

Cornwall County Council Act 1971

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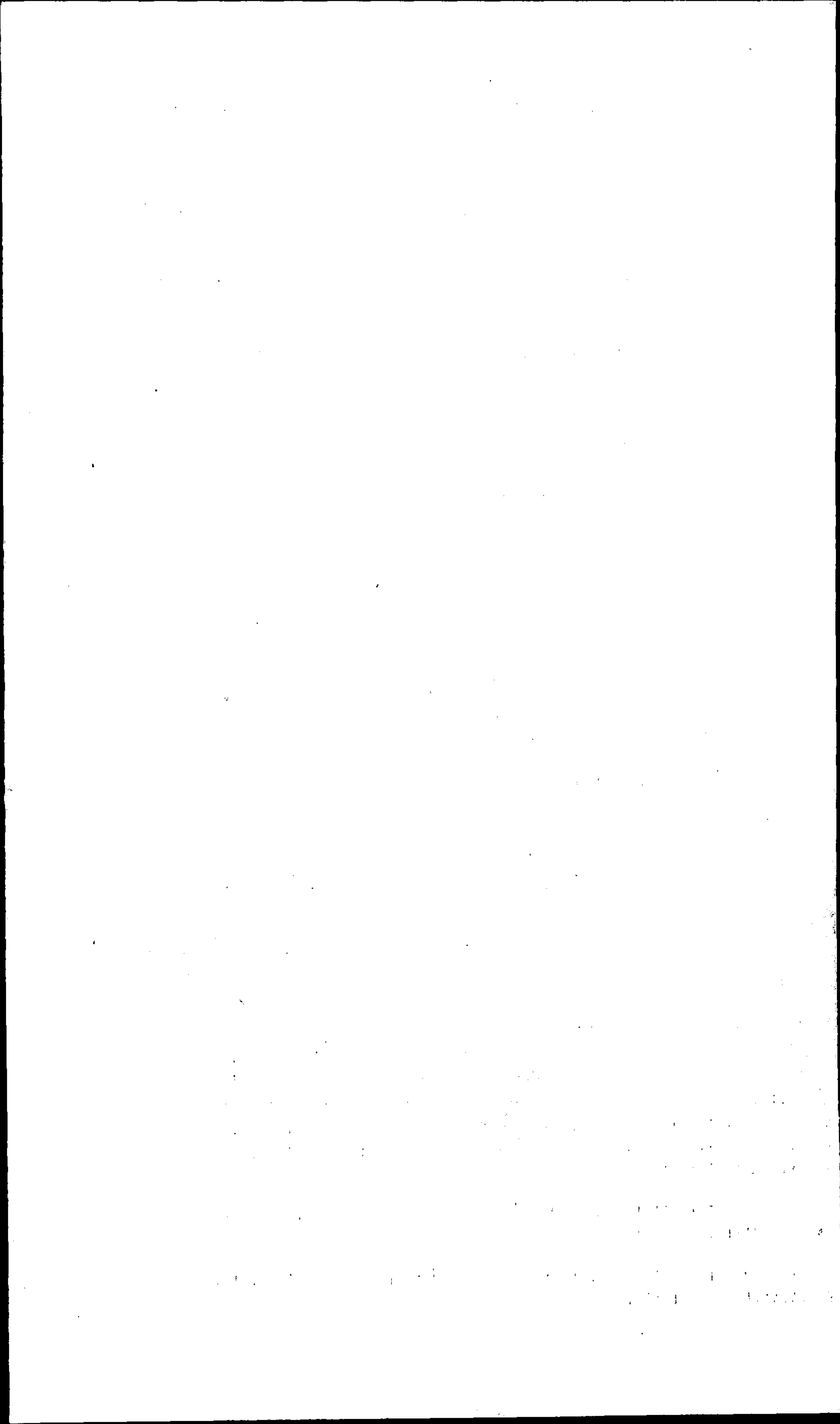
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ELIZABETH II



1971 CHAPTER liv

An Act to confer further powers on the Cornwall County Council and on local authorities in the administrative county of Cornwall in relation to lands, development and the local government, improvement and finances of and in the county; and for other purposes.

[27th July 1971]

WHEREAS—

(1) It is expedient that further and better provision should be made with reference to lands, industrial and other development and for the local government, improvement and finances of and in the administrative county of Cornwall and that the powers of the county council of that administrative county and of local and other authorities therein should be enlarged and extended as provided in this Act:

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

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

1933 c. 51. (4) 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 and collective titles.

1929 c. lxxxii.
1960 c. xii.

1.—(1) This Act may be cited as the Cornwall County Council Act 1971.

(2) The County of Cornwall Act 1929, the Cornwall County Council Act 1960 and this Act may be cited together as the Cornwall County Council Acts 1929 to 1971.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands and industrial development.

Part III.—Highways and streets.

Part IV.—Hackney carriages, etc.

Part V.—Fire protection and public safety.

Part VI.—Public order, health and welfare.

Part VII.—Finance.

Part VIII.—Administration.

Part IX.—Miscellaneous.

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Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Act of 1936 have the same respective meanings unless there is 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, the following expressions have the meanings hereby respectively assigned to them:—

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

1936 c. 49.

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

1937 c. 68.

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

1959 c. 25.

“the Act of 1959” means the Highways Act 1959;

1963 c. 41.

“the Act of 1963” means the Offices, Shops and Railway Premises Act 1963;

“appointed day” has the meaning assigned to that expression by section 112 (The appointed day) of this Act;

1960 c. 62.

“caravan” has the same meaning as in Part I of the Caravan Sites and Control of Development Act 1960;

- “claimed county road” has the same meaning as in section 4 of the Act of 1959;
- “the clerk” means the clerk of the Council;
- “contravention” includes a failure to comply and “contravene” shall be construed accordingly;
- “Council” means the county council of the county;
- “county” means the administrative county of Cornwall;
- “county fund” means the county fund of the Council;
- “county road” has the same meaning as in section 295 of the Act of 1959;
- “daily fine” means a fine 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” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of any enactment;
- “general rate fund” and “general rate” mean respectively the general rate fund and the general rate of a district;
- “highway” has the same meaning as in section 294 of the Act of 1959;
- “highway authority” means—
- (a) in the case of a trunk road, the Secretary of State or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;
- (b) in the case of a county road in the county, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and
- (c) in the case of any other highway, the local authority for the district in which the highway is situate;
- “highway maintainable at the public expense” has the same meaning as in section 295 of the Act of 1959;
- “industrial building” has the same meaning as in the Local Employment Act 1960; 1960 c. 18.
- “local authority” means the council of a district;
- “magistrates’ court” has the same meaning as in the Magistrates’ Courts Act 1952; 1952 c. 55.
- “operational land”, in relation to statutory undertakers other than the Post Office, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose,

PART I
—cont.

not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings and in relation to the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969;

1960 c. 16.

“public service vehicle” has the meaning assigned to that expression by section 117 of the Road Traffic Act 1960;

“the railways board” means the British Railways Board;

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

“statutory undertakers” means any company, body or person authorised by any enactment to supply electricity, gas or water, and includes the Post Office;

1945 c. 42.

“statutory water undertakers” has the same meaning as in the provisions of the Water Act 1945 other than those contained in Part II of that Act;

1878 c. 76.

“telegraphic line” has the same meaning as in the Telegraph Act 1878;

“trunk road” has the same meaning as in section 295 of the Act of 1959.

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

PART II

LANDS AND INDUSTRIAL DEVELOPMENT

Provision of
substituted
sites.

4. The power of the Council to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land that may be acquired under any enactment.

Compensation
may be in
land.

5.—(1) 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.

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

6. Any land acquired by the Council under section 157 or section 158 of the Act of 1933, as extended by section 1 of the Local Authorities (Land) Act 1963, for the benefit or improvement of the county may be disposed of under section 165 of the Act of 1933 as if it were land which was not required for the purpose for which it was acquired. 1963 c. 29.

PART II
—cont:

Disposal of
land.

7.—(1) The Council, by means of an order made by the Council and submitted to and confirmed by the confirming authority, may be authorised to create in favour of the Council in, under or over any land which under any enactment the Council may be authorised to acquire compulsorily any easement or other right in, under or over or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any land or building owned or occupied, or intended to be acquired or occupied, by the Council for the purposes of any of their undertakings, powers or duties:

Compulsory
acquisition of
easements.

Provided that the Council may not exercise the powers of this section in circumstances where they may be authorised to acquire such rights by virtue of section 47 of the Highways Act 1971.

(2) The confirming authority shall not confirm any order under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in, under or over or in relation to which it is proposed to be created or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946 and as if— 1946 c. 49.

(a) the expression “compulsory purchase of land” in the said Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(b) paragraphs 9 and 10 of Schedule 1 to the said Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1) whether it is created in, over or under any land to which either of those paragraphs relates or in, under or over any other land in which the person entitled to the benefit of the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within section 8 of the Compulsory Purchase Act 1965. 1965 c. 56.

(5) In this section the expression “confirming authority” means the authority having power to authorise the purchase

PART II
—cont.

Enforcement
of restrictive
covenants
relating to
land acquired
for open
spaces.

compulsorily of the land for the enjoyment or use of which the easement or other right is required or which would have had such power if such land were not already owned by the Council.

8.—(1) Where the Council have, either before or after the passing of this Act, contributed or agreed to contribute towards, or in connection with, the acquisition or utilisation by the council of any other administrative county or of any county borough, district or parish (whether or not in the county) or by any other public body (in this section referred to as an “ authority ”) or by any person or any trustees of land for the purpose of a public or private open space, recreation or pleasure ground, sports ground or playing fields, or public walk, or towards or in connection with the laying out or maintenance of such land, and such authority, person or trustees have or has, either before or after the passing of this Act, in consideration of such contribution, or of an agreement to make such contribution, entered into a covenant with the Council restrictive of the user of such land, the Council shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against such authority, person or trustees and against the persons deriving title under them or him in the like manner and to the like extent as if the Council were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(2) Where an authority have, either before or after the passing of this Act, contributed towards, or in connection with, the acquisition or use by the Council of land for the purpose of a public or private open space, recreation or pleasure ground, sports ground or playing fields, or public walk, or towards or in connection with the laying out or maintenance of such land, and the Council have, either before or after the passing of this Act, in consideration of such contribution, or of an agreement to make such contribution, entered into a covenant with such authority restrictive of the user of such land, the authority shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against the Council and the persons deriving title under them in the like manner and to the like extent as if the authority were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(3) (a) For the purposes of section 15 of the Land Charges Act 1925, any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

(b) This section shall not apply to a covenant contained in any instrument made before 27th November, 1970, unless the restrictions enforceable under such covenant were registered as local land charges within twelve months after that date.

(4) Any covenant to which this section applies shall continue to be enforceable notwithstanding that the land intended to be affected thereby may have passed to an authority acquiring the same by agreement under the Lands Clauses Acts, or any Act incorporating those Acts.

(5) Nothing in this section shall deprive the Council or any authority, person or trustees of any right to enforce a covenant to which this section applies which they or he would have had if this section had not been enacted.

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

Undertakings and agreements binding successive owners.

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

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

shall, if registered in the local land charges register, be enforceable by the local authority against the person or persons who entered into, or joined as a party to, such undertaking or agreement and all persons deriving title by, through or under him or them.

(2) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require from the Council a copy thereof.

10. Where land owned by the Council (being land acquired by the Council to provide a site for a voluntary school) is conveyed by the Council to the trustees of a voluntary school in pursuance of the provisions of the Education Act 1946, any covenants or restrictions affecting the use of such land as aforesaid shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they were enforceable against the Council prior to the conveyance referred to in this section.

Covenants or restrictions affecting certain land. 1946 c. 50.

11.—(1) If the Council—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land;

Suspension of restrictive covenants.

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

PART II
—cont.

the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by any enactment) as to the user thereof or the building thereon the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

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

(3) The Council shall—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land to which the resolution relates is situated a notice stating that the resolution has been passed, describing the land and naming a place in the area of the Council where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

(b) on or before the date of the first publication of the said notice serve a copy of the said notice by registered post or the recorded delivery service on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

(c) on or before the date of the first publication of the said notice affix a copy or copies of the said notice to some conspicuous object or objects on the land to which the resolution relates.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister within the period specified in the notice and by sending a copy thereof to the Council.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the

withdrawal of the objection or, if more than one, the last objection or the date on which the Council acquire the land, whichever is the latest.

PART II
—cont.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Council acquire the land.

(7) If in the opinion of the Council there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable the Council may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land to which the resolution relates is situated a notice describing the land and stating generally the effect of this and subsections (8) and (9) of this section and specifying the time not being less than three months from the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the land may intimate such claim to the Council and produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who it appears to them after diligent inquiry may reasonably be expected to claim to be entitled to enforce a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to enforce a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Council shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 in respect of any entitlement to the benefit of a restriction suspended under the powers of this section for loss suffered 1965 c. 56.

PART II
—cont.
1961 c. 33.

in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates or, if the Council convey the land to any body for any of the purposes of the Education Acts 1944 to 1970, so long as the land is used by that body for the purpose of those Acts, and, if compensation is paid by the Council under subsection (9) of this section in respect of the suspension of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose, the restriction shall, after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1970, remain unenforceable only so long as the land is used for that purpose.

(11) If the Council dispose of any land to which the restriction suspended under the powers of this section relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(12) Nothing in this section shall apply to—

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction for—

(i) the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of the railways board or any statutory undertakers or any land or apparatus of a local authority;

(ii) the prevention of pollution of water which any statutory water undertakers are for the time being authorised to take;

contained in any deed, wayleave, agreement or other instrument.

(13) In this section the expression “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire or appropriated that land.

(14) For the purpose of this section any land acquired by the predecessors of the Council and vested in the Council at the passing of this Act shall be deemed to have been acquired by the Council.

PART II
—cont.

12.—(1) Subject to the provisions of this section, the Council may advance money to—

Loans for
erection, etc.,
of buildings.

(a) any person for the purpose of enabling or assisting him to purchase or lease any land in the county; or

(b) the purchaser or lessee of any land in the county for the purpose of enabling or assisting him to build on the land or to extend or improve any existing building thereon.

(2) The amount of the principal of any advance made under this section shall not exceed nine-tenths of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(3) The provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act 1963 (which section empowers local authorities to make advances for the erection of buildings on land sold or let by them) shall apply in relation to an advance made under subsection (1) of this section, and for that purpose those provisions shall have effect subject to the substitution for references therein to an advance made under the said section 3, of references to an advance made under subsection (1) of this section and to any other necessary modifications. 1963 c. 29.

(4) Any person acting on behalf of the Council and authorised in writing by the clerk shall have power at all reasonable times, after giving not less than seven days' notice to the occupier, 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.

(5) In this section "lessee" includes a person to whom the owner has agreed to grant a lease, and "lease" shall be construed accordingly.

13. The Council and, in respect of a building, part of a building or proposed building in a district, the council of that district, may, if requested to do so by any person who is the owner or intended owner, or lessee or intended lessee, of any industrial building, or any part of an industrial building, or of land on which it is proposed that any industrial building should be erected, carry out any work required in relation to the preparation or improvement of the building, or part thereof, or of the land forming the site of the proposed building (as the case may be), or for the provision or improvement of any services or facilities

Power to
Council to
assist industry.

PART II
—cont.

required for the purposes of any trade or business which is carried on, or intended to be carried on, in such industrial building, and may make grants or loans towards the cost of such works or the provision or improvement of such services or facilities:

Provided that—

- (1) nothing in this section shall authorise the Council or a district council to carry out, except with the consent or approval in writing of the Post Office, works for the provision or improvement of services which it is the function of the Post Office to provide or improve;
- (2) nothing in this section shall authorise the Council or a district council to carry out works outside the curtilage of the building or proposed building for the provision or improvement of services which it is the function of statutory undertakers other than the Post Office to provide or improve;
- (3) nothing in this section shall authorise the Council to make grants.

Agreement with statutory undertakers for provision of works.

14. The Council may enter into and carry into effect agreements or arrangements with any statutory undertakers for the provision and maintenance by such undertakers of any works, facilities, supplies or services which may be necessary for the purpose of—

- (a) development by the erection of any building or the construction or carrying out of works on land for the benefit or improvement of the county; or
- (b) facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such undertaking (including the requirements arising from the needs of persons employed or to be employed therein);

or for the purpose of the use of any land after it has been developed for any of those purposes.

Power to district councils to guarantee rents, etc., of industrial buildings.

15. A district council may, if requested to do so by any person who is the owner or intended owner, or lessee or intended lessee, of any industrial building, or any part of an industrial building, or of land on which it is proposed that any industrial building should be erected, guarantee or contract to secure the payment of—

- (a) any rent or other sum payable in respect of the building or part thereof;

(b) any sums payable to any statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purposes of any trade or business carried on, or to be carried on, in the building.

PART II
—cont.

PART III

HIGHWAYS AND STREETS

16.—(1) In this Part of this Act—

Interpretation
of Part III.

“code of 1875” and “code of 1892” have the same respective meanings as in section 173 of the Act of 1959;

“excavation” includes the demolition of any part of a building or structure situate below ground level;

“street works” and “street works authority” have the same respective meanings as in section 213 of the Act of 1959;

“verge” includes any lands situated between two carriageways and any part of a street as defined in section 295 (1) of the Act of 1959 which is not a carriageway, footway or cycle track.

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

17. A rural district council may at any time resolve to bear the whole or a portion of the expense of any street works in their district under the code of 1892, and where a rural district council so resolve the liabilities of the owners of premises in respect of those expenses shall be treated as discharged, or as proportionately reduced, accordingly.

Power for
rural district
councils to
contribute to
cost of
private street
works.

18.—(1) This section applies to any excavation made after the passing of this Act on any land in the county within 30 feet from any highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the highway with the vertical plane of the boundary of the highway nearest to the excavation but does not apply to any excavation made in the course of carrying out works for the purposes of, or in connection with, apparatus of statutory undertakers or any telegraphic line belonging to or used by the Post

Excavations
near
highways.

PART III
—cont.

Office or to an excavation made by the railways board or the Cornwall River Authority or the Devon River Authority in exercise of their statutory powers.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for the highway, and if the making of any such excavation, or the execution of works for the making of any such excavation, causes the withdrawal of support as aforesaid for the highway so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment or on summary conviction, to a fine:

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

(4) Proceedings for an offence under this section may be brought by the highway authority for the highway to which the proceedings relate.

(5) Subject to the provisions of section 19 (Offences due to fault of other person) of this Act, for the purposes of this section the owner of the land on which an excavation is made shall be taken as being the person responsible for the making of the excavation or the execution of works for the making of the excavation.

(6) In any proceedings for an offence under this section it shall be a defence to prove—

- (a) that all practicable steps were taken to prevent the withdrawal of support; or
- (b) that before works for the making of the excavation were commenced, plans, sections and particulars thereof were submitted to the highway authority and approved by them and the said works were executed and the excavation made in accordance with the plans, sections and particulars so approved.

19.—(1) Where the commission by the owner of any land of an offence under section 18 (Excavations near highways) of this Act is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the owner of the land.

PART III
—cont.

Offences due
to fault of
other person

(2) In any proceedings against the owner of any land for an offence under the said section 18 it shall, subject to subsection (3) of this section, be a defence for the person charged to prove—

(a) that the commission of the offence was due to the act or default of another person who—

(i) had undertaken to be responsible for the making of the excavation in question or the execution of the works in question; or

(ii) by reason of the fact that he had in his charge or subject to his direction the making of the excavation or the execution of the works or part thereof, ought to be taken to be responsible as aforesaid; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(3) If in any case the defence provided by the last foregoing subsection involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

20.—(1) The highway authority may expunge or remove any picture, letter, sign or other mark painted or otherwise inscribed or affixed upon the surface of a highway or upon a tree, structure or works on or in a highway contrary to paragraph (cc) of subsection (1) of section 117 of the Act of 1959.

Defacing of
road surface,
etc.

(2) The court by which a person is convicted of an offence under the said section 117 may, whether or not it imposes a fine, by order require him to pay to the highway authority any expenses incurred by them in re-erecting, restoring or reinstating a traffic sign, milestone or direction post pulled down, damaged or obliterated contrary to paragraph (c) of subsection (2) of the said section or incurred by them under subsection (1) of this section.

PART III
—cont.

Application
of code of
1875 and
code of 1892
to parts of
public streets.

21.—(1) Where in any district it appears to the street works authority that a new street has been formed by reason of additions made to an existing footpath, bridleway or other highway maintainable at the public expense (not being or comprising a carriage-way within the meaning of the Act of 1959), otherwise than by the giving up for the purpose by the street works authority of lands owned by them, the street works authority may, notwithstanding anything in the code of 1875 or the code of 1892, carry out street works in respect of such street, or any part of such street, 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 maintainable.

(2) Save in a case falling within the provisions of subsection (1) of this section, for the purposes of any apportionment of the expenses of carrying out street works in part of a street where any other part of that street consists of a highway maintainable at the public expense, premises fronting, adjoining or abutting on the street shall, if the street works authority so resolve, be deemed to front, adjoin or abut on the part of the street which is not so maintainable.

1925 c. 71.

(3) Where, in consequence of any order or orders made under sections 30 or 32 of the Public Health Act 1925, or sections 159 or 166 of the Act of 1959, any lands have been or are added to an existing highway maintainable at the public expense in any district, such lands, if so resolved by the street works authority, shall for the purposes of the code of 1875 or the code of 1892 be deemed to be a street which is not maintainable at the public expense and the street works authority may apportion the whole or any portion of the expenses of any street works carried out in respect of such street, or any part of such street, on the premises of which such lands formed part immediately before their addition to the highway as aforesaid:

Provided that such expenses shall not include any expenses which under subsection (4) of section 163 of the Act of 1959 are to be borne by the street works authority.

Recovery of
street works
charges where
owner
unknown.

22.—(1) Where any street works in the county have been completed by a street works authority but they are unable to recover the amount due from the owner of any premises or otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot, after diligent inquiry, made when the said amount becomes due, and at reasonable intervals thereafter, be found, the street works authority may, at any time after the expiration of twelve years from the date when the said amount becomes due, apply to the county court, and that court may, on the receipt of such application and on being satisfied that the

provisions of this subsection have been complied with, make an order vesting the said premises in the street works authority absolutely, and thereupon the street works authority may appropriate the said premises subject to, and in accordance with, the provisions of section 163 of the Act of 1933, as if the said premises were land which was not required for the purpose for which it was acquired.

PART III
—cont.

(2) Where the county court makes an order under subsection (1) of this section the Lands Tribunal shall, for the purpose of determining the value of the said premises, nominate one of their members selected in accordance with subsection (6) of section 1 and section 3 of the Lands Tribunal Act 1949, and the member 1949 c. 42. nominated shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof, and the street works authority shall thereupon pay into court a sum equal to the amount of such valuation, after deduction of the amount of the final apportionment in respect of the said premises, with interest thereon for a period of six years at the rate of 5 per cent. per annum, or at such other rate as may have been fixed by order of the Secretary of State under section 212 of the Act of 1959 together with all costs and expenses reasonably incurred by the street works authority.

(3) Any payment into court under subsection (2) of this section shall be made in accordance with section 25 of the Compulsory Purchase Act 1965, and subsection (5) of section 9 of that Act 1965 c. 56. shall apply to any such payment into court.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the street works authority in addition to any existing rights, powers and remedies for the recovery of expenses and shall be exercisable by the street works authority in respect of all street works, whether completed before or after the passing of this Act.

(5) In relation to a street works authority which is the council of an urban district, this section shall have effect as if for reference to the code of 1892 there were substituted reference to the code of 1875 or the code of 1892, whichever shall be the appropriate code.

23.—(1) Where the highway authority are satisfied—

(a) that traffic on any street for the maintenance of which they are responsible should, by reason of any works being executed or proposed to be executed on or near the street, be prohibited or restricted; and

(b) that it is desirable that such prohibition or restriction should come into force without delay and that for

Temporary
prohibition of
traffic during
execution of
works.

PART III
—cont.
1967 c. 76.

this reason it is not expedient to effect the same by means of an order made under subsection (1) of section 12 of the Road Traffic Regulation Act 1967;

they may by notice prohibit or restrict for any period not exceeding twenty-four hours the use of that street, or any part thereof, by vehicles, or by vehicles of any particular class or pedestrians, to such extent and subject to such conditions and exceptions as they may consider necessary:

Provided that the powers conferred on the highway authority by this section shall not be exercised—

- (i) in relation to any street or any part thereof on more than one occasion in any period of fourteen consecutive days; or
- (ii) in relation to any street upon which public service vehicles are authorised by a road service licence to operate unless the highway authority give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed; or
- (iii) so as to obstruct or interfere with the access to, or exit from, any colliery or coke oven or to or from any station or depot of the railways board or of any passenger road transport operators or to or from any operational land of any statutory undertakers.

(2) The provisions of subsections (3) to (5) and (8) to (11) of section 12 of the Road Traffic Regulation Act 1967 shall extend and apply for the purposes of this section as if any notice issued by the highway authority under subsection (1) of this section had been issued under subsection (2) of that section.

(3) No prohibition or restriction on the use of any street under the powers of this section shall make it unlawful for statutory undertakers to enter upon such street in a case of emergency, with any necessary vehicles, for the purpose of inspecting, repairing, maintaining, renewing or removing (as the case may be) any apparatus of the undertakers concerned or in a case where at the time of the prohibition or restriction they are already carrying out works in that street.

Provision of parking places on trunk roads and county roads.

24.—(1) Where for the convenience of persons using a trunk road or county road it appears to the Council to be necessary to provide parking places for vehicles, they shall have for such purpose the powers of a local authority under the provisions of sections 28 to 32 of the Road Traffic Regulation Act 1967, other than subsections (1), (2), (5) and (7) of section 29 of that Act, to provide, in the county, parking places (other than underground

parking places); and the said powers, as extended to the Council by virtue of this section, shall include powers to provide and maintain any camping places, refreshment rooms, office accommodation, shelters, cloakrooms or other conveniences for use in connection with any such parking place so, however, that where any parking place is to be provided for the convenience of persons using a trunk road, that parking place and any such convenience as aforesaid shall only be provided with the consent of the Secretary of State.

PART III
—cont.

(2) Accordingly, the said provisions of sections 28 to 32, in their application to the Council, shall have effect as if—

- (a) references to a parking place were construed as including references to any such camping places, refreshment rooms, office accommodation, shelters, cloakrooms or other conveniences;
- (b) in subsection (1) of section 28 for the words “purpose of relieving or preventing congestion of traffic” there were substituted the words “convenience of persons using a trunk road or county road within the meaning of the Highways Act 1959” and the words “whether 1959 c. 25. above or below ground and” were omitted;
- (c) for subsection (5) of section 28 there were substituted the following subsection:—

“(5) Any power conferred by this section to provide a parking place includes power to maintain it and any buildings comprised in it.”; and
- (d) in subsection (6) of section 28 the words from “and for the purposes of this section” to the end of the subsection were omitted;
- (e) subsection (8) of section 28 and subsection (5) of section 31 were omitted.

(3) Where the Council propose to acquire any land or to utilise any land appropriated by them for the purposes of subsection (1) of this section, they shall, before carrying the proposal into effect—

- (a) cause notice of the proposal (specifying the land to which it relates and notifying the period, which shall not be less than twenty-eight days, within which any representations relating to the proposal shall be sent in writing to the Council) to be published in at least one newspaper circulating in the area in which the land is situated and a copy of the notice to be posted for not less than fourteen days on, or adjacent to, the land; and

PART III
—cont.

- (b) consider any representations which are sent to them in writing within the time fixed in that behalf and give notice of their decision on the representations to the person by whom they were made.

(4) The Council shall not themselves provide or sell refreshments at any refreshment room or other premises provided for the purposes of subsection (1) of this section, and any refreshment room or other premises so provided shall be disqualified for receiving a licence granted by licensing justices under the Licensing Acts 1953 to 1961, other than a restaurant licence within the meaning of section 1 of the Licensing Act 1961.

1961 c. 61.

Prohibition
of parking or
camping on
highway
verges, etc.

25.—(1) In this section “appropriate authority” means—

- (a) in the case of a trunk road, with the consent of the Secretary of State, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that road;
- (b) in the case of a county road, except a claimed county road, the Council;
- (c) in the case of a claimed county road and any other road, the local authority for the district in which the highway is situated.

(2) (a) The appropriate authority may by order prohibit the placing and leaving of any vehicle, trailer, caravan or tent on any lay-by or on the verge of, or on unenclosed land adjacent to, any part or parts of any road in the county.

(b) In this subsection “unenclosed land” means any waste land adjacent to and within 15 yards of the road and any common land or other unenclosed land of whatsoever description within that distance from the road.

(3) If any person contravenes the provisions of an order under this section, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(4) Before determining to make an order under this section, the appropriate authority shall have regard to the availability of—

- (a) suitable parking facilities (whether on or off the road and whether provided by the appropriate authority or by some other person) for use as an alternative to any verge or land which, before the making of the order, has been lawfully used for parking; and
- (b) public sanitary conveniences in convenient situations.

(5) (a) An order made under this section shall—

- (i) take effect from such date as may be specified in the order;
- (ii) specify the road or roads and any unenclosed land to which it is to apply; and
- (iii) specify the days and hours between 9 o'clock in the evening and 9 o'clock in the following morning during which the prohibition applies;

and may specify exceptions (other than those provided in subsection (10) of this section) from the prohibition thereby imposed.

(b) An order made under this section may at any time be altered or revoked by a subsequent order made in like manner.

(6) Before making any order under this section in relation to any road or land, the appropriate authority shall publish in one or more local newspapers circulating in the area in which the road or land is situated a notice—

- (a) stating the general effect of the order;
- (b) specifying the offices of every local authority in whose district the road or land is situated where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
- (c) stating that, within the said period, any person may by notice to the Secretary of State object to the making of the order.

(7) The appropriate authority shall also publish a notice in the London Gazette stating that they are about to make an order under this section, naming the area in which any road or land to which the order will apply is situated, specifying the offices of every local authority in whose district any part of the road or land is situated where a copy of the draft order may be inspected, and giving the name and date of issue of a local newspaper in which the notice explaining the general effect of the order will be found.

(8) (a) If before the expiration of a period of twenty-eight days from the first publication of the notice referred to in subsection (6) of this section or of twenty-five days from the publication of the notice in the London Gazette, an objection to the making of the order to which the notice relates is duly made to the Secretary of State, and the objection is not withdrawn, the order shall not take effect until it is confirmed by the Secretary of State.

PART III
—cont.

(b) Where the Secretary of State receives any objection to the making of an order he shall send to the appropriate authority a copy of every such objection and the Secretary of State, after considering every such objection and causing, if he thinks fit, a local inquiry to be held, may confirm the order with or without modifications.

(9) Where an order has been made and confirmed under this section, the appropriate authority shall erect, or cause to be erected, on or near any road or land to which such an order applies notices indicating the nature and extent of the prohibitions imposed by the order.

(10) (a) No order made under this section shall apply to the placing and leaving on a lay-by, verge or land of—

- (i) any vehicle, trailer, caravan or tent if it is not left for more than two hours;
- (ii) any vehicle, trailer, caravan or tent by or with the consent of the occupier of the land;
- (iii) any vehicle, trailer or caravan placed and left because of, or in connection with, mechanical breakdown;
- (iv) any vehicle, trailer, caravan or tent placed and left because of the illness of any person accompanying any such vehicle, trailer, caravan or tent;
- (v) any vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining a verge or land;
- (vi) any vehicle, trailer or caravan, the stationing of which is or may be prohibited under section 10 of the Caravan Sites Act 1968;
- (vii) any vehicle, trailer, caravan (not used for human habitation) or tent used by any statutory undertakers or the railways board in the exercise of their statutory powers or by the highway authority or the local authority in, or in connection with, the exercise of their statutory functions.

1968 c. 52.

(b) No order made under this section shall apply to any land on which tents or caravans are erected or placed in accordance with the terms of a licence granted under section 269 of the Act of 1936 or in accordance with any terms and conditions on which permission has been given for development by the local planning authority under the provisions of the Town and Country Planning Act 1962 or in respect of which a site licence is for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960.

1962 c. 38.

1960 c. 62.

(11) Notice of the prohibition contained in this section shall be indicated by such traffic signs as may be authorised for the purpose by the Secretary of State in pursuance of his powers contained in sections 54 and 55 of the Road Traffic Regulation Act 1967.

PART III
—cont.

1967 c. 76.

26.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall use any shed, hut, shelter, booth, stall, shop or other erection, whether on wheels or not, or any vehicle or any container used, with or without a stall, on any lay-by or on the verge of any road to which this section applies, or on any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever, other than newspapers.

Sale of food
and articles
on verges,
etc.

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

(3) This section applies to roads in the county of any of the following descriptions:—

(a) all trunk roads and roads which are classified as principal roads by the Secretary of State under the Local Government Act 1966;

1966 c. 42.

(b) any other county road, or part of a county road, in the county to which the highway authority may by order apply this section.

(4) (a) Before making an order under the last foregoing subsection, the highway authority shall publish once at least in each of two successive weeks in a local newspaper circulating in the locality in which the road is situated a notice stating the general effect of the intended order, and stating that within a period specified in the notice (not being less than twenty-eight days from the first publication of the notice) any person may object to the order by sending notice of his objection and of the grounds thereof to the clerk of the highway authority.

(b) If, before the expiration of the period specified in the notice, any objection to the application is received by the clerk of the highway authority the highway authority shall consider any such objection before making the order.

PART III
—cont.

(5) Nothing in this section shall apply to—

- (a) any shed, hut, shelter, booth, stall, shop or other erection or any vehicle or any container placed on private property by or with the consent of the owner of such property;
- (b) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any lay-by, verge or land to which this section applies; or
- (c) any building erected or work constructed with the consent of the Secretary of State in pursuance of section 194 of the Law of Property Act 1925, or of any other statutory provision or any scheme made pursuant to a statute.

1925 c. 20.

(6) In this section—

- “container” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;
- “private property” does not include common land or unenclosed moorland.

(7) This section shall not apply to the Helston Borough Council.

Milk stands
in highways.

27.—(1) Any person with the consent of the highway authority may, in proper and convenient situations in any highway including any roadside waste forming part of a highway, provide stands for milk churns and containers:

Provided that the consent of the highway authority shall not be given to the provision of any stand in any highway or roadside waste in such a situation as to obstruct an existing access to any premises abutting on such highway.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit.

(3) Any person aggrieved by the refusal of the highway authority to grant consent under this section or by the terms and conditions attached thereto may appeal to a magistrates' court.

(4) (a) Any person who, without the consent of the highway authority, provides stands for milk churns and containers in any highway including any roadside waste forming part of a highway shall be guilty of an offence and shall be liable to a fine not exceeding twenty pounds and if the person guilty of the offence does not within two months after conviction remove the stands in respect of which the offence has been committed, the highway authority may themselves remove the said stands and recover the expense of so doing from the person guilty of the offence.

(b) Any breach of any terms and conditions imposed by the highway authority under subsection (2) of this section shall be deemed as regards liability to a fine and the other consequences arising under the foregoing paragraph of this subsection equivalent to the provision of stands without the required approval or consent.

PART III
—cont.

28.—(1) The powers of a parish council under section 46 of the Road Traffic Regulation Act 1967 to provide parking places for bicycles and motor-cycles shall extend so as to authorise a parish council, with the consent of the relevant rural district council to provide parking places for other vehicles (whether or not consisting of buildings) in the circumstances and subject to the conditions prescribed by that section and by section 47 of the said Act of 1967.

Extension
of parish
councils'
powers to
provide
parking
places.

1967 c. 76.

(2) For the purpose of exercising the powers of the said section 46 as extended by the foregoing subsection the following provisions of the said Act of 1967 shall apply to a parish council as they apply to a local authority, namely:—

Subsections (5) and (8) of section 28; subsections (1) to (3), (6), (7) and (9) of section 29; section 30; subsections (1) to (4), (5) and (6) of section 31; and section 96.

(3) The provisions of section 48 of the said Act of 1967 shall apply to the exercise by a parish council of the powers of this section as they apply to such a council in the exercise of the powers of section 46 of that Act and section 49 of the said Act shall have effect accordingly.

PART IV

HACKNEY CARRIAGES, ETC.

29. In this Part of this Act, unless otherwise expressly enacted or unless the subject or context otherwise requires—

Interpretation
of Part IV.

“the Act of 1847” means the Town Police Clauses Act 1847;

1847 c. 89.

“hackney carriage” has the same meaning as in the Act of 1847 save that it shall not include a public service vehicle;

“the prescribed distance” has the same meaning as in the Act of 1847.

30.—(1) On and after the appointed day in any urban district there shall not, in that district, be displayed on any vehicle other than a vehicle licensed as a hackney carriage under this Part of this Act any sign or notice—

Signs or
notices on,
and
advertisements
in connection
with, vehicles.

(a) which consists of or includes the word “taxi” or “cab”, whether in the singular or plural and whether alone or as part of another word; or

PART IV
—cont.

- (b) which consists of the words “ for hire ”, or the form or wording of which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it, or would be so available if not already hired.

(2) On and after the appointed day in any urban district no advertisement—

- (a) indicating that motor vehicles can be hired on application to a specified address or telephone number, being the address or telephone number of premises in that district; or
- (b) on or near any such premises indicating that motor vehicles can be hired at those premises;

shall include the word “ taxi ” or “ cab ”, whether in the singular or plural and whether alone or as part of another word, unless the vehicles offered for hire are hackney carriages or the advertisement makes it clear that they are not.

(3) Any person who—

- (a) drives a vehicle in respect of which subsection (1) of this section is contravened or causes or permits that subsection to be contravened in respect of any vehicle; or
- (b) subject to subsection (4) of this section, issues, or causes to be issued, an advertisement which contravenes subsection (2) of this section;

shall be guilty of an offence and liable, in the case of a first offence under the paragraph of this subsection in question, to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence under that paragraph to a fine not exceeding fifty pounds.

(4) Where a person is charged with an offence under paragraph (b) of subsection (3) of this section, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that paragraph.

(5) In this section “ advertisement ” includes every form of advertising whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly.

(6) The provisions of this section shall not apply to a public service vehicle.

PART IV
—cont.

31.—(1) The local authority of an urban district may fix the rates or fares, as well for time as distance, to be paid in respect of the hire of hackney carriages plying for hire within the prescribed distance by means of a table (hereinafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section. Fixing of fares for hackney carriages.

(2) (a) Where the local authority make or vary a table of fares they shall publish in at least one newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the office of the clerk of the local authority and at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, of the last objection, whichever is the later.

(4) If objection is duly made as aforesaid and is not withdrawn the table of fares or variation shall be of no effect unless and until it is confirmed by the Secretary of State and before confirming a table of fares or variation the Secretary of State may if he thinks fit cause a local inquiry to be held into the same and, after considering the report of the person who held the inquiry may confirm the table of fares or variation with or without modification.

(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if included in byelaws made by the local authority under section 68 of that Act.

(6) On the coming into operation of a table of fares made under this section, any byelaws made by the local authority for fixing the rates and fares under section 68 of the Act of 1847, or any table of fares previously made under this section, shall cease to have effect.

PART IV
—cont.

(7) Section 252 of the Act of 1933 shall extend and apply to a table of fares made or varied under this section as it applies to byelaws made by the local authority.

Stands for
hackney
carriages.

32.—(1) For the purposes of their functions under the Act of 1847, the local authority of an urban district may from time to time appoint stands for hackney carriages for the whole or any part of a day in any street in the district and, with the consent of the owner, on any land not forming part of a street.

(2) Before appointing any stand for hackney carriages in exercise of the powers of this section, the local authority shall give public notice of the proposal by advertisement in a local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing in this section shall empower a local authority to appoint any such stand—

- (a) so as unreasonably to prevent access to any premises or in any station of the railways board except with their consent; or
- (b) so as unreasonably to prevent access to any station or depot of any passenger road transport operators except with their consent; or
- (c) so as unreasonably to prevent access to any premises of the Gas Council or the South Western Gas Board except with their consent or to any operational land of the Central Electricity Generating Board or the South Western Electricity Board.

(4) Any byelaws made by the local authority of an urban district before the passing of this Act for fixing stands for hackney carriages under section 68 of the Act of 1847 shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

Prohibition
of other
vehicles on
hackney
carriage
stands.

33.—(1) No person shall cause or permit any vehicle other than a hackney carriage licensed to ply for hire within the prescribed distance to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the local authority of an urban district under the provisions of section 32 (Stands for hackney carriages) of this Act.

(2) Notice of the prohibition contained in this section shall be indicated by such traffic signs as may be authorised for the purpose by the Secretary of State in pursuance of his powers contained in sections 54 and 55 of the Road Traffic Regulation Act 1967.

(3) If any person contravenes the provisions of this section, he shall be liable in the case of a first conviction to a fine not exceeding ten pounds and in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.

PART IV
—cont.

34.—(1) If a hackney carriage licensed by a local authority of an urban district under the Act of 1847 is transferred to a person other than the proprietor or part proprietor whose name is specified in the licence for the hackney carriage, the proprietor or part proprietor shall before or within seven days after such transfer give notice thereof in writing to the local authority specifying the name and address of the person to whom the hackney carriage will be or has been transferred and the licence shall be deemed to be revoked if the local authority disapprove the transfer of the licence to that person and the hackney carriage is or has been transferred to him:

Transfer of
hackney
carriages.

Provided that the local authority shall not disapprove the transfer of a licence to a person except upon the ground that he is not a fit and proper person to hold such a licence.

(2) Any person aggrieved by a disapproval of the local authority of an urban district under this section may appeal to a magistrates' court.

(3) If a proprietor or part proprietor fails to give notice to the local authority as provided by subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

35. The cost not exceeding five pounds per inspection incurred by that authority in carrying out inspections of vehicles for the purpose of determining whether licences should be granted therefor under the Act of 1847 shall, if that authority so resolve, be recoverable from the proprietors thereof.

Recovery of
costs of
inspections.

36. In its application to an urban district section 46 of the Act of 1847 shall have effect as if for the words "one shilling" there were substituted the words "one pound".

Fee for
driver's
licence.

37.—(1) Notwithstanding anything in the Act of 1847, the local authority of an urban district may suspend or revoke the licence of a proprietor of a hackney carriage—

Suspension
and revocation
of
proprietor's
licence.

(a) on the ground of the unfitness of the hackney carriage;
or

(b) for any other reasonable cause;

PART IV
—cont.

and where the local authority suspend or revoke such a licence under this subsection they shall give to any such proprietor notice of the grounds on which the licence has been suspended or revoked:

Provided that nothing in this section shall empower the local authority to revoke the licence of a proprietor of a hackney carriage on the ground of the bankruptcy of the proprietor.

(2) Any such proprietor aggrieved by a decision of a local authority under this section may appeal to a magistrates' court.

Suspension
and
revocation
of driver's
licence.

38.—(1) Notwithstanding anything in the Act of 1847, the local authority of an urban district may suspend or revoke the licence of a driver of a hackney carriage—

(a) on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence; or

(b) for any other reasonable cause;

and where the local authority suspend or revoke such a licence under this subsection they shall give to any such driver notice of the grounds on which the licence has been suspended or revoked.

(2) Any such driver aggrieved by a decision of the local authority under this section may appeal to a magistrates' court.

Fitness of
hackney
carriages.

39. Any person acting on behalf of the local authority of an urban district and duly authorised in writing by the clerk of the local authority shall have power at all reasonable times to inspect any hackney carriage in the district which is for the time being licensed by the local authority under the Act of 1847 for the purpose of ascertaining its fitness, and if he is not satisfied as to the fitness of the hackney carriage or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage to make it or its taximeter available for further inspection at such reasonable time and place as may be specified in the notice and suspend the licence of the proprietor until such time as such authorised person is so satisfied or until the expiration of a period of two months, whichever shall first occur.

Qualifications
for drivers of
hackney
carriages.

40.—(1) Notwithstanding anything in the Act of 1847 the local authority of an urban district shall not grant a licence to act as a driver of a hackney carriage—

(a) to any person under such age as the local authority of an urban district may by resolution from time to time determine not being less than the age of twenty-one years;

- (b) to any person who has not for at least twelve months been the holder of a licence granted under Part II of the Road Traffic Act 1960 (not being a provisional licence) authorising him to drive a motor car; PART IV
—cont.
1960 c. 16.
- (c) to any person who in the opinion of the local authority of an urban district is not sufficiently familiar with the urban district.

(2) Any person aggrieved by a refusal of the local authority of an urban district under paragraph (c) of subsection (1) of this section may appeal to a magistrates' court.

(3) Notice of any resolution passed by the local authority under paragraph (a) of subsection (1) of this section shall be published by the local authority in at least one newspaper circulating in the district.

(4) Nothing in paragraph (a) of subsection (1) of this section shall prevent the local authority from granting a licence to act as a driver of a hackney carriage to any person who at the date of the passing of a resolution under the said paragraph was the holder of such a licence.

41.—(1) The local authority of an urban district may require any applicant for a licence to drive a hackney carriage to submit to them such information as to the physical fitness of the applicant and as to the character of the applicant as they may consider necessary to enable them to determine whether to grant such licence. Power to
require
applicants to
submit
information.

(2) If a person knowingly or recklessly makes a false statement in giving information under this section he shall be liable to a fine not exceeding fifty pounds.

42. Any person who within the prescribed distance, on completion of the hire of a hackney carriage licensed by the local authority of an urban district under the Act of 1847, refuses to pay the fare lawfully due from him in respect of the hiring shall be liable to a fine not exceeding twenty pounds. Penalty on
persons
refusing
to pay fare

43. The powers of the local authority of an urban district under section 68 of the Act of 1847 shall extend so as to enable them to make byelaws for regulating the conduct of passengers in hackney carriages. Extension
of section 68
of Act of
1847.

44. Notwithstanding anything in sections 43 and 46 of the Act of 1847, any licence granted by the local authority of an urban district council in respect of a hackney carriage or to the driver of a hackney carriage shall, if the local authority think fit, remain in force for such period not exceeding three years from the date of the licence as they may determine. Period of
licences.

PART IV
—*cont.*

Provided that nothing in this section shall affect the powers of the local authority to suspend or revoke such a licence.

PART V

FIRE PROTECTION AND PUBLIC SAFETY

Oil-burning
equipment.

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

(2) (a) The Council, if requested to do so by a local authority, may make byelaws for securing that, in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws, proper arrangements are made for preventing or reducing danger from fire.

(b) Byelaws made under this section may prescribe the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment in any building, or on any land, and the mode of arrangement of any such works, apparatus, fittings and appliances.

(3) (a) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and passed by, the local authority shall, for the purposes only of this section, be deemed to be approved by the local authority as complying with the appropriate specification for such equipment contained in the byelaws in respect of all matters shown in the plans and specifications so passed.

(b) If the local authority do not, within two months from the submission of plans and specifications of any equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(4) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land, the local authority are satisfied that proper arrangements will be made for preventing or reducing danger from fire, they may, on the application of the person proposing to install or place such equipment, approve the installation or the placing of the equipment notwithstanding that it may not comply with the appropriate specification for such equipment contained in the byelaws.

(5) (a) Any person aggrieved by the refusal of the local authority to approve the installation or placing of any equipment under subsection (4) of this section may, within twenty-one days from the receipt of notification of the refusal, appeal to the Secretary of State.

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

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the local authority given under this section.

(6) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act, the provisions of this section, and of any byelaws made thereunder, shall be provisions which it is the duty of the local authority to enforce.

(7) (a) If any person installs oil-burning equipment in any building or on any land in a district without giving notice to the local authority in accordance with subsection (1) of this section, he shall be liable to a fine not exceeding twenty pounds.

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

- (i) that person, after conviction of the contravention; or
- (ii) any other person, after notice of the conviction has been served on him by the local authority;

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

(8) In this section—

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

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

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

“apparatus” and “fittings” include pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(9) Nothing in this section or any byelaws made thereunder shall apply to—

- (a) any oil-burning equipment if the storage tank or tanks supplying, or designed or adapted to supply, oil to the boiler has or have a total capacity not exceeding 750 gallons; or

PART V
—cont.

1968 c. 54.

- (b) the installation of any oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or
- (c) the installation by any statutory undertakers or the railways board for the purposes of their respective undertakings, of any oil-burning equipment in or on any building or land, other than in houses or in buildings used as offices or showrooms not being, in the case of the railways board, buildings so used which form part of a railway station.

1961 c. 34.

(10) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Act 1961 or the Act of 1963 apply on the coming into force in relation to those premises of regulations made under either of those Acts and relating to the same subject-matter as this section.

Fire
precautions
in certain
large
buildings.

46.—(1) As from the appointed day no building of the warehouse class and no building used or intended to be used for the purpose of trade or manufacture shall be erected in the county of a cubic extent exceeding 250,000 cubic feet, or extended to exceed that extent, unless (in accordance with plans and particulars submitted in accordance with building regulations and approved for the purposes of this section by the local authority of the district in which the building is to be erected or situated) it is—

- (a) provided with such means of escape therefrom in case of fire as may be reasonably required; and
- (b) (if the local authority in all the circumstances think it necessary) fitted with automatic fire alarms and a fire extinguishing system or with either such alarms or such system to the satisfaction of the local authority:

Provided that—

- (i) nothing in paragraph (a) of this subsection shall apply to a factory to which section 40 of the Factories Act 1961 applies, to buildings to which section 59 of the Act of 1936 applies or to premises to which the Act of 1963 applies or to premises to which building regulations imposing requirements as to the provision of means of escape in case of fire apply;
- (ii) nothing in paragraph (b) of this subsection, so far as it relates to the provision of fire alarms, shall apply to a factory to which subsection (7) of section 48 of the said Act of 1961 applies or to premises to which section 34

of the Act of 1963 applies, or, so far as it relates to the provision of a fire extinguishing system, shall apply to a factory to which subsection (1) of section 51 of the said Act of 1961 applies or to premises to which the Act of 1963 applies.

(2) (a) The person proposing to erect, or cause to be erected, or extend, or cause to be extended, any building to which subsection (1) of this section applies shall, when submitting plans and particulars in accordance with building regulations, deposit with the local authority particulars showing how it is proposed to comply with the requirements of subsection (1) (a) and (b) of this section.

(b) A local authority may, after consultation with the fire authority and at any time within a period of two months after the deposit of the particulars, irrespective of any decision under building regulations—

- (i) refuse to approve them; or
- (ii) approve them subject to such conditions (if any) as they think fit.

(c) Where a local authority refuse to approve the particulars or approve them subject to conditions, they shall give to the person who deposited the particulars notice stating their reasons for refusal or for the imposition of conditions:

Provided that if within the said period of two months the local authority fail to give such notice they shall be deemed to have approved the said particulars.

(3) (a) If any building to which subsection (1) of this section applies is erected or extended in contravention of any of the requirements of paragraphs (a) or (b) of that subsection, the local authority, without prejudice to their rights to take proceedings for penalties in respect of the contravention, may by notice require the person erecting or causing to be erected the building or extension either to pull down and remove it or, if he so elects, to effect such alterations therein as may be necessary in order to comply with the said requirements.

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

(4) All means of escape, fire alarms and fire extinguishing systems provided or fitted (as the case may be) in accordance with the requirements of paragraphs (a) and (b) of subsection (1) of this section and all means of escape provided in accordance with building regulations in premises to which this section applies, shall be properly maintained and kept free from obstruction.

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—cont.

(5) (a) A person who erects, or causes to be erected, or extends, or causes to be extended, a building in contravention of any of the provisions of this section shall be guilty of an offence under this section.

(b) The occupier of any premises who contravenes any of the requirements of subsection (4) of this section shall be guilty of an offence under this section.

(c) A person who commits an offence under this section shall on summary conviction be liable to a fine not exceeding two hundred pounds.

(6) Any person aggrieved by—

(a) a requirement of a local authority; or

(b) a refusal by a local authority to approve particulars; or

(c) a condition subject to which approval of particulars is given by a local authority;

under subsection (1) or (2) of this section may appeal to a magistrates' court, and on any such appeal the court may confirm, reverse or vary such requirement, refusal or condition.

(7) Any member of the fire brigade of the county who is duly authorised for the purpose shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter at all reasonable times any building to which subsections (1) to (3) of this section apply—

(a) for the purpose of ascertaining whether there is, or has been, in, or in connection with, the building, any contravention of the provisions of this section;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise a local authority to take any action under this section.

(8) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into a building for the purposes of subsection (7) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(9) Nothing in this section shall apply to any building—

(a) which is divided by compartment walls or compartment floors constructed in accordance with building regulations in such a manner that no division of the building is of a cubic extent exceeding 250,000 cubic feet;

(b) in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or

(c) which is exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by paragraph (c) of section 71 of that Act.

(10) Any reference in this section to plans deposited in accordance with building regulations shall be construed as

including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the regulations or this section.

PART V
—cont.

47.—(1) The power of a local authority to make byelaws under section 75 of the Public Health Act 1961 relating to pleasure fairs shall extend to the making of byelaws for preventing or reducing danger from, or risk of fire in or to, caravans, stands, stalls and structures used or intended to be used for the purposes of, or in connection with, any fair or circus.

Byelaws for prevention of fire at fairs and circuses. 1961 c. 64.

(2) Without prejudice to the generality of the foregoing provisions of this section, any byelaws made under section 75 of the said Act of 1961 as extended by this section may—

(a) prescribe the space to be kept free between the bodies of any two such caravans used or intended to be used for sleeping accommodation and between the body of any such caravan so used or intended to be used and such stand, stall or structure;

(b) prohibit or restrict the storage and use of flammable gases other than for domestic purposes;

and such byelaws shall in all circumstances be deemed to be properly made for the preservation of public safety:

Provided that no byelaws so made shall apply to any caravan, stand, stall or structure erected for the purposes of, or in connection with, a fair or circus provided by The Scout Association or The Girl Guides Association or by members of an organisation established by either of such associations in pursuance of their charter.

48.—(1) In its application to a district section 29 of the Public Health Act 1961 (which relates to the demolition of buildings) shall have effect as if, in subsection (5) thereof, there were inserted the following paragraph:—

Fire precautions on demolition of buildings.

“(bb) to take such precautions as the local authority may reasonably require with regard to the burning on the site of materials or rubbish or of any structure”.

(2) This section shall not apply to the rural district of Launceston.

49.—(1) This section applies to—

(a) any building of which part (hereafter in this section referred to as “the storage part of the building”) is used, or intended to be used, for the storage for the purposes of sale or trade of any substance to which this section applies and part is used, or intended to be used, as a habitable room or a place in which any person works,

Parts of buildings used for storage of flammable substances.

PART V
—cont.

if the part used, or intended to be used, as a habitable room or a place in which a person works communicates directly or indirectly with, or is adjacent to, or constructed at a higher level than, the storage part of the building ;

(b) any substance which is highly flammable:

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

1928 c. 32.
1922 c. 35.

- (i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 or the Celluloid and Cinematograph Film Act 1922 apply; or
- (ii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in securely closed metal containers in good condition and containing not more than 5 gallons each; or
- (iii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed 25 gallons.

(2) If the Council are of the opinion that the storage for the purposes of sale or trade of any substances to which this section applies in any part of a building in the county to which this section applies is—

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

(b) in such manner as to be liable to cause fire or explosion; they may by notice require the occupier of any part of the building to provide or fit (as the case may be), within such reasonable period as may be specified in the notice—

- (i) adequate means of giving warning, in the case of fire, to persons occupying the building and for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;
- (ii) means of ready escape in case of fire from the storage part of the building and any other part of the building, being a part comprising a habitable room or a place

in which any person works if that other part communicates directly or indirectly with, or is adjacent to, or constructed at a higher level than, the storage part of the building;

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

(3) The occupier of any building who—

(a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a notice given by the Council under subsection (2) of this section; or

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

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

(4) Upon compliance with a notice under subsection (2) of this section the Council shall forthwith issue to the person to whom the notice was given a certificate of such compliance.

(5) (a) If, after a certificate of compliance with a notice under subsection (2) of this section has been granted by the Council—

(i) any material extension or material structural alteration of the building to which the certificate relates is intended to be made; or

(ii) it is intended materially to increase the storage in the said building of any substance to which this section applies;

the occupier of any part of the building shall, not less than twenty-one days before any such extension or alteration is made or any such storage is increased, give notice of such intention to the Council who may serve a further notice varying any requirement made under subsection (2) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the Council shall amend the certificate or grant a new

PART V
—cont.

certificate in respect of the building, but if anything required to be provided in accordance with a further notice served under this subsection is not provided within such reasonable time as may be specified in the notice, the Council may cancel the certificate previously granted in respect of the building.

(6) All means of escape, fire alarms and means of extinguishing fire provided or fitted (as the case may be) under the requirements of sub-paragraphs (i) and (ii) of paragraph (b) of subsection (2) of this section shall be properly maintained and kept free from obstruction.

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

(8) (a) An authorised officer of the Council may, in respect of any premises which he has entered in pursuance of the powers conferred by the said section 287, purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any test of a sample taken by an authorised officer of the Council by virtue of this section shall not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (9) of this section, unless the following requirements have been complied with, that is to say, the said officer shall forthwith after taking the sample notify the occupier of the building of his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container, which shall be sealed up and marked, and shall—

- (i) deliver one part to the occupier of the building;
- (ii) retain one part for future comparison; and
- (iii) if he thinks fit to have a test made, submit one part to be tested.

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

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

(b) Any person aggrieved by the refusal of the Council to grant or amend a certificate under this section, or by the cancellation of a certificate under subsection (5) of this section, may appeal to a magistrates' court.

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

(11) In this section "building" where used in relation to the storage of substances therein includes the curtilage of the building, and "habitable room" includes a room or place to which the public resort.

(12) Nothing in this section shall apply to premises which are subject to the Factories Act 1961, the Act of 1963, the Licensing Act 1964 or the Private Places of Entertainment (Licensing) Act 1967, or regulations made under those Acts.

1961 c. 34.
1964 c. 26.
1967 c. 19.

50.—(1) The Council may, in relation to any substance to which this section applies—

Prescription of signs to be used on certain buildings.

(a) prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of the substance and the existence of danger from fire;

(b) by notice require the occupier of any part of a building used for the manufacture or storage of the substance to affix, within such reasonable time as is specified in the notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice.

(2) This section applies to any substance likely to involve special hazard to persons engaged in operations for fire-fighting purposes.

(3) If any person fails to comply with the requirements of the Council under this section he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(4) In this section "fire-fighting purposes" has the same meaning as in the Fire Services Act 1947.

1947 c. 41.

51.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts, or other equipment so designed, and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

Firemen's switches for luminous tube signs.

PART V
—cont.

(2) As from the coming into operation of this section, apparatus to which this section applies in the county shall be provided with a cut-off switch on the low-voltage side of the transformer, and the switch shall be so placed, and so coloured or otherwise marked, as to satisfy such reasonable requirements as the Council may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

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

(4) Where apparatus to which this section applies has been installed before the date of the coming into operation of this section, the consumer shall, not less than fourteen days before that date, give notice to the Council—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is coloured or otherwise marked;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid, showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the Council as required by subsection (3) or subsection (4) of this section, the proposed or (as the case may be) actual position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Council unless, within ten days from the date of the service of the notice, if the notice is served under subsection (3) of this section, or within twenty-one days from the date of the service of the notice, if the notice is served under subsection (4) of this section, the Council have served on the consumer a counter-notice stating that their requirements are not satisfied.

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

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

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

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

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

PART V
—cont.

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

1947 c. 54.

(12) This section shall not apply to apparatus installed on or in premises, or any part of premises, in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force:

1968 c. 54.

Provided that where any luminous tube sign to which, but for this subsection, this section would apply is proposed to be fitted on or in any such premises, the owner or occupier thereof shall, before such apparatus is fitted, give notice under subsection (3) of this section to the Council informing them of the position in which it is proposed to place the cut-off switch.

(13) This section shall come into operation in the county at the expiration of a period of two months beginning with the date on which this Act is passed.

(14) (a) The Council shall, as soon as may be after the passing of this Act, cause public notice to be given of the effect of the foregoing provisions of this section by advertisement in two or more newspapers circulating in the county, and otherwise in such manner as the Council think fit.

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

52.—(1) A fire officer authorised in writing by the chief fire officer of the Council may, on giving not less than forty-eight hours' notice to the secretary of a club in the county registered under the Licensing Act 1964 and on production of his authority, enter and inspect, as regards any matter affecting fire risks, the premises occupied by the club at any reasonable time on such day as may be specified in the notice; but the chief fire officer shall not so authorise a fire officer unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of functions in relation to any matter affecting fire risks.

Fire precautions in registered clubs.

1964 c. 26.

(2) Any person obstructing a fire officer in the exercise of the power conferred by this section shall be liable to a fine not exceeding twenty pounds.

PART V
—cont.

Disposal of
dangerous
containers.

53.—(1) No person shall within the county dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of flammable, explosive or poisonous substance and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from the container to any person or property.

(2) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds and the local authority may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing.

(3) In this section “poisonous substance” means a substance specified in the Poisons List for the time being in force under section 17 of the Pharmacy and Poisons Act 1933.

1933 c. 25.

Protection of
dangerous
excavations.

54.—(1) Where there is on any land in their district a pond, well, mineshaft, quarry or other excavation (including subsidence resulting from such an excavation) which, by reason of its being unfenced or inadequately fenced or otherwise inadequately protected, constitutes a danger to children or other persons, a local authority may pay, or contribute to the payment of, any expenses incurred in the execution, by any body or person who has the right to do so, of any works of repair, protection or enclosure which may be required to obviate the danger:

Provided that, in the case of an excavation in respect of which any person may, under section 144 of the Act of 1959 or section 151 of the Mines and Quarries Act 1954, be required to execute works to obviate the danger, the local authority shall only pay, or contribute to the payment of, the expenses of executing such works where they are satisfied that it would be unreasonable in the circumstances of the case for such body or person to be required to bear the expense, or the whole of the expense (as the case may be), of executing such works.

1954 c. 70.

(2) If in the case of any such pond, well, mineshaft, quarry or other excavation as aforesaid on any land in their district—

- (a) the local authority are unable, after making reasonable inquiry, to ascertain the name and address of the owner or occupier of the land; or
- (b) the local authority have, by notice given to the owner or occupier of the land, requested the execution of such works of repair, protection or enclosure as they may consider necessary to obviate the danger, and, despite an offer made by the local authority to pay or contribute

to the payment of any expenses incurred by the owner or occupier in the execution of such works, the works are not executed within such reasonable time thereafter as may be necessary for the purpose;

the local authority may, subject to the provisions of subsection (3) of this section, themselves execute such works.

(3) (a) Where, in a case referred to in paragraph (b) of subsection (2) of this section, the local authority propose themselves to execute works on any land they shall, before carrying the proposal into effect, serve notice on the owner or occupier of the land specifying—

- (i) the place where the local authority propose to execute such works;
- (ii) the nature of the works proposed;
- (iii) the effect of paragraphs (b) and (c) of this subsection; and
- (iv) the period, which shall not be less than twenty-eight days, within which notice of objection to the proposal may be sent in writing to the local authority.

(b) The local authority shall consider any notice of objection sent to them by the owner or occupier of the land within the period so specified and give notice of their decision on the objection to the person by whom it was made.

(c) If that person is aggrieved by the decision of the local authority he may, within twenty-one days after receiving notice thereof, appeal to a magistrates' court, and the court shall have power to make such order in the matter as it considers reasonable but in so doing shall have regard, as between an owner and occupier, to the terms and conditions (whether contractual or statutory) of any tenancy.

(4) If in pursuance of subsection (2) of this section, or of an order of a court made under paragraph (c) of subsection (3) of this section, the local authority themselves execute works of repair, protection or enclosure on any land they shall, unless otherwise agreed in writing between the local authority and the owner or occupier of the land and unless otherwise provided in any such order of the court, maintain those works.

(5) The Council may pay such contributions as they think fit towards any expenses incurred by any person (including a local authority) in executing works in relation to any such pond, well, mineshaft, quarry or other excavation in the county for the purpose of obviating danger to persons.

PART V
—cont.Regulation of
bathing and
surfing.

55.—(1) Section 231 of the Act of 1936 shall have effect in its application to the districts to which this section applies as if in subsection (1) after paragraph (f) there were added the following paragraphs:—

“(g) regulate for preventing danger to bathers the areas in which and the hours during which surfing by means of surf boards measuring more than 5 feet in length shall be permitted;

(h) prohibit bathing or attempting to bathe during such periods as the local authority shall cause to be displayed in a conspicuous manner on the seashore, promenade, parade or other like place by means of flags or other means, notices that bathing in the sea or attempting to bathe therein is prohibited on account of danger.”

(2) This section shall apply to all districts in the county except—

- the borough of Bodmin;
- the borough of Liskeard;
- the borough of Truro;
- the borough of Launceston;
- the urban district of Newquay;
- the rural district of Launceston.

Control of
surf riding

56.—(1) Subject to the following provisions of this section, as from the appointed day the local authority of a district to which this section applies shall operate the scheme for the control of surf riding set out in Schedule 1 to this Act.

(2) The Secretary of State may, on the application of the local authority of a district to which this section applies or of any person appearing to the Secretary of State to have an interest in the said scheme, by order make such amendments to the scheme as he thinks fit so far as it relates to that district.

(3) Any person guilty of an offence under the said scheme shall be liable to a fine not exceeding twenty pounds.

(4) This section shall apply to all districts in the county except—

- the borough of Bodmin;
- the borough of Liskeard;
- the borough of Truro;

the borough of Launceston;
the rural district of Launceston.

PART V
—cont.

57.—(1) The Council may—

- (a) on any land which is for the time being owned by them or under their control, or with the consent of the occupier on any other land, provide and maintain apparatus for use in the rescue of persons in danger of drowning or who have been injured or otherwise incapacitated while engaged in any activity involving danger to life or limb, together with structures for the storage or safe keeping of any such apparatus;
- (b) appoint officers to act as lifeguards for the rescue of persons in danger of drowning and provide shelter accommodation for such officers.

Rescue
apparatus
and officers.

(2) The Council may contribute to the expenses incurred by any other body or person in providing in their area any apparatus or structure as aforesaid.

(3) The Council may combine with, or contribute to the expenses of, any other authority in exercising their powers under this section.

PART VI

PUBLIC ORDER, HEALTH AND WELFARE

58.—(1) Where plans of a building have been deposited with a local authority in pursuance of building regulations the local authority may reject the plans if the local authority are not satisfied that they show that—

Refuse
disposal.

- (a) satisfactory provision will be made for the storage of refuse; and
- (b) adequate means of access from a highway to the place of storage of the refuse so as to facilitate the removal of refuse to the local authority refuse vehicles will be provided:

Provided that this section shall not apply to a private dwelling-house unless it forms part of a building comprising more than one dwelling-house within the same curtilage.

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

(3) Any question arising under this section between the local authority and the person by or on whose behalf plans are deposited

PART VI
—cont.

as to whether the provision for storage of refuse or the means of access shown on the plans are adequate may on the application of that person be determined by a magistrates' court:

Provided that no such application shall be entertained unless it is made before the proposed building has been substantially commenced.

(4) This section shall not apply to the Newquay Urban District Council.

Power to provide dustbins for trade refuse.

59.—(1) A local authority may, as respects any premises in their district, provide and maintain such number of dustbins or other receptacles for the reception of trade refuse as they may consider necessary.

(2) Subsection (3) of section 75 of the Act of 1936 (which enables a local authority to make charges in respect of dustbins provided by them) shall apply in relation to a dustbin or other receptacle provided under subsection (1) of this section.

Restriction on use of dustbins.

60.—(1) No person shall deposit in a dustbin or other receptacle for removal by or on behalf of a local authority (whether as house refuse or trade refuse) any corrosive substances or inflammable liquids (whether in containers or not) whereby injury to the health of the employees of the local authority or damage to vehicles or other equipment may be caused unless he takes such steps as may be reasonably necessary to prevent danger from the container.

(2) No person shall deposit in a dustbin or other receptacle for the removal of house refuse by or on behalf of the local authority any refuse of a liquid or partially liquid character unless in a closed container.

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

Control of refuse tips.

61.—(1) Subsection (3) of section 76 of the Act of 1936 shall have effect in its application to the county as if the following were substituted for paragraph (b):—

“(b) to sort over or disturb the material deposited in any place provided by—

(i) the authority for the deposit of refuse;

(ii) the authority under section 18 of the Civic Amenities Act 1967; or

(iii) agreement with any person, body or local authority under subsection (4) of that section.”

(2) This section shall not prevent the sorting over of material deposited in any place provided for the deposit of refuse—

PART VI
—cont.

(a) by any person employed by a local authority in connection with the removal and disposal of refuse;

(b) by any other person who has received the local authority's specific permission to do so;

(c) in the case of any place so provided by virtue of an agreement under subsection (4) of section 18 of the Civic Amenities Act 1967, by any other person employed at that place or any person having control over that place or any person who has received the specific authority of any person having control over that place. 1967 c. 69.

62.—(1) A local authority may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof. Tipping of spoil and refuse.

(2) Byelaws made by virtue of this section may—

(a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

(b) provide that any spoil or refuse tip placed, kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse—

(a) by railway, canal or inland navigation undertakers for the purpose of constructing, altering or maintaining any railway, canal, inland navigation, dock or wharf works or by statutory undertakers other than the Post Office on operational land; or

(b) by a river authority for the purpose of land drainage or flood alleviation or in the exercise of its new functions under the Water Resources Act 1963; or 1963 c. 38.

(c) on premises which are deemed to form part of a mine or quarry for the purposes of the Mines and Quarries Acts 1954 and 1969 or at a tip to which Part I of the Mines and Quarries (Tips) Act 1969 applies. 1969 c. 10.

63.—(1) A local authority may by notice require a contractor engaged in or upon any building operations in their district, or in or upon the construction or reconstruction of any works therein, within such time as may be specified in the notice— Provision of sanitary conveniences for building contractors' employees.

(a) to provide sufficient and satisfactory sanitary conveniences for the workpeople engaged thereon; and

PART VI
—cont.

(b) where the workpeople engaged thereon comprise both men and women, to provide as aforesaid for men and women separately;

if it is reasonably practicable so to do.

(2) This section shall not apply to building operations or works—

1961 c. 34.

(a) to which section 127 of the Factories Act 1961 applies;

1954 c. 70.

(b) at any mine or quarry within the meaning of the Mines and Quarries Act 1954.

(3) 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.

Extension of
power to
provide public
conveniences.

64.—(1) The provisions of subsection (2) of section 87 of the Act of 1936 shall extend so as to authorise the Council to provide public sanitary conveniences in, on or under any land which is adjacent to but which does not form part of a county road or a trunk road in the county, and the provisions of subsection (3) of that section shall apply accordingly:

Provided that the powers of this subsection shall not be exercised in relation to a trunk road or in relation to any land acquired by the Secretary of State in connection with a trunk road under subsection (5) or subsection (6) of section 214 of the Act of 1959, or under section 215 of that Act, without the consent of the Secretary of State.

(2) The Council may enter into an agreement—

(a) with any person for the provision by him of any public sanitary conveniences which the Council have power to provide; and

1928 c. 32.

(b) with the owner and occupier of any such premises as are referred to in subsection (1) of section 89 of the Act of 1936 or the owner and occupier of any premises comprising a petroleum filling station as defined in the Petroleum (Consolidation) Act 1928, for the provision by him, in addition to any sanitary conveniences provided for the use of persons employed at or frequenting such premises, of additional sanitary conveniences for the use of members of the public;

and any such agreement may contain such incidental and consequential provisions as appear to the Council to be necessary or expedient for the purposes of the agreement, including in particular but without prejudice to the generality of the foregoing, provision for—

(i) a contribution, whether by way of a loan or otherwise, by the Council towards the reasonable expenses incurred by any person in providing and maintaining sanitary conveniences for the use of members of the public;

- (ii) the charges to be made to persons making use of any such conveniences, other than urinals;
- (iii) the regulation of the use of any such conveniences.

PART VI
—cont.

65.—(1) As from the appointed day the regulations made under sections 9 or 10 of the Act of 1963 shall apply to all premises in the county where self-employed persons are engaged in any industrial, commercial or distributive practice as if those persons were employees for the purpose of those regulations.

Application of Act of 1963 to certain self-employed persons.

(2) This section shall not apply to—

- (a) any premises described in subsection (3) or subsection (4) of section 52 of the Act of 1963; or
- (b) any workplace deemed, by virtue of subsection (5) of section 175 of the Factories Act 1961, to be a factory for the purposes of that Act.

1961 c. 34.

66.—(1) As from the appointed day the Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968 (except regulations 4 and 6) made under section 20 of the Act of 1963 shall apply to all lifts and hoists in the county not specifically covered by the Factories Act 1961, or the Act of 1963.

Application of Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968 to all lifts and hoists.

(2) This section shall not apply to any premises described in subsection (3) or subsection (4) of section 52 of the Act of 1963.

67. The Council may institute investigations and research into matters affecting the county relating to—

- (a) social or economic conditions; or
- (b) health or hygiene;

Research into matters concerning social conditions, etc.

and may contribute by grants or otherwise towards the cost of similar investigations and research undertaken by other bodies or persons.

68.—(1) A local authority, for the purpose of ascertaining whether or not an offence has been committed under section 1 of the Caravan Sites and Control of Development Act 1960, may by notice in writing, signed by their clerk or his lawful deputy, require the owner or reputed owner of any land in their district on which a caravan is stationed, or any person who, either directly or indirectly, receives rent in respect of such land, to state in writing the name and address of the occupier of such land, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails without good cause to give that information within twenty-eight days of being so required, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Information as to occupiers of land on which caravans are stationed.

1960 c. 62.

PART VI
—cont.

(2) In this section “ occupier ” has the meaning assigned to it by subsection (3) of section 1 of the said Act of 1960.

Touting,
hawking, etc.

69.—(1) As from the appointed day no person shall at any place in a district to which this section applies—

(a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement or for a boat, hackney carriage or public service vehicle; or

(b) without the consent of the council of the district, which may be given on such terms and conditions as they think fit—

(i) hawk, sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

(2) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to—

(a) the sale or offering for sale by any person of newspapers and periodicals; or

(b) a sale or offering for sale to persons residing in, or employed or carrying on business at, premises in or adjoining a place to which this section applies.

(3) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

(4) This section applies to any place—

(a) in or on an esplanade, parade, promenade, marine drive or public walk;

(b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906, which is provided by the local authority or under their management and control;

(c) on the seashore;

(d) in any street or part of a street to which this section applies by virtue of byelaws made by the district council under this section.

(5) Any person aggrieved by the refusal of a council to give their consent under paragraph (b) of subsection (1) of this section, or by any terms or conditions attached to a consent given by a council thereunder, may appeal to a magistrates' court.

(6) If any person contravenes any of the foregoing provisions of this section or any term or condition upon which consent is given thereunder he shall be liable to a fine not exceeding twenty pounds.

(7) The provisions of this section shall not prevent any landowner, or any person with his consent, exercising any rights which he could have exercised if this section had not been enacted.

(8) This section shall apply to all districts in the county except—

- the borough of Bodmin;
- the borough of Liskeard;
- the borough of Launceston;
- the urban district of Newquay;
- the rural district of Launceston.

70.—(1) As from the appointed day no person being the owner or occupier of premises in a district to which this section applies and fronting a street to which this section applies shall allow any other person to use a forecourt of such premises, whether for payment or not, for the purposes of—

Sale of food and articles from private forecourts.

(a) importuning any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement or for a boat, hackney carriage or public service vehicle; or

(b) without the consent of the council of the district, which may be given on such terms and conditions as they may think fit—

(i) hawking, selling or offering for sale any article or commodity; or

(ii) taking a photograph by way of trade or business of any person except as mentioned in subsection (5) of this section.

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

(3) The provisions of sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to any activity—

(a) in respect of which planning permission has been obtained; or

PART VI
—cont.
1962 c. 38.

S.I. 1963/709.

(b) for which planning permission is granted by any development order or other order made under the Town and Country Planning Act 1962;

except a use which is permitted by virtue of Class IV of Schedule 1 to the Town and Country Planning General Development Order 1963.

(4) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to—

- (a) the sale or offering for sale by any person of newspapers and periodicals; or
- (b) the sale or offering for sale of any article or commodity, except hot food, by an automatic vending machine; or
- (c) a sale or offering for sale to persons residing in, or employed at, those premises.

(5) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

(6) Any person aggrieved by the refusal of a council to give their consent under paragraph (b) of subsection (1) of this section, or by any terms or conditions attached to a consent given by a council thereunder, may appeal to a magistrates' court.

(7) The provisions of this section shall not be applied to prevent an owner or occupier of premises from allowing a person being a relative or a bona fide employee of the said owner or occupier to use the forecourt of such premises for any of the purposes mentioned in subsection (1) of this section.

(8) In this section—

- “hot food” does not include any beverage; and
- “forecourt” does not include any area lying behind a building line in any street.

(9) (a) This section applies to any street to which this section applies by virtue of byelaws made by a district council under this section.

(b) This section applies to any district in the county except—
the borough of Bodmin;
the borough of Liskeard;
the borough of Launceston;
the urban district of Newquay;
the rural district of Launceston.

PART VII

FINANCE

71.—(1) In this Part of this Act unless otherwise expressly enacted or unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings and— Interpretation
of Part VII,
etc.

“contributor” means a contributor to the fund as respects whom the Council are the employing authority;

“the fund” means the superannuation fund maintained by the Council under Part I of the Act of 1937;

“the principal Acts” means the Local Government Superannuation Acts 1937 to 1953;

“the Regulations of 1954” means the Local Government Superannuation (Benefits) Regulations 1954;

“return of contributions” in relation to a person who has ceased to be a contributor includes any sum paid to or in respect of him by way of interest on the amount of the contributions returned to him;

“superannuation benefit” includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder or in pursuance of any local Act or scheme or local Act scheme;

“transfer value” has in relation to a contributor the meaning assigned to it by the Regulations of 1954.

(2) In sections 82 (Transfer of certain sums from fund), 83 (Transfers of employment), 84 (Benefits in certain cases of premature retirement), 85 (Application of the new superannuation provisions to other employing authorities), 86 (Application of the new superannuation provisions to local authorities) and 87 (Commencement of new superannuation provisions) of this Act “the new superannuation provisions” means those sections and this section.

(3) Without prejudice to the provisions of section 83 (Transfers of employment), section 85 (Application of the new superannuation provisions to other employing authorities) and section 86 (Application of the new superannuation provisions to local authorities) of this Act, the provisions of the principal Acts and the regulations made thereunder shall apply and have effect in relation to a person who is a contributor on or after the date of the coming into force of the new superannuation provisions, subject to the extensions, modifications and applications of the said Acts and regulations contained in the new superannuation provisions.

72.—(1) The Council may borrow—

(a) such sums as may be necessary for any of the purposes of this Act;

Power to
borrow

PART VII
—cont.

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

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

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

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

1946 c. 58.

Power to
raise money
by bills.

73.—(1) In addition to the modes of borrowing prescribed by the Act of 1933, the Council may raise money—

(a) for any purpose for which the Council are authorised to borrow;

(b) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

by means of bills (to be called “Cornwall County Council bills”, and in this section referred to collectively as “bills” and separately as a “bill”) subject to, and in accordance with, the following provisions:—

(i) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:

(ii) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:

(iii) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:

(iv) Bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:

(v) The Council may make regulations providing for—

(A) the preparation, form, mode of issue, payment and cancellation of bills;

(B) the issue of new bills in lieu of bills defaced, lost or destroyed;

(C) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and

(D) the giving of a proper discharge on the payment of a bill:

PART VII
—cont.

- (vi) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (vii) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed a sum being one-fifth of the aggregate for the then current financial year of the amount estimated to be produced by the levying of rates in the county to meet liabilities falling to be discharged by the Council:
- (viii) Subject to the provisions of the last preceding paragraph, the Council may renew a bill at maturity:
- (ix) The Council may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Council to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.

(2) (a) The Council may at the request of a local authority to which this subsection applies raise money by means of Cornwall County Council bills and shall lend such money to the local authority—

- (i) for any purpose for which the local authority are authorised to borrow; or
- (ii) in anticipation of the receipt of revenues for any purpose for which the revenues of the local authority may properly be applied:

Provided that the aggregate amount payable on bills issued under this subsection for the purpose of lending to the local authority current at any one time shall not (except by the amount payable on bills issued shortly before any other such bills fall due in order to pay off the last-mentioned bills) exceed one-fifth of the amount of so much of the gross rate income of that local authority as is retained by the local authority to meet liabilities falling to be discharged by the local authority.

(b) Any money lent to a local authority under this subsection shall be repaid to the Council by the local authority together with interest within the meaning of paragraph (vi) of subsection (1) of this section on or before the respective dates on which the money raised by means of the bills falls due for repayment.

PART VII
—cont.

(c) The aggregate amount payable on bills issued under this subsection current at any time shall not be taken into account in calculating the aggregate amount referred to in paragraph (vii) of subsection (1) of this section.

(d) This subsection applies to any local authority whose gross rate income is not less than three million pounds.

(3) In this section “gross rate income” means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967.

1967 c. 9.

Power to
raise money
by bearer
bonds.

74. In addition to any other method by which the Council may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to
raise money
abroad.

75.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) The powers conferred by the foregoing subsection shall not be exercised except with the consent of the Treasury, and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Council to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there were substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there were substituted a reference to the sum expressed in terms of the foreign currency (adjusted, where necessary, to produce an amount which the Council consider appropriate having regard to all the circumstances of the transaction).

Saving for
Exchange
Control
Act 1947.
1947 c. 14.

76. Nothing in the last two foregoing sections shall be taken as exempting the Council from the provisions of the Exchange Control Act 1947.

Compensation
for injury to
or death of
employees.
1947 c. 41.
1951 c. 27.

77.—(1) Subject to any provisions included in a firemen's pension scheme in force under section 26 of the Fire Services Act 1947 by virtue of subsection (1) of section 2 of the Fire Services Act 1951 (exclusive application of the Firemen's Pension Scheme), the Council may pay compensation—

(a) to any of their employees who sustains an injury arising out of and in the course of his employment; or

(b) to a dependant of any of their employees who dies or sustains an injury resulting in death arising out of and in the course of his employment.

PART VII
—cont.

(2) Any compensation payable under this section may be paid either—

(a) by way of a lump sum; or

(b) by way of periodical payments of such amounts and payable at such times and for such periods as the Council may from time to time determine having regard to all the circumstances of the case.

(3) The payment or compensation under this section shall not affect any right of claim to damages or compensation which an employee of the Council or his dependant may have against any person other than the Council or, except so far as may be agreed when the compensation is granted, against the Council.

78.—(1) The provisions of section 77 (Compensation for injury to or death of employees) of this Act shall extend so as to authorise (in the case of a voluntary assistant) the Council and (in the case of any other person to whom this section applies) with the consent of the Council the body by whom that person is or was employed to pay compensation to any person to whom this section applies or to a dependant of any such person.

Extension of
section 77
to voluntary
assistants,
etc.

(2) This section applies to—

(a) any voluntary assistant;

(b) any person employed by the managers or governors of any voluntary school in the county.

(3) In this section “voluntary assistant” means a person who, at the request of the Council, or an authorised officer of the Council, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Council and includes any officer or member of a voluntary organisation which provides in the county services or facilities of the kind provided by the Council in pursuance of their functions or to which the Council make any financial contribution.

79.—(1) Section 18 of the Local Government Superannuation Act 1953, in its application to the county, shall have effect as if—

(i) for the expression “to the widow or any other dependant” in subsections (1) and (2) there were substituted the words “to a dependant”;

Extension of
powers of
Council to
grant
gratuities to
widows and
dependants of
former
employees.
1953 c. 25.

PART VII
—cont.

(ii) after paragraph (c) of subsection (1) there were inserted the following new paragraph:—

“(d) partly by way of an annuity for the benefit of the widow and partly by way of periodical payments for the benefit of such of the children of the deceased employee who shall for the time being be under the age of eighteen years:

Provided that the aggregate of the capital value of such annuity and of such periodical payments shall not exceed the amount aforesaid”.

(2) Subsection (1) of the said section 18 (as amended by the last foregoing subsection) shall apply to a dependant of a former employee of the Council who dies within one year after ceasing to be in their employment as it applies to a dependant of an employee who dies whilst in their employment:

Provided that no gratuity shall be granted under this subsection to a dependant of a former employee to whom a gratuity has been granted under subsection (1) of the said section 18.

Gratuities to
non-teaching
staff in
voluntary
schools.
1953 c. 25.

80. For the purposes of section 18 of the Local Government Superannuation Act 1953, as applied to the Council, a person employed in a voluntary school in the county, otherwise than as a teacher, shall be deemed to be employed by the Council, and the Council may grant to or in respect of any such person a gratuity in accordance with the provisions of the said section 18 as amended by the last foregoing section.

Investment of
superannuation
fund.

81.—(1) In its application to the Council subsection (3) of section 21 of the Act of 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments to be made out of the fund there were substituted an obligation to invest such moneys as follows:—

- (a) in or upon any investments for the time being authorised by law for the investment of trust funds; or
- (b) in or upon any of the stocks, funds or securities of any dominion, commonwealth, union, dependency or colony forming part of the British Commonwealth of Nations, or any province or state having a separate local legislature and forming part of any such dominion, commonwealth, union, dependency or colony; or
- (c) in or upon any of the stocks, bonds, mortgages or securities of any municipality or county or district council, or local or public authority or board, in the United Kingdom or in any such dominion, commonwealth, union, dependency, colony, province or state

as aforesaid authorised under any general or special Act of the United Kingdom Parliament or of the legislature concerned to issue the same; or

PART VII
—cont.

- (d) in or upon any stocks, shares, bonds, mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion, commonwealth, union, dependency, colony, province or state as aforesaid; or
- (e) in or upon any of the stocks, funds or securities of the government of any foreign country or state; or
- (f) in or upon the bonds, debentures, debenture stock, convertible debenture stock, obligations or securities of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world; or
- (g) in or upon any guaranteed, preference or ordinary stock or shares or any preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world, being stock or shares which at the time of making the investment are quoted on any recognised stock exchange or similar institution or are quoted on any recognised security market; or
- (h) in the purchase or taking a lease, whether alone or jointly or in common with any other person, of immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands, or of any share or interest in such immovable property, including any interest in such immovable property comprised in a building agreement providing for the grant of a lease of such property contingent on the erection or completion of the building specified in such agreement; or
- (i) in the advance of money upon the security of—
- (i) immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands; or
 - (ii) any legal estate or interest in immovable property comprised in a building agreement as specified in paragraph (h) of this subsection;
- and in any such case whether the security be taken by a separate and distinct mortgage or security made exclusively to the Council or by a mortgage or security made jointly to the Council and any other person; or

PART VII
—cont.

(j) in undertaking or financing, whether alone or jointly with any other person—

(i) the erection of a new building or the improvement or extension of an existing building; or

(ii) building operations or other development; on land belonging to the Council or to any other person, or on land which is, or will be, held jointly by the Council and any other person; or

(k) upon the security of freehold or leasehold ground rents, land charges or rentcharges;

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

Provided that the investment of such moneys as aforesaid in any investment of the nature specified in paragraph (g) of this subsection shall be subject to the qualification that no investment shall be made at any time when the value of all the investments made under the said paragraph (g) which form part of the superannuation fund equals or exceeds 75 per cent. of the total value of the assets of that fund:

Provided further that in the investment of any part of the superannuation fund in accordance with paragraphs (h) to (k) of this subsection no investment shall be made in any immovable property, legal interest or rent secured upon immovable property situated within the county but an investment by the Council in a unit trust shall not be regarded as a breach of this provision.

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

(3) For the purposes of the foregoing provisions of this section an investment in the units of a unit trust scheme (whether or not there is in respect of such scheme in force an order of the Secretary of State under section 17 of the Prevention of Fraud (Investments) Act 1958 or of the Ministry of Commerce for Northern Ireland under section 16 of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940) or in participation certificates or in any form of participation under any trust or scheme established in the United Kingdom or elsewhere having the effect of enabling persons to participate in the profits and income arising from the acquisition, holding, management or disposal of such securities or of such property or interest in property as are specified in subsection (1) of this section shall be regarded as an investment in the securities or property in question.

(4) The whole or any part of the costs, charges and expenses incurred by the Council in investing moneys forming part of the fund or otherwise in relation thereto may be paid by the Council out of the superannuation fund.

(5) In this section—

PART VII
—cont.

“ debenture ” includes debenture stock and bonds whether constituting a charge on assets or not and loan stock or notes;

“ participation certificate ” means any document conferring upon the holder the right to participate in (or constituting evidence of the right of the holder to participate in) the profits or income arising from the acquisition, holding, management or disposal of a particular investment specified or described in the document;

“ quoted on a recognised security market ” in its application to stock or shares not registered in the United Kingdom means that the stock or share has been granted an official quotation or is listed on a recognised security market or that dealing prices on such a market in respect of that stock or share are published not less frequently than once a week;

“ recognised security market ” in its application to stock or shares not registered in the United Kingdom means a stock exchange, an association of stock and share dealers or an over-the-counter market recognised as a market or association in which dealings in the country concerned normally take place;

“ recognised stock exchange ” in its application to the United Kingdom means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1958;

1958 c. 45.

“ securities ” includes shares, debentures, treasury bills and tax reserve certificates.

(6) Section 3 (Investment of superannuation fund) of the Cornwall County Council Act 1960 is hereby repealed.

1960 c. xii.

82.—(1) If a contributor is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct, the Council may transfer from the fund to the county fund an amount not exceeding the whole, or any part of any contributions not returned to him or paid to his wife or family under subsection (4) of section 10 of the Act of 1937, or the amount of loss suffered by the Council in consequence of the employee's offence or misconduct whichever is the less. Transfer of certain sums from fund.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the fund is dismissed, resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct by reason of which the employing authority have

PART VII
—cont.

suffered direct financial loss, the Council shall, on demand from the employing authority, pay to them out of such fund an amount equal to so much of the employee's contributions to the fund as the employing authority have not directed to be returned to the employee or paid to his wife or family, or the amount of such loss suffered by the employing authority in consequence of his offence or misconduct, whichever is the less:

Provided that—

1965 c. 51.

(a) where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act 1965, the Council shall not under this subsection be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions;

1953 c. 25.

(b) the Council shall not be required to pay to the employing authority so much of the employee's contributions as relates to any period of previous service, unless the employing authority have directed that all rights enjoyed by or in respect of him with respect to that period of previous service, being rights under Part I of the said Act of 1937 or under the Local Government Superannuation Act 1953, or any regulations made thereunder, shall be forfeited.

Transfers of
employment.

83.—(1) The Council may, in accordance with the provisions of a scheme made by them for the purposes of this section—

(a) as respects any contributor who ceases or has ceased to hold employment under the Council in order to enter an employment (in this paragraph referred to as "the new employment") in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, in lieu of making any such payment to him from the fund as is referred to in section 10 of the Act of 1937 (or, where such a payment has been made, if it is repaid to the fund by the contributor), either—

(i) make from the fund in respect of him a payment by way of a transfer value to the body or persons responsible for administering any superannuation scheme in connection with the new employment; or

(ii) subject to such consequential provisions as may be prescribed in the scheme, award to or in respect of him superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment under the Council:

Provided that no benefit shall be paid to a person by virtue of this sub-paragraph before such date as may be prescribed under the scheme; and

PART VII
—cont.

(b) as respects any person who enters or has entered into employment under the Council from an employment in relation to which interchange arrangements are not for the time being in force, receive any payment made by or in respect of him to the fund, whether by way of transfer value or otherwise, and shall confer on him by virtue of such payment such rights under the principal Acts, and the regulations made thereunder as may be prescribed under the said scheme.

(2) A scheme made under this section shall be of no effect unless it has been approved by the Secretary of State and the Secretary of State may approve any such scheme either with or without modifications after consultation with such organisations as are, in his opinion, representative of the interests concerned.

(3) A scheme made under this section may be amended or revoked by a subsequent scheme.

(4) Any body or persons responsible for administering a superannuation scheme in connection with an employment as respects which interchange arrangements are not for the time being in force, may make any amendments or modifications of that superannuation scheme that may be desirable to facilitate the operation of any scheme made by the Council under this section.

(5) Where any provision of the principal Acts or the regulations made thereunder which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate) to include a reference to any such payment by way of a transfer value as is referred to in subparagraph (i) of paragraph (a) of subsection (1) of this section or to such payment by way of a transfer value or otherwise as is referred to in paragraph (b) of that subsection.

(6) In this section "interchange arrangements" means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948, or by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment.

1948 c. 33.

84.—(1) Where, after the coming into force of the new super-annuation provisions, a contributor who has attained the age of fifty years and completed twenty-five years' service, but has

Benefits in certain cases of premature retirement.

PART VII
—cont.

not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

Provided that—

- (a) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Council in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given;
- (b) unless the Council otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age and in any event shall not be paid before the person attains the age of fifty-five years.

(2) Where a person, who has become entitled to a superannuation benefit by virtue of subsection (1) of this section, dies before any payment on account of such benefit has been made to him, as from the date of his death, the like benefits shall be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

(3) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (1) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of "service" in subsection (1) of section 40 of the Act of 1937 whether or not any payment has been made to him on account thereof.

1953 c. 25. (4) For the purposes of section 16 of the Local Government Superannuation Act 1953, and of any rules made thereunder, a person entitled to a superannuation benefit by virtue of subsection (1) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16.

(5) In this section "pensionable age" in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his

employment, become entitled to superannuation benefits by reason of having otherwise than under this section attained such age and completed such period of service as is prescribed in the principal Acts or the Regulations of 1954, as the case may be.

PART VII
—cont.

85.—(1) An authority to whom this section applies may by resolution adopt all or any of the foregoing sections of the new superannuation provisions as from such date not being earlier than 1st September, 1971, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to the authority as if—

Application of the new superannuation provisions to other employing authorities.

- (a) any reference therein to a contributor was a reference to a contributor to the fund as respects whom the authority are the employing authority;
- (b) any reference to the Council in section 84 (Benefits in certain cases of premature retirement) or paragraphs (a) and (b) of subsection (1) of section 83 (Transfers of employment) of this Act was a reference to the authority.

(2) Where in pursuance of the foregoing subsection any provisions are adopted by an authority to whom this section applies as from a date later than 1st September, 1971, then any reference in those provisions to 1st September, 1971, or to the date of the coming into force of the new superannuation provisions shall be construed in relation to the authority as a reference to such later date.

(3) This section applies to—

- (i) a local authority which does not maintain a superannuation fund under Part I of the Act of 1937;
- (ii) the Cornwall Magistrates' Courts Committee;
- (iii) the Cornwall Probation and After-Care Committee;
- (iv) the Cornwall Sea Fisheries Committee;
- (v) any organisation, undertaking or body in respect of which there is for the time being in force an admission agreement with the Council pursuant to section 15 of the Local Government Superannuation Act 1953;
- (vi) any other employing authority in relation to which the fund is the appropriate superannuation fund within the meaning of paragraph (d) of subsection (3) of section 1 of the Act of 1937.

1953 c. 25.

PART VII
—cont.

Application
of the new
super-
annuation
provisions
to local
authorities.

86.—(1) Where a local authority maintains a superannuation fund under Part I of the Act of 1937, any such local authority may by resolution, adopt all or any of the foregoing sections of the new superannuation provisions as from such date, not being earlier than 1st September, 1971, as may be specified in such resolution, and where any provisions are so adopted they shall apply and have effect in relation to that local authority as if—

- (a) any reference therein to the Council was a reference to that local authority;
- (b) any reference therein to a contributor was a reference to a contributor to the superannuation fund maintained by that local authority under Part I of the Act of 1937 as respects whom that local authority are the employing authority; and
- (c) any reference therein to the fund was a reference to the superannuation fund maintained by that local authority under Part I of the Act of 1937.

(2) If any such local authority as is referred to in subsection (1) of this section adopts all or any of the foregoing sections of the new superannuation provisions, any other employing authority in relation to which that local authority is the appropriate administering authority may by resolution adopt all or any of the foregoing sections of the new superannuation provisions as from such date as may be specified in such resolution and where any provisions are so adopted any reference therein to a contributor shall be a reference to a contributor to the superannuation fund maintained by the local authority in relation to which such employing authority is the employing authority.

Commence-
ment of new
super-
annuation
provisions.

Recovery of
water rates
and charges
by constituent
authorities of
water boards.

87. The new superannuation provisions shall come into force on 1st September, 1971.

88.—(1) Any water rate or charge payable by a consumer supplied by the North and Mid Cornwall Water Board, the East Cornwall Water Board, the South Cornwall Water Board, the West Cornwall Water Board or the North Devon Water Board which a constituent authority of the board affording the supply has agreed or is required to collect on behalf of the board shall be recoverable by the authority in the same manner and subject to the same provisions in respect of such recovery as the general rate of the borough or district, as the case may be.

(2) This section shall not apply to the Newquay Urban District Council.

89. Section 12 of the Prices and Incomes Act 1968 (which enables a local authority to increase the rent payable to the authority for houses let on a weekly or other periodical tenancy whose rents fall to be carried to the authority's housing revenue account without the tenancy being terminated) shall apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 belonging to the Council as if in subsection (1)—

PART VII
—cont.

Notice of alteration of rents without notice to quit.

1968 c. 42

(a) the words "on a weekly or other periodical tenancy" were omitted;

1958 c. 42.

(b) after the word "increased" there were inserted the words "or reduced"; and

(c) after the word "increase" there were inserted the words "or reduction";

and as if in subsection (4) the definition of "local authority" included the Council, for the definition of "local authority houses" there were substituted the words "'local authority houses' are houses of the local authority" and after the word "increase" there were inserted the words "or reduction".

90.—(1) For the purposes of section 61 of the General Rate Act 1967 the rates due from the person rated for any hereditament within a district shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

Recovery of rates from tenants and lodgers.

1967 c. 9.

(2) This section shall not apply to the urban district of Newquay.

PART VIII

ADMINISTRATION

91. The Council may make reasonable payments for or in connection with—

Expenses of ceremonies, etc.

(a) refreshments for members or representatives of the Council, local authorities or other bodies or for other persons attending conferences or meetings convened by the Council; and

(b) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the Council.

92. Notwithstanding anything contained in paragraph 3 of Part V of Schedule 3 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 or sub-committee

As to minutes of Council meetings, etc.

PART VIII
—cont.

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 or sub-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.

Evidence of proceedings, appointments, etc.

93.—(1) In proceedings under any enactment, a document purporting to be certified by the clerk as a copy of a resolution passed, order made, or report received, by the Council or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Council or committee on that date.

(3) In this section “ officer ” includes a servant or an agent.

(4) Section 286 of the Act of 1936, and that section as applied by, or incorporated in, any other enactment, shall cease to apply to the Council and its committees.

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

94. 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.

Attestation of mortgages.

95. Notwithstanding anything in section 205 of the Act of 1933, or in any regulations made thereunder, a mortgage created by the Council under Part IV of the Act of 1933 may be executed under the hand of the clerk or his duly authorised deputy in lieu of the common seal of the Council.

Modification of mortgages by endorsement under hand.

96. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, where it is agreed between the Council and a person at any time entitled to any mortgage granted by the Council to extend the time for the repayment of the principal moneys secured by such mortgage, or to alter the rate of interest payable by the Council on the principal moneys so secured and not repaid, or both to extend such time and to alter such rate of interest, effect may be given thereto by an

endorsement in writing under the hand of such person (or, in the case of a corporate body, of the duly authorised representative of that body) and of the clerk or his duly authorised deputy, endorsed on the deed by which such mortgage was originally granted, and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall, as from the date specified in such endorsement, operate and take effect accordingly.

PART VIII
—cont.

97.—(1) Notwithstanding anything in Part IV of the Act of 1933, or in any other enactment, the Council may from time to time by resolution determine that the office, style or title of any officer of the Council shall be that specified in the resolution instead of that specified in the Act of 1933 or in any other enactment and anything done by an officer as holding the office, or in the style or title specified in the resolution, shall be valid and effectual for all purposes as it would have been had it been done by the officer in the office and holding the style or title specified in the Act of 1933 or other enactment:

Power to
change titles
of officers.

Provided that no such resolution may alter the office, style or title of the medical officer of health, the public health inspector or the director of social services.

(2) As from the date of the passing of any resolution by the Council pursuant to subsection (1) of this section, any reference (whether specific or general) in any enactment or document to the office or title of an officer to whom the resolution relates shall be construed as if the office or title specified in the resolution were substituted for the office or title specified in that enactment or document.

98.—(1) The Council may make and retain microfilm recordings of documents of the Council.

Microfilming
of documents.

(2) Notwithstanding anything contained in any enactment, the Council may destroy any documents of the Council other than minute books, of which they have made and retained microfilm recordings:

Provided that—

- (a) the Council shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962; 1958 c. 51. 1962 c. 56.
- (b) nothing in this section shall prejudice or affect the rights of the public to have access to any document of the Council of which a microfilm recording has been made and which has not been destroyed.

PART VIII
—cont.

(3) An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed for all purposes to be a copy of that document.

(4) Notwithstanding anything contained in any enactment or any rule of law an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the clerk certifies that—

- (a) the document has been destroyed; and
- (b) a microfilm recording of the document has been made; and
- (c) the enlargement is an enlargement of that microfilm recording.

(5) In this section unless the context otherwise requires—

- (a) “document” means the whole or part of a register, book, map, plan or other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the Council or any committee of the Council;
- (b) “microfilm recording” means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.

Destruction of documents connected with applications for permission for development.
S.I. 1963/709.

99. At any time after a period of six years from the date of the receipt by the Council of an application for permission for development the Council may, after making the necessary entries in the register in accordance with the provisions of article 14 of the Town and Country Planning General Development Order 1963, and making provision for the retention of a copy of any grant of planning permission made in pursuance of the application, destroy any of the other documents received by them in connection with the application:

Provided that nothing in this section shall authorise the Council to destroy the application and a copy of any plan or plans approved by them in connection therewith, together with any related certificate, consent, permit or other document issued pursuant to any enactment.

PART IX

MISCELLANEOUS

Power to require information as to ownership of premises.

100.—(1) The Council may for the purpose of enabling them to perform any of their functions under—

- (a) any enactment in force at the passing of this Act which authorises the Council to acquire land compulsorily;

- (b) the Land Drainage Act 1930 and the Land Drainage Act 1961; PART IX
—cont.
- (c) section 7 (Compulsory acquisition of easements) of this Act; 1930 c. 44.
1961 c. 48.

require—

- (i) the occupier and any person having an interest in any premises in the county and any person who either directly or indirectly receives rent in respect of such premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises whether as freeholder, mortgagee, lessee or otherwise or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and
- (ii) any person who has sold or otherwise disposed of, leased or let any premises in the county to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

(2) Any person who having been required by the Council in pursuance of this section to give to them any information fails to give that information or knowingly makes any misstatement in respect thereof shall be liable to a fine not exceeding twenty pounds.

(3) For the purposes of this section the expression “ interest ” includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in paragraph (a) of subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Council in so far as they relate to the same subject-matter as this section.

101. In its application to the county, the Late Night Refreshment Houses Act 1969 shall have effect as if for the purposes of that Act a late night refreshment house were a house, room, shop or building kept open for public refreshment or resort or entertainment at any time between the hours of 10 o'clock at night and 5 o'clock of the following morning, other than a house, room, shop or building which is licensed for the sale of beer, cider, wine or spirits. Amendment of Late Night Refreshment Houses Act 1969.
1969 c. 53.

102.—(1) Section 132 (with the exception of subsections (7), (9), (10) and (11)) of the Local Government Act 1948 (which relates to the provision of entertainments) shall apply in the Power to provide facilities.
1948 c. 26.

PART IX
—cont.

county as if in that section references to a local authority included references to the Council in relation to the provision of a concert hall or a theatre, with ancillary functions.

(2) It shall be lawful for the Council to provide a sculpture park and a sculpture gallery in the county and to make reasonable charges for admission thereto.

Power to
advertise
facilities.

103.—(1) The Council may advertise in any manner which they may think fit—

(a) the facilities and amenities afforded by the county for industry or as a tourist centre, place of historical or cultural interest or holiday resort; or

(b) the institutions provided by them under the Public Libraries and Museums Act 1964;

1964 c. 75.

and for that purpose may—

(i) publish and sell or dispose of bulletins, journals, periodicals and leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Council; and

(ii) combine with any other organisation, company or person, and with any local authority authorised in that behalf.

(2) The Council may establish information bureaux within the county to provide information which the Council consider may be of interest to tourists including, without prejudice to the generality thereof, information relating to the availability of accommodation within the county.

(3) The Council may make reasonable charges for services provided under subsection (2) of this section and a table of charges shall be conspicuously exhibited in each information bureau where such charges are made.

Acquisition of
works of art
produced to
order.

104. The Council may enter into and carry into effect agreements or arrangements for the production to their order of any picture or sculpture or other work of art and for the purchase thereof by the Council when completed.

Institution of
proceedings
for offences
relating to
certain
excise duties.
1961 c. 36.

105. The authority of the Council, given by virtue of section 11 of the Finance Act 1961, to the bringing by any constable of proceedings or any particular proceedings for an offence referred to in that section may be given on their behalf by a duly authorised officer of theirs and proved by the production of a document purporting to be the authority so given and to be signed by the officer giving it.

106.—(1) The Council may provide and maintain or contribute to the cost of providing and maintaining recreational, social and welfare facilities for their employees.

PART IX
—cont.

(2) For the purposes aforesaid, the Council may—

Recreational and other facilities for employees.

- (a) erect or maintain buildings;
- (b) make such charges as they think fit for the use of facilities provided under this section;
- (c) make regulations for the management of such premises.

(3) No power conferred upon the Council by this section shall be exercised in such a manner—

- (a) as to be at variance with any express trust subject to which any land or building is held, managed or controlled by the Council without an order of the High Court or of the Charity Commissioners, or of the Secretary of State 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 (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Council) subject to which a gift or lease of any land or building has been accepted by or granted to the Council without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

107. The Council may exercise the powers conferred upon them by section 4 of the Physical Training and Recreation Act 1937 for providing and arranging for training of wardens, teachers and leaders in respect of any facilities for exercise, recreation and social activities provided by them or under their control or management.

Extension of section 4 of Physical Training and Recreation Act 1937.
1937 c. 46.

108.—(1) As from the appointed day the Local Elections Rules in Schedule 2 to the Representation of the People Act 1949, as applied to the election of a county councillor by section 26 of that Act, shall have effect in relation to any election of county councillors in the county as if after rule 24 there were inserted the following new rule:—

Issue of official poll cards in Council elections.
1949 c. 68.

“ 24A. Rule 29 of the Parliamentary Elections Rules shall apply subject to the following modifications:—

- (a) for references therein and in paragraph (6) of rule 8 (as applied by paragraph (4)) to the constituency there shall be substituted references to the electoral division;

PART IX
—cont.

(b) for the reference in the said paragraph (6) to a parliamentary elector there shall be substituted a reference to an elector; and

(c) the reference therein to the prescribed form shall be to that form subject to such alterations as are requisite in the case of an election of county councillors.”

(2) Section 81 of the said Act of 1949 shall apply to the election of any candidate at an election of county councillors in the county as it applies to the election of a candidate at a Parliamentary election.

(3) The Secretary of State may repeal this section by order made by statutory instrument on the application of the Council:

Provided that no such application may be made to the Secretary of State before the appointed day.

As to use of
computer
equipment of
Council.

109.—(1) The Council may provide services and facilities for the processing of data by computer or by any other equipment of the Council which the Council may possess for any person and the Council may make such charges as may be agreed for the provision of those services and facilities.

(2) Information obtained by any employee of the Council in the course of the provision of such services or facilities shall not without the consent of the authority from whom it was obtained be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

PART X

GENERAL

Confirming
authority for
byelaws.

110. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

Local inquiries.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act.

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

PART X
—cont.

1946 c. 31.

112.—(1) In this Act "the appointed day" means such day as may be fixed by resolution of the Council or a local authority (as the case may be) subject to and in accordance with the provisions of this section.

The appointed
day.

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

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

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

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

(4) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the clerk of the Council or of the local authority (as the case may be) to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

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

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 115 (Appeals) of this Act.

PART X
—cont.

Liability of
directors, etc.

113.—(1) Where an offence under any of the provisions of this Act mentioned in subsection (2) of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

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

Part III (Highways and streets);

Section 30 (Signs or notices on, and advertisements in connection with, vehicles);

Part V (Fire protection and public safety);

Section 70 (Sale of food and articles from private forecourts); and

Section 100 (Power to require information as to ownership of premises).

(3) In subsection (1) of this section “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Restriction on
right to
prosecute.

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

Appeals.

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

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

(a) involves the execution of any work or the taking of any action; or

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

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

PART X
—cont.

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

116. Section 265 of the Public Health Act 1875 shall apply to the Council as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority.

Protection of members and officers of Council from personal liability.
1875 c. 55.

117. The provisions of this Act mentioned in Part I of Schedule 2 to this Act shall apply to a local authority and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted references to the local authority and to their district respectively and subject to any other necessary modifications:

Application to local authorities of provisions of Act.

Provided that the provisions of this Act mentioned in the first column of the table set out in Part II of the said Schedule 2 shall not apply to the local authorities respectively mentioned in the second column of that table.

118.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application of general provisions of Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said Schedule shall have effect as if references therein to that Act included a reference to Part III (Highways and streets), Part V (Fire protection and public safety) and Part VI (Public order, health and welfare) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said Schedule shall have effect as if references therein to that Act included a reference to the following sections of this Act, that is to say—

- Section 45 (Oil-burning equipment);
- Section 46 (Fire precautions in certain large buildings);
- Section 47 (Byelaws for prevention of fire at fairs and circuses);
- Section 48 (Fire precautions on demolition of buildings);
- Section 49 (Parts of buildings used for storage of flammable substances);

PART X
—cont.

- Section 50 (Prescription of signs to be used on certain buildings);
- Section 51 (Firemen's switches for luminous tube signs);
- Section 54 (Protection of dangerous excavations);
- Section 62 (Tipping of spoil and refuse);
- Section 63 (Provision of sanitary conveniences for building contractors' employees);
- Section 65 (Application of Act of 1963 to certain self-employed persons);
- Section 66 (Application of Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968 to all lifts and hoists).

For protection
of Post
Office.

119. For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Council and the Post Office, apply and have effect:—

- (1) In this section, and in relation to the Post Office in section 11 (Suspension of restrictive covenants) of this Act, "apparatus" means any telegraphic line belonging to or used by the Post Office and includes any works constructed for the lodging therein of apparatus:
- (2) The powers conferred by the following sections of this Act shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus or operational land:—
 - Section 24 (Provision of parking places on trunk roads and county roads);
 - Section 27 (Milk stands in highways);
 - Section 54 (Protection of dangerous excavations):
- (3) (a) Any difference which may arise between the Council and the Post Office under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the Post Office may be under in respect of any apparatus, and may, if he thinks fit, require the Council 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.

120. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the appropriate authority and the undertakers, apply and have effect:—

PART X
—cont.

For protection
of statutory
undertakers.

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

“ apparatus ” means in the case of the Gas Council, the South Western Gas Board and the statutory water undertakers, mains, pipes or other apparatus belonging to or maintained by those undertakers and, in the case of the Central Electricity Generating Board and the South Western Electricity Board, any electric line or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by those undertakers, and includes any works constructed for the lodging therein of apparatus; 1882 c. 56.

“ appropriate authority ” means the Council, a local authority, a highway authority, a parish council or any person acting with their consent, as the case may require;

“ the undertakers ” means the Central Electricity Generating Board, the Gas Council, the South Western Electricity Board, the South Western Gas Board and the statutory water undertakers, or any of them, as the case may be:

- (2) Nothing in the following sections of this Act shall relieve the appropriate authority or any person acting with the consent of or on the requirement of the appropriate authority from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to obstruct or render unreasonably inconvenient the access to any apparatus or operational land of the undertakers:—

Section 23 (Temporary prohibition of traffic during execution of works);

Section 24 (Provision of parking places on trunk roads and county roads);

Section 27 (Milk stands in highways);

Section 28 (Extension of parish councils' powers to provide parking places);

Section 54 (Protection of dangerous excavations);

Section 64 (Extension of power to provide public conveniences):

- (3) Nothing in section 33 (Prohibition of other vehicles on hackney carriage stands) of this Act shall apply to a vehicle of the undertakers so long as such vehicle is being used for the purposes of their undertaking:

PART X
—cont.

- (4) Nothing in section 49 (Parts of buildings used for storage of flammable substances) of this Act shall apply to any building, or part of a building, by reason only that part of that building is used, or intended to be used, to contain a pressure governor, or meter, booster or other apparatus for, or in connection with, the supply of gas:
- (5) Nothing in section 54 (Protection of dangerous excavations) of this Act shall authorise the appropriate authority to enter on or execute works or do anything on operational land of the undertakers without their consent, which consent shall not be unreasonably withheld:
- (6) (a) Any difference which may arise between the appropriate authority and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers;
- (b) In determining any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus, and may, if he thinks fit, require the 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 apparatus is used.

Saving for
Town and
Country
Planning
Acts.
1962 c. 38.

121. Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that Session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Costs of
Act.

122. 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, shall be paid by the Council out of the county fund, or out of moneys to be borrowed under this Act.

SCHEDULES

SCHEDULE 1

Section 56.

SCHEME FOR CONTROL OF SURF RIDING

1. In this scheme—

“duly authorised person” means a participating authority or any lifeguard appointed by a participating authority or, on a beach not owned by a participating authority, a lifeguard or other person on that beach appointed by a participating authority for the purposes of this scheme;

“participating authority” means any local authority which has applied the provisions of this scheme;

“the prescribed fee” means a fee prescribed by a participating authority for the purpose of this scheme and such fee—

(a) shall not exceed fifty new pence; and

(b) shall consist of two elements, one element being the cost of insuring the user of the surf board against claims in respect of the death of, or bodily injury to, any other person caused by or arising out of the use of the surf board for riding the surf and the other element (which shall not exceed fifteen new pence) being for the purpose of defraying administrative costs:

Provided that a participating authority shall refrain from charging in respect of the insurance element in any case where there is already in force in relation to that surf board a policy of insurance affording cover at least as adequate as that afforded under the policy effected by that participating authority;

“registered” means registered under this scheme and “registration” shall be construed accordingly;

“surf board” means any surf board measuring more than 5 feet in length.

2. No person shall use, or cause or permit any other person to use for the purpose of riding the surf, a surf board within the district of a participating authority unless that surf board is registered with a participating authority.

3. An application for registration may be made to a duly authorised person and shall be in such form as the participating authority may require and shall be accompanied by the prescribed fee:

Provided that the participating authority shall not be entitled to require any information about the applicant other than—

(1) in the case of an individual—

(a) his full name and permanent address; and

SCH. 1
—cont.

(b) any information reasonably required by the insurer with whom insurance of the surf board is effected by the participating authority;

(2) where the applicant is not an individual—

(a) the name and address of the applicant; and

(b) any information required by the insurer with whom insurance of the surf board is effected by the participating authority.

4. Upon receipt of an application in the required form and accompanied by the prescribed fee, a duly authorised person shall forthwith grant registration of the surf board in respect of which the application is made and shall paint or affix the registration number to the surf board.

5. Registration shall be for a period of twelve months from the date upon which it is granted.

6. Before the owner of a registered surf board permits another person to use the surf board within the district of a participating authority whether for payment or not, he shall first inform a duly authorised person of his intention so to do and shall comply with any requirements which the duly authorised person may impose upon him provided such requirements are necessitated by the policy of insurance under which the surf boards are insured.

7. If a person fails to comply with the requirements of paragraph 2 or paragraph 6 of this scheme he shall be guilty of an offence under this scheme.

8. The provisions of this scheme shall not apply to restrict the use of a surf board in any life-saving operation.

9. If and whenever the participating authority are unable to effect a policy of insurance for the purposes of this scheme, the requirements of the scheme shall be unenforceable in the district of that authority until such a policy is effected.

SCHEDULE 2

Section 117.

PART I

PROVISIONS OF ACT APPLIED TO LOCAL AUTHORITIES

Section	Marginal note
4	Provision of substituted sites.
5	Compensation may be in land.
6	Disposal of land.
7	Compulsory acquisition of easements.
8	Enforcement of restrictive covenants relating to land acquired for open spaces.
9	Undertakings and agreements binding successive owners.
10	Covenants or restrictions affecting certain land.
11	Suspension of restrictive covenants.
12	Loans for erection, etc., of buildings.
14	Agreement with statutory undertakers for provision of works.
57	Rescue apparatus and officers.
72	Power to borrow.
74	Power to raise money by bearer bonds.
75	Power to raise money abroad.
76	Saving for Exchange Control Act 1947.
77	Compensation for injury to or death of employees.
78	Extension of section 77 to voluntary assistants, etc.
79	Extension of powers of Council to grant gratuities to widows and dependants of former employees.
Part VIII	Administration (except section 99 (Destruction of documents connected with applications for permission for development)).
100	Power to require information as to ownership of premises.
103	Power to advertise facilities.
104	Acquisition of works of art produced to order.
106	Recreational and other facilities for employees.
Part X	General.

1947 c. 14.

PART II

TABLE REFERRED TO IN SECTION 117 (APPLICATION TO LOCAL AUTHORITIES OF PROVISIONS OF ACT)

Section	Local Authority
9 Undertakings and agreements binding successive owners	Newquay Urban District Council.
11 Suspension of restrictive covenants	Newquay Urban District Council. Launceston Rural District Council.
15 Power to district councils to guarantee rents, etc., of industrial buildings	Launceston Rural District Council.
57 Rescue apparatus and officers	Launceston Rural District Council.
104 Acquisition of works of art produced to order	Launceston Rural District Council.

Section 118.

SCHEDULE 3

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS III, V AND VI

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authorities to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises; Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint &c.
1925 c. 22. 329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTION APPLIED TO SECTIONS 45, 46, 47, 48, 49, 50, 51, 54, 62, 63, 65 AND 66 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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