Third Schedule to this Act shall apply to and in respect of the areas therein referred to.

Provisions applicable to certain areas.

**136.** It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than 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.

Saving for powers of Treasury.

**137.** 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.

**138.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the

Crown rights.

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—cont.

management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

For protection  
of certain  
undertakers.

**139.** For the protection of the protected authority the following provisions shall unless otherwise agreed in writing between the appropriate authority and the protected authority apply and have effect:—

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

“ apparatus ” means any mains pipes sewers tramways trolley vehicle apparatus or other apparatus belonging to the protected authority and includes any structure constructed for the lodging therein of apparatus ;

“ appropriate authority ” means the Council the highway authority or the local authority as the case may be ;

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

“ the protected authority ” means any authority company body or person authorised by any enactment to supply water to premises or to lay or maintain sewers or to operate tramways or trolley vehicles within the county :

- (2) Whenever the appropriate authority in the exercise of the powers of section 26 (Adjustment of boundaries of county roads) of this Act shall exchange land forming part of a road for other land and there is in such first-mentioned land any apparatus the appropriate authority shall give notice to the protected authority of such exchange with a plan showing the position and dimensions of the portion of the road so exchanged and the protected authority shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the road as if such land had continued to be part of the road or the protected authority may and (if reasonably so required by the appropriate authority) shall alter the position of such apparatus to such other position in the road as altered under the said powers as may be reasonable :
- (3) The protected authority shall within twenty-one days after the receipt of a notice from the appropriate authority pursuant to subsection (2) of this section give to the appropriate authority not less than twenty-one days' notice of their intention to alter the position of



any apparatus (otherwise than on the requirement of the appropriate authority) under the provisions of that subsection and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration. If such plan and section be not disapproved by the appropriate authority within twenty-one days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:

- (4) The appropriate authority shall repay to the protected authority the reasonable expenses incurred by the protected authority in or in connection with the alteration of the position of any apparatus under subsection (2) of this section and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

Provided that subsections (3) (4) and (5) 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 appropriate authority under 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 therefrom:

- (5) (a) The protected authority shall not be entitled to any payment by virtue of the last preceding subsection if the existing apparatus of the protected authority was laid or placed within two years immediately preceding the giving of the notice referred to in subsection (2) of this section and if notice in writing of their intention to exercise the powers of the said section 26 of this Act was given by the appropriate authority to the protected authority within eight days from the relevant date and within twenty-nine days from the relevant date a plan and section of the proposals of the appropriate authority were furnished by them to the protected authority and the proposals of the appropriate authority were carried out in accordance with the said plan and section or without any departure therefrom materially affecting the protected authority;

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—cont.

(b) For the purposes of this subsection "the relevant date" means the date on which the intention to lay or place the apparatus was signified to the highway authority by the submission of a plan and section if the laying or placing of the apparatus was a work to which section 3 of the Act of 1950 applied or by notice under section 6 of that Act if such laying or placing was not such a work:

- (6) The appropriate authority shall so exercise the powers of the following sections of this Act as not to cause any damage to or to obstruct or render unreasonably inconvenient the access to any apparatus:—

Section 23 (Trees grass verges and gardens);  
 Section 28 (Temporary stoppage of streets);  
 Section 30 (Public seats in roads);  
 Section 31 (Milk stands in roads);  
 Section 32 (Shelters etc. for passengers on public service vehicles etc.);  
 Section 34 (Barriers in streets):

- (7) The appropriate authority shall not pursuant to—

(a) section 35 (Pavement lights and ventilators) of this Act consent to the provision of any means for the admission of light or air through a pavement; or

(b) section 39 (Restriction on buildings under streets) of this Act consent to the extension of any part of a building under the footway of any street at a less depth than six feet below the surface of such footway;

if such provision or extension may cause damage to or obstruct or render less convenient the access to any apparatus:

- (8) Not less than twenty-one days before the appropriate authority pursuant to section 46 (Crossings over footways) of this Act—

(i) require approve (with or without modification) or propose the construction or formation of a carriage-crossing over any grass verge or kerbed or paved footway in along or across which any apparatus is situate; or

(ii) require approve (with or without modification) or propose the strengthening or adapting of any such footway; or

(iii) allow subject to conditions the use of any such grass verge or kerbed or paved footway as a crossing for any horse-drawn or mechanically propelled vehicle (other than a motor-cycle);

they shall give notice in writing to the protected authority to whom any apparatus in the proposed carriage-crossing or in the footway to be strengthened or adapted belongs and if by reason of the carrying out of any works it shall be reasonably necessary to alter the position of the apparatus the protected authority may (and if reasonably so required by the appropriate authority shall) alter the position of the apparatus to such other position as may be reasonable :

- (9) (a) Within fourteen days after the receipt of notice from the appropriate authority under paragraph (8) of this section the protected authority if they intend to alter the position of any apparatus shall give notice of their intention to the appropriate authority together with a plan and section indicating their proposals and shall within the like period give to the appropriate authority an estimate of the cost of the works which the protected authority propose to carry out or if the appropriate authority have required an alteration of the position of any apparatus an estimate of the cost of the works connected therewith ;

(b) If such plan and section are not disapproved by the appropriate authority within fourteen days from the receipt thereof the position of the apparatus shown thereon shall be deemed to be reasonable :

- (10) The protected authority shall not commence any works of alteration whether on the requirement of the appropriate authority or otherwise until the appropriate authority have informed the protected authority that the works may be commenced :
- (11) The appropriate authority shall repay to the protected authority the reasonable expenses incurred by the protected authority in connection with the alteration of the position of any apparatus under paragraph (8) of this section :
- (12) The appropriate authority in the exercise of the powers of section 82 (For preventing obstruction to streams by culverts etc.) of this Act shall not without the consent of the protected authority execute any work in through or under any lands belonging to the protected authority and held by them for the purposes of their water undertaking in any case in which such work affects any intake for the time being authorised of the protected authority or is situate upstream of such intake but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be referred to arbitration :

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—cont.

(13) (a) Any difference which may arise between the appropriate authority and the protected authority 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 protected authority may be under in respect of any apparatus and may if he thinks fit require the appropriate authority 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.

For protection  
of electricity  
board.

**140.** For the protection of the South Wales Electricity Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Council and the 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 board ;

"appropriate authority" means the Council the highway authority the local authority the parish council or the standing joint committee as the case may be ;

"in" in a context referring to apparatus includes under over across along or upon ; and

"position" includes depth :

(2) Whenever the appropriate authority in the exercise of the powers of section 26 (Adjustment of boundaries of county roads) of this Act shall give up land forming part of a street in exchange for other land there being in such first-mentioned land any apparatus the appropriate authority shall give notice to the board of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the board shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be part of the street or the board if it is reasonably necessary may and if reasonably so required by the appropriate authority shall alter the position of such apparatus to such other position as may be reasonable :



(3) Not less than twenty-one days before the appropriate authority—

(a) pursuant to section 46 (Crossings over footways) of this Act—

(i) require or approve (with or without modifications) the construction or formation of a carriage-crossing across a grass verge or footway in which any apparatus is situated ; or

(ii) require the strengthening or adapting of any such footway ; or

(iii) propose alteration work ; or

(iv) allow subject to conditions the use of any such verge or footway as a crossing for any horse-drawn or mechanically propelled vehicle (other than a motor-cycle) ; or

(b) pursuant to section 40 (Means of access to buildings) of this Act require the provision of means of communication across any verge or footway in which any apparatus is situated ;

they shall give notice to the board and if by reason of the carrying out of any work it shall be reasonably necessary to alter the position of the apparatus the board may and if reasonably so required by the appropriate authority shall alter the position of the apparatus to such other position as may be reasonable :

(4) The board shall within twenty-one days after the receipt of a notice from the appropriate authority pursuant to subsection (3) of this section give to the appropriate authority notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the appropriate authority) under the provisions of that subsection and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration. If such plan and section be not disapproved by the appropriate authority within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable :

(5) The appropriate authority shall repay to the board the reasonable expenses incurred by the board of or in connection with the alteration of the position of any apparatus under subsection (2) or subsection (3) of this section and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection :

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—*con.*

Provided that subsections (3) (4) and (5) of section 23 of the Act of 1950 which impose limitations on undertakers' rights to payments shall so far as applicable extend and apply to any payment to be made by the appropriate authority under 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 therefrom :

- (6) (a) The board shall not be entitled to any payment by virtue of the last preceding subsection if the existing apparatus of the board was laid or placed within two years immediately preceding the giving of the notice referred to in subsection (2) of this section and if notice in writing of their intention to exercise the powers of the said section 26 of this Act was given by the appropriate authority to the board within eight days from the relevant date and within twenty-nine days from the relevant date a plan and section of the proposals of the appropriate authority were furnished by them to the board and the proposals of the appropriate authority were carried out in accordance with the said plan and section or without any departure therefrom materially affecting the board ;

(b) For the purposes of this subsection " the relevant date " means the date on which the intention to lay or place the apparatus was signified to the appropriate authority by the submission of a plan and section if the laying or placing of the apparatus was a work to which section 3 of the Act of 1950 applied or by notice under section 6 of that Act if such laying or placing was not such a work :

- (7) For the purposes of section 19 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land :
- (8) Nothing in section 20 (Prohibition of building until street formed and sewerage) of this Act shall prevent the board from beginning to instal or proceeding with the installation of apparatus for the purposes of their undertaking abutting on any new street before such new street is constructed or sewerage in accordance with street byelaws :

(9) Where the appropriate authority under the powers of section 28 (Temporary stoppage of streets) of this Act stop up temporarily any street in which any apparatus is situate they shall provide reasonable access for the officers servants and workmen of the board for the purpose of enabling them to inspect repair and renew any such apparatus or to lay or place new apparatus:

(10) The appropriate authority shall so exercise the powers of the following sections of this Act:—

Section 23 (Trees grass verges and gardens);

Section 32 (Shelters etc. for passengers on public service vehicles etc.);

Section 34 (Barriers in streets);

Section 61 (Application to Council and parish councils of section 76 of Act of 1936);

Section 72 (Police telephone call boxes and shelters);

as not (so far as reasonably practicable) to render less convenient the access to any apparatus:

(11) (a) Any difference which may arise between the appropriate authority and the board under this section shall be referred to arbitration;

(b) In settling any difference under this section the arbitrator may if he thinks fit require the appropriate authority 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.

**141.** For the protection of the gas board the following provisions shall unless otherwise agreed in writing between the appropriate authority and the gas board apply and have effect:—

(1) In this section—

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

“ appropriate authority ” means the Council the standing joint committee the highway authority or the local authority as the case may be;

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

“ position ” includes depth:

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—cont.

- (2) Whenever the appropriate authority in the exercise of the powers of section 26 (Adjustment of boundaries of county roads) of this Act shall give up land forming part of a county road in exchange for other land there being in such first-mentioned land any apparatus the appropriate authority shall give notice to the gas board of such exchange with a plan showing the position and dimensions of the portion of the county road so exchanged and the gas board shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the county road as if such land had continued to be part of the county road or the gas board if it is reasonably necessary may and if reasonably so required by the appropriate authority shall alter the position of such apparatus to such other position as may be reasonable:
- (3) Not less than twenty-one days before the appropriate authority—
- (a) pursuant to section 40 (Means of access to buildings) of this Act require the provision of means of communication across any verge or footway in which any apparatus is situated ; or
  - (b) pursuant to section 43 (Carriage-crossings at ends of private streets) of this Act require the construction of a carriage-crossing across part of a highway in which any apparatus is situated ; or
  - (c) pursuant to section 46 (Crossings over footways) of this Act—
    - (i) require or approve (with or without modifications) the construction or formation of a carriage-crossing across a grass verge or footway in which any apparatus is situated ; or
    - (ii) require the strengthening or adapting of any such footway ; or
    - (iii) propose alternative work ; or
    - (iv) allow subject to conditions the use of any such verge or footway as a crossing for any horse-drawn or mechanically propelled vehicle (other than a motor-cycle) ;

they shall give notice to the gas board and if by reason of the carrying out of any work it shall be reasonably necessary to alter the position of the apparatus the gas board may and if reasonably so required by the appropriate authority shall alter the position of the apparatus to such other position as may be reasonable :



(4) The gas board shall within twenty-one days after the receipt of a notice from the appropriate authority pursuant to subsection (3) of this section give to the appropriate authority notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the appropriate authority) under the provisions of that subsection and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration. If such plan and section be not disapproved by the appropriate authority within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:

(5) The appropriate authority shall repay to the gas board—

(a) the reasonable expenses incurred by the gas board in or in connection with the alteration of the position of any apparatus under subsection (2) or subsection (3) 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 impose limitations on undertakers' rights to payments shall so far as applicable extend and apply to any payment to be made by the appropriate authority 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 as agreed so to be by the promoting authority" were omitted therefrom:

(6) (a) The gas board shall not be entitled to any payment by virtue of the last preceding subsection if the existing apparatus of the gas board was laid or placed within two years immediately preceding the giving of the notice referred to in subsection (2) of this section and if notice in writing of their intention to exercise the powers of the said section 26 of this Act was given by the appropriate authority to the gas board within eight days from the relevant date and within twenty-nine days

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—cont.

from the relevant date a plan and section of the proposals of the appropriate authority were furnished by them to the gas board and the proposals of the appropriate authority were carried out in accordance with the said plan and section or without any departure therefrom materially affecting the gas board ;

(b) For the purposes of this subsection " the relevant date " means the date on which the intention to lay or place the apparatus was signified to the appropriate authority by the submission of a plan and section if the laying or placing of the apparatus was a work to which section 3 of the Act of 1950 applied or by notice under section 6 of that Act if such laying or placing was not such a work :

- (7) For the purposes of section 19 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land :
- (8) Nothing in section 20 (Prohibition of building until street formed and sewerred) of this Act shall prevent the gas board from beginning to erect or proceeding with the erection of a building (not being a house office or showroom) for the purposes of their undertaking abutting on any new street before such new street is constructed or sewerred in accordance with street byelaws :
- (9) Nothing contained in paragraph (e) of subsection (1) of section 23 (Trees grass verges and gardens) of this Act shall affect the rights of the gas board with respect to any such verge or garden as is referred to in that paragraph :
- (10) Without prejudice to any of the provisions of the Act of 1950 as applied by this Act the appropriate authority shall so exercise the powers of the following sections of this Act :—
- Section 23 (Trees grass verges and gardens) ;
  - Section 32 (Shelters etc. for passengers on public service vehicles etc.) ;
  - Section 34 (Barriers in streets) ;
  - Section 72 (Police telephone call boxes and shelters) ;

as not to cause damage to or obstruct or render unreasonably inconvenient the access to any apparatus :

- (11) The appropriate authority shall not pursuant to the following sections of this Act namely :—
- Section 35 (Pavement lights and ventilators) ;

Section 39 (Restriction on buildings under streets);

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—cont.

consent to the provision of any means for the admission of light or air through a pavement or to the construction of any part of a building so as to extend under the footway of a street (as the case may be) if such provision or construction may cause any damage to or obstruct or render unreasonably inconvenient the access to any apparatus:

(12) Nothing in the following sections of this Act namely:—

Section 82 (For preventing obstruction to streams by culverts etc.);

Section 83 (Cleansing of rivers and streams);

Section 84 (Entry for purposes of last two preceding sections);

shall authorise the appropriate authority 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:

(13) (a) Any difference which may arise between the appropriate authority and the gas board under this section shall be referred to arbitration;

(b) In settling any difference under this section the arbitrator may if he thinks fit require the appropriate authority 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.

142. For the protection of the lord mayor aldermen and citizens of the city of Cardiff (hereinafter in this section referred to as "the Cardiff Corporation") and the mayor aldermen and burgesses of the borough of Swansea (hereinafter referred to as "the Swansea Corporation") the following provisions shall unless otherwise agreed in writing between the appropriate authority and the Cardiff Corporation or the Swansea Corporation as the case may be apply and have effect:—

For protection of Cardiff and Swansea corporations.

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

"apparatus" means—

(a) any sewer belonging to the Cardiff Corporation or the Swansea Corporation; and

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—cont.

(b) any main pipe valve pump or other work or appliance belonging to the Cardiff Corporation or the Swansea Corporation in connection with their respective water undertakings ;

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

“ appropriate authority ” means the Council the highway authority the local authority or the standing joint committee as the case may be ;

“ the corporation ” means in relation to any apparatus the Cardiff Corporation or the Swansea Corporation (as the case may be) to whom the apparatus belongs ;

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

“ position ” includes depth :

- (2) Whenever the appropriate authority in the exercise of the powers of section 26 (Adjustment of boundaries of county roads) of this Act or of that section as amended by section 52 (As to exercise of certain provisions of Part III of Act with respect to claimed roads) of this Act shall give up land forming part of a road in exchange for other land and there is in such first-mentioned land any apparatus the appropriate authority shall give notice to the corporation of such exchange with a plan showing the position and dimensions of the portion of the road so exchanged and the corporation shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the road as if such land had continued to be part of the road or the corporation may and if reasonably so required by the appropriate authority shall alter the position of such apparatus to such other position in the road as altered under the said powers as may be reasonable :
- (3) Not less than twenty-one days before the appropriate authority pursuant to section 40 (Means of access to buildings) of this Act require the provision of means of communication across any verge or footway in which any apparatus is situated they shall give notice to the corporation and the corporation may and if reasonably so required by the appropriate authority shall alter the position of the apparatus to such other position as may be reasonable :



(4) The corporation shall within twenty-one days after the receipt of a notice from the appropriate authority pursuant to subsection (2) or subsection (3) of this section give to the appropriate authority not less than twenty-one days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the appropriate authority) under the provisions of the last-mentioned subsections or either of them and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration. If such plan and section be not disapproved by the appropriate authority within twenty-eight days after the receipt thereof the proposed positions shown thereon shall be deemed to be reasonable:

(5) The appropriate authority shall repay to the corporation the expenses incurred by the corporation in or in connection with the alteration of the position of any apparatus under subsection (2) or subsection (3) of this section and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of such alteration of the position of any apparatus:

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 appropriate authority under this subsection as if any such alteration were an undertakers' work within the meaning of the said section 23 and as if in the said subsection (3) for the words "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" there were substituted the words "had been agreed or settled by arbitration under section 142 (For protection of Cardiff and Swansea corporations) of the Glamorgan County Council Act 1952":

(6) (a) The corporation shall not be entitled to any payment in connection with the said section 26 of this Act if the existing apparatus of the corporation was laid or placed within two years immediately preceding the giving of the notice referred to in subsection (2) of this section and if notice in writing of their intention to exercise the powers of the said section 26 was given by the appropriate authority to the corporation within eight days from the relevant date and within twenty-nine days from the relevant date a plan and section of the proposals of the appropriate authority were furnished by

PART X  
—cont.

them to the corporation and the proposals of the appropriate authority were carried out in accordance with the said plan and section or without any departure therefrom materially affecting the corporation:

Provided that nothing in this subsection shall apply to any existing apparatus of the corporation the execution of the works for the laying or placing of which were emergency works within the meaning of the Act of 1950;

- (b) For the purposes of this subsection "the relevant date" means the date on which the intention to lay or place the apparatus was signified to the highway authority by the submission of a plan and section if the laying or placing of the apparatus was a work to which section 3 of the Act of 1950 applied or by notice under section 6 of that Act if such laying or placing was not such a work:
- (7) The appropriate authority shall so far as reasonably practicable so exercise or shall only permit the exercise of the powers of the sections of this Act mentioned in this subsection as not to cause or permit any damage to or to obstruct or render less convenient the access to any apparatus or to prohibit or interfere with the carrying out of works in connection with such apparatus—
- Section 23 (Trees grass verges and gardens);
  - Section 30 (Public seats in roads);
  - Section 31 (Milk stands in roads);
  - Section 32 (Shelters etc. for passengers on public service vehicles etc.);
  - Section 34 (Barriers in streets);
  - Section 35 (Pavement lights and ventilators);
  - Section 39 (Restriction on buildings under streets);
  - Section 61 (Application to Council and parish councils of section 76 of Act of 1936);
  - Section 72 (Police telephone call boxes and shelters):
- (8) The provisions of section 39 (Restriction on buildings under streets) of this Act shall not apply to the construction by the corporation under the footway of a street for the purposes of or in connection with their water undertaking of inspection valve pump or other chambers:

(9) (a) Any difference which may arise between the appropriate authority and the corporation under this section shall be referred to arbitration ;

PART X  
—cont.

(b) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the corporation may be under in respect of any apparatus and may if he thinks fit require the appropriate authority 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.

**143.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act. Costs of Act.

## SCHEDULES

## FIRST SCHEDULE

## PART I

SECTIONS OF THIS ACT WHICH MAY BE ADOPTED BY A RURAL DISTRICT COUNCIL IN RESPECT OF THEIR DISTRICT OR A PART THEREOF

Part	Section and marginal note
Part II (Lands) ...	Section 8 (Amendment of section 158 of Local Government Act 1933 in relation to Council). Section 9 (Power to reinstate owners or occupiers of property). Section 10 (Retention and disposal of land). Section 11 (Proceeds of disposal of surplus land). Section 12 (Compensation may be in land). Section 13 (Application of Lands Clauses Acts to purchases by agreement). Section 15 (Extension of power to acquire land by agreement). Section 16 (Loans for erection etc. of buildings). Section 17 (Development of land).
Part III (Highways) ...	Section 19 (Prohibition of building until street defined). Section 20 (Prohibition of building until street formed and sewered). Section 21 (Termination of new streets). Section 22 (Adjustment of boundaries of estates in connection with streets). Section 29 (Forecourts injurious to amenities of street). Section 33 (Awnings over footways). Section 34 (Barriers in streets). Section 36 (Application of building line to walls etc.). Section 37 (Retaining walls). Section 39 (Restriction on buildings under streets). Section 40 (Means of access to buildings).
Part IV (Open spaces camps and pleasure grounds)	Section 55 (Parking places in parks etc.). Section 56 (Court may prohibit movable dwellings in certain areas). Section 57 (Byelaws as to camping grounds). Section 58 (Saving from last two preceding sections).



Part	Section and marginal note
Part VI (Public health)	Section 80 (Restriction on attendance at public places etc.). Section 81 (Exclusion of children from entertainments). Section 82 (For preventing obstruction to streams by culverts etc.). Section 83 (Cleansing of rivers and streams). Section 84 (Entry for purposes of last two preceding sections). Section 85 (Further provisions as to means of escape from fire in case of certain buildings). Section 86 (Further provision for public and other buildings).

PART II

RESOLUTION OF ADOPTION

1. A resolution of adoption shall not be effective unless passed by a majority of the whole number of the members of the rural district council (hereinafter in this schedule referred to as "the rural council") at a meeting thereof.

2. One month at least before the meeting of the rural council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the rural council and such notice shall also be inserted once at least in one or more of the newspapers circulating within the district in each of two successive weeks.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the district and may also be published otherwise in such manner as the rural council think sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Minister and (in case of a resolution of adoption which includes section 55 (Parking places in parks etc.) of this Act) to the Secretary of State.

5. The resolution of adoption shall come into operation at such time not being less than one month after the first publication of the advertisement as may be fixed by the rural council.

SECOND SCHEDULE

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Council may determine.

2ND SCH.  
—cont.

2. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

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

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

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

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

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

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

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

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

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

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

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

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

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

No.....

Date.....

.....per centum.....bond  
repayable at par on the.....19.....  
at.....

This is to certify that

of

is the registered holder of a                      bond for  
pounds (£                      ) issued by the  
under the Glamorgan County Council Act 1952 at

The seal of the Glamorgan County Council }  
was hereunto affixed in the presence of }

Member of the county council.

Clerk of the county council.

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

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

FORM OF DEED OF TRANSFER

I

in consideration of the sum of  
paid by  
(hereinafter called "the transferee") do hereby assign and  
transfer to the transferee.....

To hold unto the transferee his executors administrators  
and assigns subject to the several conditions on which I  
held the same immediately before the execution hereof

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

As witness our hands and seals this                      day of  
one thousand nine hundred and                      .

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

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

2ND SCH.  
—cont.

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

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

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

8. The Council may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the Council during that period of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

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

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

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

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

11.—(1) Unless the holder of a bond otherwise requests the Council may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The posting by the Council of an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Council be equivalent to the delivery of the warrant to the holder himself.

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



### THIRD SCHEDULE

#### PART I. URBAN DISTRICT OF ABERDARE

(1) Section 32 (Shelters etc. for passengers on public service vehicles etc.) of this Act shall not be applicable in the urban district of Aberdare to the routes of any public service vehicles operated by the urban district council of Aberdare.

(2) Section 37 (Retaining walls) of this Act shall not have effect within the urban district of Aberdare.

(3) Section 92 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails) of the Aberdare Urban District Council Act 1927 is hereby repealed.

#### PART II. URBAN DISTRICT OF CAERPHILLY

(1) Section 32 (Shelters etc. for passengers on public service vehicles etc.) of this Act shall not be applicable in the urban district of Caerphilly to the routes of any public service vehicles operated by the urban district council of Caerphilly.

(2) Sections 37 (Retaining walls) and 56 (Court may prohibit movable dwellings in certain areas) of this Act shall not have effect within the urban district of Caerphilly.

(3) As from the date on which section 80 (Restriction on attendance at public places etc.) of this Act comes into operation in the urban district of Caerphilly section 114 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails) of the Caerphilly Urban District Council Act 1928 shall be repealed.

#### PART III. URBAN DISTRICT OF GELLIGAER

(1) Section 19 (Prohibition of building until street defined) section 20 (Prohibition of building until street formed and sewered) section 26 (Adjustment of boundaries of county roads) as the last-named section is modified by section 52 (As to exercise of certain provisions of Part III of Act with respect to claimed roads) section 37 (Retaining walls) section 56 (Court may prohibit movable dwellings in certain areas) section 93 (Capital fund) section 94 (Renewal and repairs fund) and section 122 (In executing works for owner Council liable for negligence only) as applied by section 134 (Application of certain provisions of Part X to local authorities) of this Act shall not have effect within the urban district of Gelligaer.

(2) As from the date on which any section of this Act which is described in the first column of the following table comes into operation in the urban district of Gelligaer the enactment referred to in

3RD SCH.  
—cont.

the second column of that table opposite that section shall be repealed:—

(1)	(2)
Section 83 (Cleansing of rivers and streams)	Section 63 (Watercourse choked up to be a nuisance under Public Health Act 1875) of the Gelligaer Urban District Council Act 1920.
Section 85 (Further provisions as to means of escape from fire in case of certain buildings)	Section 58 (Means of escape from buildings in case of fire) of the Gelligaer Urban District Council Act 1920.

(3) Section 37 (Shelters or waiting rooms) and section 103 (Apportionment of expenses in case of joint owners) of the Gelligaer Urban District Council Act 1920 are hereby repealed.

## PART IV. URBAN DISTRICT OF PONTYPRIDD

(1) Section 32 (Shelters etc. for passengers on public service vehicles etc.) of this Act shall not be applicable in the urban district of Pontypridd to the routes of any public service vehicles or trolley vehicles for the time being operated by the urban district council of Pontypridd.

(2) As from the date on which section 82 (For preventing obstruction to streams by culverts etc.) comes into operation in the urban district of Pontypridd section 57 (For cleansing &c. rivers and streams) of the Pontypridd Urban District Council Act 1920 shall be repealed.

## PART V. URBAN DISTRICT OF PORTHCAWL

(1) Section 19 (Prohibition of building until street defined) and section 122 (In executing works for owner Council liable for negligence only) of this Act shall not have effect within the urban district of Porthcawl.

(2) As from the date on which any section of this Act which is described in the first column of the following table comes into operation in the urban district of Porthcawl the enactment referred to in the second column of that table opposite that section shall be repealed:—

1	2
Section 83 (Cleansing of rivers and streams)	Section 76 (Watercourse choked up to be a nuisance under Public Health Act 1875) of the Porthcawl Urban District Council Act 1914.
Section 85 (Further provisions as to means of escape from fire in case of certain buildings)	Section 65 (Means of escape from buildings in case of fire) of the Porthcawl Urban District Council Act 1914.

(3) Section 117 (Apportionment of expenses in case of joint owners) of the Porthcawl Urban District Council Act 1914 is hereby repealed.

PART VI. URBAN DISTRICT OF RHONDDA

3RD SCH.  
—cont.

(1) Sections 19 (Prohibition of building until street defined) 33 (Awnings over footways) 37 (Retaining walls) and 56 (Court may prohibit movable dwellings in certain areas) of this Act shall not have effect within the urban district of Rhondda.

(2) Section 36 (Penalty on parent or guardian permitting infected child to attend school) of the Rhondda Urban District Council Act 1905 is hereby repealed.

(3) As from the date on which any section of this Act which is described in the first column of the following table comes into operation in the urban district of Rhondda the enactment referred to in the second column of that table opposite such section shall be repealed:—

1	2
Section 80 (Restriction on attendance at public places etc.)	Section 41 (Restriction on attendance of children at Sunday school when infectious disease exists) of the Rhondda Urban District Council (Tramways Extensions &c.) Act 1915.
Section 82 (For preventing obstruction to streams by culverts etc.)	Section 59 (For cleansing &c. rivers and streams) of the Rhondda Urban District Council (Tramways Extensions &c.) Act 1910.
Section 85 (Further provisions as to means of escape from fire in case of certain buildings)	Section 50 (Means of escape from buildings in case of fire) of the Rhondda Urban District Council (Tramways Extensions &c.) Act 1910.

## Table of Statutes referred to in this Act

Title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Telegraph Act 1869	32 & 33 Vict. c. 73.
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.
Cardiff Waterworks Act 1878	41 & 42 Vict. c. cxliv.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Swansea Corporation Water Act 1884	47 & 48 Vict. c. clxxiv.
Local Government Act 1888	51 & 52 Vict. c. 41.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Swansea Corporation Water Act 1892	55 & 56 Vict. c. cxxxiii.
Finance Act 1899	61 & 62 Vict. c. 9.
Rhondda Urban District Council Act 1905	5 Edw. 7. c. clviii.
Open Spaces Act 1906	6 Edw. 7. c. 25.
Finance Act 1907	7 Edw. 7. c. 13.
Public Health Acts Amendment Act 1907	7 Edw. 7. c. 53.
Cinematograph Act 1909	9 Edw. 7. c. 30.
Licensing (Consolidation) Act 1910	10 Edw. 7. & 1 Geo. 5. c. 24.
Rhondda Urban District Council (Tramways Extensions &c.) Act 1910	1 & 2 Geo. 5. c. ciii.
Porthcawl Urban District Council Act 1914	4 & 5 Geo. 5. c. clxiii.
Rhondda Urban District Council (Tramways Extensions &c.) Act 1915	5 & 6 Geo. 5. c. lxxi.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920	10 & 11 Geo. 5. c. 17.
Gelligaer Urban District Council Act 1920	10 & 11 Geo. 5. c. lvi.
Pontypridd Urban District Council Act 1920	10 & 11 Geo. 5. c. lxxvii.
Local Government and Other Officers' Superannuation Act 1922	12 & 13 Geo. 5. c. 59.
Land Charges Act 1925	15 & 16 Geo. 5. c. 22.
Public Health Act 1925	15 & 16 Geo. 5. c. 71.
Roads Improvement Act 1925	15 & 16 Geo. 5. c. 68.
Workmen's Compensation Act 1925	15 & 16 Geo. 5. c. 84.
Rating and Valuation Act 1925	15 & 16 Geo. 5. c. 90.
Law of Property (Amendment) Act 1926	16 & 17 Geo. 5. c. 11.
Aberdare Urban District Council Act 1927	17 & 18 Geo. 5. c. lxi.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5. c. 32.
Caerphilly Urban District Council Act 1928	18 & 19 Geo. 5. c. l.
Local Government Act 1929	19 & 20 Geo. 5. c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Local Authorities (Publicity) Act 1931	21 & 22 Geo. 5. c. 17.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Housing Act 1935	25 & 26 Geo. 5. c. 40.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5. c. 47.



Title	Session and chapter
Public Health Act 1936 ... ..	26 Geo. 5. & 1 Edw. 8. c. 49.
Housing Act 1936 ... ..	26 Geo. 5. & 1 Edw. 8. c. 51.
Trunk Roads Act 1936 ... ..	1 Edw. 8. & 1 Geo. 6. c. 5.
Factories Act 1937 ... ..	1 Edw. 8. & 1 Geo. 6. c. 67.
Local Government Superannuation Act 1937	1 Edw. 8. & 1 Geo. 6. c. 68.
Local Government Superannuation Act 1939	2 & 3 Geo. 6. c. 18.
Pensions (Increase) Act 1944 ... ..	7 & 8 Geo. 6. c. 21.
Education Act 1944 ... ..	7 & 8 Geo. 6. c. 31.
Local Authorities Loans Act 1945 ... ..	8 & 9 Geo. 6. c. 18.
Trunk Roads Act 1946 ... ..	9 & 10 Geo. 6. c. 30.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6. c. 58.
Coal Industry Nationalisation Act 1946 ...	9 & 10 Geo. 6. c. 59.
National Insurance (Industrial Injuries) Act 1946 ... ..	9 & 10 Geo. 6. c. 62.
Pensions (Increase) Act 1947 ... ..	10 & 11 Geo. 6. c. 7.
Probation Officers' (Superannuation) Act 1947	10 & 11 Geo. 6. c. 38.
Transport Act 1947 ... ..	10 & 11 Geo. 6. c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6. c. 51.
Lands Tribunal Act 1949 ... ..	12 & 13 Geo. 6. c. 42.
Adoption Act 1950 ... ..	14 Geo. 6. c. 26.
Arbitration Act 1950 ... ..	14 Geo. 6. c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6. c. 39.

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