

ELIZABETH II



1985 CHAPTER xliii

An Act to re-enact with amendments and to extend certain local enactments in force within the city of Worcester; to confer further powers on the Council of the city of Worcester; to make provision with regard to health, safety and public order within the city, the amenity of the river Severn, local government and improvement of the city; and for other purposes. [30th October 1985]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter 1972 c. 70. referred to as "the Act of 1972") the city of Worcester was constituted on 1st April 1974 comprising the former county borough of Worcester and parts of the rural district of Droitwich and the rural district of Pershore:

(2) Numerous local enactments were in force in the said former county borough and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before that date:

S.I. 1983/619. (3) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984; but that the Non-metropolitan and Welsh Counties (Local Statutory Provisions) Order 1983 has subsequently provided that such local statutory provisions shall cease to have effect at the end of 1986:

(4) It is expedient that certain of the said enactments should be re-enacted with amendments:

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

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

(7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 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

Citation and commencement.

1.—(1) This Act may be cited as the Worcester City Council Act 1985.

(2) This Act shall come into operation on the expiry of a period of three months beginning with the date on which it is passed.

Interpretation.

2.—(1) In this Act unless the context otherwise requires—

1890 c. 59.

“the Act of 1890” means the Public Health Acts Amendment Act 1890;

1936 c. 49.

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

1961 c. 64.

“the Act of 1961” means the Public Health Act 1961;

1971 c. 78.

“the Act of 1971” means the Town and Country Planning Act 1971;

1972 c. 70.

“the Act of 1972” means the Local Government Act 1972;

1976 c. 57.

“the Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976;

1982 c. 30.

“the Act of 1982” means the Local Government (Miscellaneous Provisions) Act 1982;

“the city” means subject to any alteration of boundaries made under Part IV of the Act of 1972, the area consisting of the city of Worcester established by order made under paragraph 1 of Schedule 3 to the Act of 1972;

PART I
—cont.

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

“the Council” means the Worcester City Council;

“the county council” means the County Council of Hereford and Worcester;

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

“fire authority” means the authority discharging in the city the functions of fire authority under the Fire Services Act 1947;

1947 c. 41.

“owner” has the meaning given to it by section 343 of the Act of 1936;

“statutory undertakers” means the British Gas Corporation, the Midlands Electricity Board or any supplier authorised respectively under section 29 of the Gas Act 1972 and under the Energy Act 1983 and the Severn-Trent Water Authority, or any one of them;

1972 c. 60.
1983 c. 25.

“telecommunications operator” means a person to whom a licence has been granted under section 7 of the Telecommunications Act 1984 and to whom the telecommunications code, as defined in that Act, is applied by that licence.

1984 c. 12.

(2) Any reference in this Act to a proper officer shall in relation to any purpose be construed as a reference to an officer appointed for that purpose.

(3) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

3.—(1) In this Act “the appointed day”, in relation to any provision, means such day (not earlier than three months from the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the Council.

(2) The Council shall publish in a newspaper circulating in the city notice—

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

(b) of the general effect of the provision for the purposes of which the day has been fixed;

PART I
—cont.

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page, or part of a page, of any newspaper being a page, or part of a page, bearing the date of its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice and of the date of publication.

PART II

LANDS

Grass verges,
etc.

4.—(1) The Council may by notice prohibit either entirely or at such times or on such days as may be specified in the notice, any of the following things:—

- (a) allowing horses or cattle to enter land to which this section applies;
- (b) driving, parking or riding a vehicle on such land;
- (c) using any equipment provided on such land by the person in whom the land is vested:

Provided that in the case of such prohibition as is mentioned in paragraph (c) above the Council may exempt a child under such age as may be specified in the notice in respect of that paragraph and may similarly exempt any other person who is in charge of such a child while the child is on the land.

(2) The land to which this section applies is—

- (a) land vested in the Council or the county council and laid out as a public garden or used for the purpose of public recreation, or a disused burial ground provided by the Council or the county council and maintained as a public garden or for those purposes or as a disused burial ground, as the case may be;
- (b) other land vested in the Council or the county council and mown or otherwise maintained in an ornamental condition;
- (c) land vested in a person other than the Council or the county council and laid out, used, mown or maintained as aforesaid:

Provided that notice shall not be given in respect of land vested in the county council except after consultation with the county council, nor in respect of land such as is mentioned in paragraph (c) above except with the consent of the person concerned, or his representatives.

(3) A prohibition under subsection (1) (b) above shall not extend to driving, parking or riding a vehicle on land—

PART II
—cont.

(a) in the course of building operations; or

(b) by the British Railways Board, statutory undertakers or a telecommunications operator where reasonably necessary for the exercise of their statutory powers; or

(c) for the maintenance of the land:

Provided that the exemption afforded by paragraph (a) above shall be conditional upon means being taken to the satisfaction of the Council to minimise injury to the land and to protect persons on the land.

(4) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(5) Notice of a prohibition contained in subsection (1) (b) above if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Road Traffic Regulation Act 1984) shall be indicated by a traffic sign (as defined by section 64 of the said Act of 1984) and subsection (1) of section 65 of the said Act of 1984 shall have effect as respects the erection and display of the notice by the Council as if it were a notice by the highway authority. 1984 c. 27.

(6) A person who without reasonable excuse contravenes a notice given under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) Where land to which a prohibition contained in subsection (1) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing horses and cattle, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

(a) limit any right of way, public or private, over land;

(b) restrict the exercise by any person of any statutory right to enter upon land;

(c) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 71 of the Highways Act 1980 (provision of margins for horses and livestock). 1980 c. 66.

5.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management the Council may set apart an area thereof (not exceeding the prescribed area) for use for the parking of vehicles and provide parking places and facilities in connection therewith. Provision of parking places in parks, etc.

PART II
—cont.

(2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.

(3) The Council shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.

(4) In this section “the prescribed area” means—

- (a) in the case of a park, pleasure ground or open space of 4 hectares or less, one-eighth of the area of the park, pleasure ground or open space;
- (b) in the case of a park, pleasure ground or open space exceeding 4 hectares but not exceeding 6 hectares, one-half hectare;
- (c) in any other case, one-twelfth of the area of the park, pleasure ground or open space.

(5) The Council shall consult the British Railways Board before exercising the powers of subsection (1) above in relation to an area of any park, pleasure ground or open space which is situated over or within a distance of 15 metres (measured in any direction) from any railway of that board.

Byelaws as to leisure centres. 1960 c. 16. 6.—(1) The Council may make byelaws for all or any of the following purposes:—

- (a) securing the good and orderly conduct of persons resorting to any leisure centre;
- (b) regulating the movement and parking of vehicles at any leisure centre;
- (c) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a road as defined in section 257 of the Road Traffic Act 1960.

(2) Byelaws made under subsection (1) (a) above may provide for the removal from the leisure centre of any person infringing any such byelaw by any proper officer of the Council.

(3) In this section “leisure centre” means any place owned or managed by the Council (whether alone or in conjunction with any other local authority or body) at which recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Act of 1976 are provided.

7.—(1) In this section—

PART II

—cont.

“Pitchcroft” means the public park known as Pitchcroft in the city, more particularly delineated and shown edged red on the Pitchcroft Plan; Pitchcroft race meetings.

“Pitchcroft Plan” means the plan showing Pitchcroft marked “Pitchcroft Plan” and prepared in triplicate one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office, House of Commons and one in the office of the Chief Executive and Town Clerk of the city.

(2) Notwithstanding the provisions of section 44 (which authorises district councils to close parks and pleasure grounds for limited periods) of the Act of 1890, the Council may—

(a) close Pitchcroft to the public or restrict public access to any of Pitchcroft for up to four days before any race meeting and for the duration of any race meeting held on Pitchcroft; and

(b) close Pitchcroft under any of the prescribed periods of days under the Act of 1890 on a Sunday for the purposes of a public show or entertainment; and

(c) erect tents, stalls, booths, stands, stables or loose-boxes or any other building, structure or enclosure on Pitchcroft for the purpose of race meetings.

(3) The Council may—

(a) undertake the holding of race meetings on Pitchcroft; and

(b) charge for the admission to such race meetings.

(4) (a) The Council may lease the racecourse undertaking or part thereof (hereinafter in this section referred to as “the transferred undertaking”) for a term not exceeding 99 years.

(b) Without prejudice to paragraph (a) above, any lease executed under this section may specifically provide that, in respect of the transferred undertaking and during the currency of such lease, the lessee, to the extent and upon the terms specified in such lease—

(i) shall have and may exercise in relation to the transferred undertaking all or any of the powers conferred upon the Council by subsections (2) and (3) above;

(ii) shall be subject to all the restrictions, liabilities and obligations in respect thereof to which the Council are subject and shall be under a duty to perform (or pay to the Council the cost of performing) all of the duties of the Council in respect thereof.

PART II
—cont.

(5) The Council may make byelaws for the regulation of the use of Pitchcroft in connection with the holding of race meetings.

Hop market.

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

1964 c. xxii.

“Act of 1964” means the Worcester Corporation Act 1964;

“the hop market enactments” means the enactments mentioned in Schedule 1 to this Act;

“the Hop Market Plan” means the plan showing the specified lands marked “Hop Market Plan” and prepared in triplicate one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one in the Private Bill Office, House of Commons and one in the office of the Chief Executive and Town Clerk of the city;

“needy persons” means persons who by reason of poverty, sickness or infirmity whether young or old are in need of financial assistance, care or attention;

“needy persons in the city” means persons whose need arises in the city whether or not they permanently reside therein;

“the specified lands” means the land shown edged red on the Hop Market Plan.

(2) Nothing in the hop market enactments shall prevent the Council or any other person from selling, leasing or otherwise disposing of the whole or any part of the specified lands or developing the same or using the same for any purpose other than as a hop market.

(3) Any powers or duties required or authorised by the hop market enactments to be exercised or performed on the whole or any part of the specified lands (howsoever described) may be exercised or performed on or at any other land or premises in the city to which the hop market may be lawfully removed.

(4) Any capital money received by the Council in respect of the selling, leasing or otherwise disposing of the whole or any part of the specified lands shall be invested or applied in the purchase, improvement and adaptation of land of any tenure or the purchase, provision, improvement and adaptation of any buildings which in the opinion of the committee constituted for the purposes of this section can conveniently be used for the benefit of needy persons in the city.

(5) Any rents received by the Council in respect of the leasing of the whole or any part of the specified lands and any income

received by the Council in respect of the specified lands and the income from any investments made under subsection (4) above shall be held on trust to apply the same for the benefit of such needy persons in the city as the committee constituted for the purposes of this section may select for the purpose and in such manner and in such shares as the committee may consider most advantageous to the persons benefiting.

PART II
—cont.

(6) (a) The committee for the purposes of subsections (4) and (5) above shall be constituted in accordance with the following provisions of this subsection.

(b) Notwithstanding the repeal of the Act of 1964 (section 4 of which made provision for the appointment of a committee to carry out functions similar to those conferred on the committee by subsections (4) and (5) above) the members of the committee appointed under that Act who are in office at the commencement of this Act shall continue in office, as the first members of the committee under this section, until the date on which they would have ceased to hold office under the Act of 1964.

(c) Subject to paragraph (b) above, the members of the committee shall be appointed by the Council and the Council shall by resolution fix the total number of members of the committee and their term of office, but at least two-thirds of the members shall be members of the Council.

(d) The committee shall, at such times as they deem it appropriate, submit reports of their proceedings to the Council.

(e) Every member of the committee who at the time of his appointment was a member of the Council shall, upon ceasing to be a member of the Council, also cease to be a member of the committee:

Provided that for the purposes of this subsection a member of the Council shall not be deemed to have ceased by reason of retirement to be a member of the Council if he has been re-elected a member thereof not later than the day of his retirement.

(7) The hop market enactments shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to those enactments.

PART III

RIVER

9. In this Part, unless the context otherwise requires—

Interpretation
of Part.

“banks” has the meaning given to it by section 116 of the Land Drainage Act 1976;

1976 c. 70.

“lands” means riverside paths and any land between such paths and the banks;

PART III
—cont.

“railway property” means any railway of the British Railways Board and any works connected therewith for the maintenance or operation of which the said board are responsible and includes any lands held or used by the said board for the purposes of such railway or works;

“the river” means so much of the river Severn as lies within the city;

“vessel” includes part of a vessel;

“the water authority” means the Severn-Trent Water Authority; and

“the waterways board” means the British Waterways Board.

River byelaws. **10.**—(1) The Council may make byelaws for all or any of the following purposes:—

(a) for securing for the purpose of recreation—

(i) the conservation and improvement of the banks of the river and lands; and

(ii) the amenity of the river, banks of the river and lands;

(b) for the government, good order and regulation of persons using the banks of the river and lands whether for business, recreation, training or any other purposes;

(c) for prohibiting the mooring overnight on portions of the river specified in the byelaws of vessels (whether or not houseboats) in which sleeping accommodation is provided except at places specified in the byelaws;

(d) for the preservation of flora and fauna.

(2) Byelaws made under this section may relate to the whole of the river, banks and lands, or to any part thereof, and may make different provisions for different parts.

(3) Byelaws made by the Council under this section may provide, on the contravention thereof, for the imposition of a fine on summary conviction not exceeding level 3 on the standard scale and, in the case of a continuing offence, a daily fine not exceeding £20.

(4) Any person convicted of an offence under the byelaws may be required by the court, in addition to any fine thereby incurred, to pay to the Council a sum in satisfaction of the cost of repairing or making good any damage occasioned thereby to the property of the Council; and the provisions of section 41 (which provides for the recovery of costs and compensation) of

the Administration of Justice Act 1970 shall apply to any sum required to be paid pursuant to this section as they apply in the cases specified in Part I of Schedule 9 to that Act.

PART III
—cont.
1970 c. 31.

(5) Nothing in this section shall affect the operation of any byelaw made by the water authority and any byelaw made under this section shall be of no effect if and in so far as it is inconsistent with any byelaw made by the water authority and for the time being in force.

(6) Nothing in any byelaw made under this section shall restrict, prevent, interfere with or prejudice the construction, maintenance, repair, renewal or use of railway property.

(7) Nothing in any byelaw made under this section shall apply to anything done by the waterways board in the exercise of any of their statutory functions or be of any effect if and in so far as it affects the operation of, or is inconsistent with, any byelaw of the waterways board for the time being in force.

(8) No byelaw shall be made by the Council under subsection (1) (c) above unless they shall have given at least two months' prior notice to the waterways board of their intention so to do and obtained the consent in writing of the waterways board to the making of the byelaw which shall not be unreasonably withheld.

(9) Not less than two months before they make, amend or revoke any byelaws under this section, the Council shall give notice of their intention to do so to the water authority and shall consider any written representations made by the water authority within the said period of two months.

(10) Not later than the date on which notice of intention to apply for confirmation of any byelaws made under this section is given in a local newspaper, the Council shall send a copy of the byelaws to the water authority.

11.—(1) The Council may remove from the banks or lands anything (not being a navigable vessel)— Removal of obstructions.

(a) causing or likely to become an obstruction on; or

(b) which is or is likely to become an impediment to the proper use of;

the river, banks or lands.

(2) (a) If anything removed by the Council under subsection (1) above is so marked as to be readily identifiable as the property of any person, the Council shall within one month of its coming into their custody give notice, as required by subsection (5) below, to that person and if possession of the thing is not retaken within the period specified in the notice, the thing shall at the end of that period vest in the Council.

PART III
—cont.

(b) If anything removed by the Council under subsection (1) above which is not so marked is not within three months of its coming into the custody of the Council proved to their reasonable satisfaction to belong to any person, it shall thereupon vest in the Council.

(3) The Council may, at such time and in such manner as they think fit, dispose of anything referred to in subsection (2) (b) above which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Council under this section, and if it is sold the proceeds of sale shall be applied by the Council in payment of the reasonable expenses incurred by them under this section in relation to the thing, and any balance—

(a) shall be paid to any person who, within three months from the time when the thing came into the custody of the Council, proves to the reasonable satisfaction of the Council that he was the owner thereof at that time; or

(b) if within the said period no person proves his ownership at the said time, shall vest in the Council.

(4) If anything removed under this section—

(a) is sold by the Council and the proceeds of sale are insufficient to reimburse them for the amount of the reasonable expenses incurred by them in the exercise of their powers of removal; or

(b) is unsaleable;

the Council may recover the deficiency or the whole of the expenses, as the case may be, from the person who was the owner of the thing removed at the time when the thing removed came into the custody of the Council or in the case of anything abandoned or lost who was the owner of the thing removed at the time of its abandonment.

(5) A notice given under subsection (2) (a) above shall specify the thing removed and state that, upon proof of ownership to the reasonable satisfaction of the Council, possession may be retaken at a place named in the notice within the period specified in the notice, being not less than 14 days after the date when the notice is served.

(6) The Council shall not under the powers of this section remove anything placed or constructed—

(a) by the British Railways Board, statutory undertakers or a telecommunications operator under or in pursuance of any enactment; or

- (b) by the British Railways Board for the protection of railway property; or
- (c) by or in accordance with an authorisation given by the water authority in the exercise of any of their functions; or
- (d) by a highway authority in the exercise of any of their functions; or
- (e) by or in accordance with an authorisation given by the waterways board in the exercise of any of their functions.

12.—(1) In this section “projection” means anything which projects over the river, banks or lands and includes stairs and any tree, bush or other plant but does not include any such thing authorised by or under statute or by a licence granted under section 15 (Licensing of moorings) of this Act to be placed or constructed. Removal of projections.

(2) (a) If any projection is a danger to persons using the banks or lands, the Council may remove it and recover the expenses of removal from the owner or occupier of the land from which the projection projects.

(b) Before exercising their powers under this subsection the Council shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the land from which the projection projects.

(c) In proceedings to recover expenses under paragraph (a) above a court before whom an action for recovery has been begun may inquire whether the Council might reasonably have proceeded instead under subsection (3) below and if that court determines that the Council might have proceeded instead under that subsection the Council shall not recover the expenses.

(3) If any projection is seriously detrimental to the amenity of the river banks or lands by reason of obscuring the view of or from them the Council may by notice require the owner or occupier of the land from which the projection projects to remove the projection within such period, not being less than 28 days, as may be specified in the notice.

(4) If the person required to remove a projection under subsection (3) above fails to do so within the period prescribed in the notice, the Council may remove the projection and recover the expenses of removal from the person notified.

(5) A person aggrieved by the terms of a notice served under subsection (3) above may before the expiry of the period specified in the notice appeal to a magistrates' court which may

PART III
—cont.

dismiss or allow the appeal and may extend the period specified in the notice.

(6) Nothing in this section shall enable the Council—

(a) without the consent of the water authority or the waterways board to remove or require the removal of any projection provided or maintained by the water authority or the waterways board or authorised by either of them in the exercise of any of their respective functions; or

(b) without the consent of the waterways board to—

(i) remove anything notified to them by the waterways board as being necessary for the proper exercise of that board's functions; or

(ii) carry out any operation which may—

(A) constitute a danger to persons using the river; or

(B) obstruct river traffic or otherwise interfere with navigation on the river; or

(C) affect the stability of the banks of the river.

Repair of
landing places
and
embankments.

13.—(1) Without prejudice to section 12 (Removal of projections) of this Act, the Council may by notice require the owner or occupier of a landing place or embankment which in the opinion of the Council is, or is likely to become, by reason of its insecure condition or want of repair seriously detrimental to the amenity of the river, to remedy its condition to the satisfaction of the proper officer of the Council within a reasonable time specified in the notice.

(2) The provisions of section 290 of the Act of 1936 shall apply to notices given by the Council under this section as they apply to the notices mentioned in subsection (1) of that section and as if—

(a) references therein to a local authority were references to the Council; and

(b) in subsection (6) of that section, for the words “£500 and to a further fine not exceeding £2” there were substituted the words “level 4 on the standard scale and to a further fine not exceeding £50”.

(3) A notice under this section shall have annexed to it a copy of this section.

(4) Nothing in this section shall apply to any landing place or embankment belonging to or under the control of the waterways board.

(5) The Council shall send a copy of every notice under this section as soon as possible to the waterways board.

PART III
—cont.

14.—(1) The Council may provide, place, lay down, maintain and use moorings in the river or on the banks adjoining the river, on land owned or leased by the Council, or in which they hold an easement or other legal or equitable interest, or on any other land with the consent in writing of the owner and lessee thereof. Powers as to moorings, etc.

(2) The Council may recover, in respect of any vessel (including a houseboat) using any of the moorings provided by the Council under this section or which is moored to land owned or leased by the Council in or adjoining the river, such reasonable charges as they may prescribe.

(3) The Council may compound with any person with respect to the payment of the charges prescribed under this section.

(4) Nothing in this section shall relieve the Council of the obligation to obtain consent under section 8 (Works to be approved by the commissioners) of the Severn Navigation Act 1914 to the construction of any wharf, pier, artificial bank or bridge. 1914 c. xlii.

15.—(1) As from the appointed day the Council may, having regard to the requirements of safe and unobstructed navigation of the river, grant licences (which may be given on such terms and conditions as the Council may think fit) to any person to place, lay down, maintain and use existing and future moorings in the river or on the banks thereof; but— Licensing of moorings.

(a) nothing in any such licence shall entitle a person to place, lay down, maintain and use any mooring on land not owned or leased by him or by the Council or in which he has no appropriate interest;

(b) the Council shall not unreasonably refuse to grant a licence—

(i) to an owner or lessee of any land not leased by the Council with respect to a mooring on that land;
or

(ii) with respect to a mooring on the banks of the river and existing at the commencement of this Act; and any question whether the grant of a licence has been unreasonably refused or whether the conditions of the licence are unreasonable shall be referred to and determined by the Secretary of State.

(2) In any case to which both sub-paragraphs (i) and (ii) of subsection (1) (b) above apply, the Council shall not refuse to

PART III
—cont.

grant a licence and any question whether the grant of a licence has been made subject to unreasonable conditions shall be referred to and determined by the Secretary of State.

(3) Any licence granted under subsection (1) above shall be valid only for such period not exceeding three years commencing with its date as may be specified in the licence.

(4) The Council may charge a reasonable fee for granting a licence under this section.

(5) Nothing in this section shall apply to any mooring or landing place constructed by the waterways board or authorised by the waterways board, in the exercise of their statutory functions.

Offences in
respect of
sections 14
and 15.

16.—(1) Any person who—

(a) without reasonable excuse causes a vessel to be moored in the river except at a mooring provided under section 14 (Powers as to moorings, etc.) of this Act or licensed by the Council under section 15 (Licensing of moorings) of this Act; or

(b) places, lays down, maintains or uses any mooring not so provided or licensed;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) If any person contravenes subsection (1) (b) above, the Council may remove the mooring in question and recover from that person the expenses incurred in doing so.

Improvement
of river.

17.—(1) (a) For the purpose of improving the amenity and recreational facilities of the river the Council may within the city widen, realign, straighten and strengthen the banks of the river.

(b) The power of this subsection shall not be exercised so as to reduce the width and depth of any portion of the main navigable channel of the river as it existed at the date of the passing of this Act.

(2) The Council shall not commence any work authorised by this section unless 14 days' previous notice shall have been given to the protected party.

(3) The Council shall not under subsection (1) above undertake any work except with the consent of the water authority and the waterways board (which consent shall not be unreasonably withheld) and in accordance with plans and sections approved by those bodies such consent and approval

being subject to reasonable conditions as to the design of any work or part thereof and as to the manner in which and the time when the work shall be executed.

PART III
—cont.

(4) Where the river passes under, through or within a distance of 15 metres from any railway property or, as the case may be, any apparatus of the Corporation or land or apparatus of the water authority or apparatus or works (including any submarine cable) of the Electricity Board the powers of subsection (1) above shall be exercised subject to the following conditions:—

- (a) the Council shall not commence to widen, realign, straighten or strengthen the banks of the river within a distance of 15 metres from any railway property until copies of the detailed plans or drawings of such widening, realignment, straightening or strengthening and any calculations which may be required by him have been submitted to and approved by the chief civil engineer of the Board for the time being responsible for the area in which the railway or work is situated;
- (b) all such widening, realigning, straightening or strengthening shall be done under the superintendence (if given) and to the reasonable satisfaction of the chief civil engineer of the Board or, as the case may be, an engineer appointed by any protected party and shall be done so as not to cause any injury to the said railway property or, as the case may be, to the apparatus of the Corporation or the land or apparatus of the water authority or apparatus or works (including any submarine cable) of the Electricity Board, and if any injury shall arise to the said railway property or, as the case may be, the said apparatus, land or works of any protected party, in consequence of such widening, realigning, straightening or strengthening the Council shall make compensation to any protected party injured, in respect of such injury;
- (c) any question or dispute which may arise between the Council and any protected party, with reference to the provisions of this subsection, or as to any works to be carried out in consequence thereof, shall be determined by arbitration.

(5) Nothing in this section shall affect the rights and duties of the county council as highway authority for highways in the city.

(6) In this section—

“Board” means the British Railways Board;

“Corporation” means the British Gas Corporation;

PART III
—cont.

“Electricity Board” means the Midlands Electricity Board;
 “protected party” means the British Railways Board, the British Gas Corporation, the Midlands Electricity Board, or the water authority as the case may be.

For protection
 of Severn-
 Trent Water
 Authority.

18. For the protection of the water authority the following provisions shall, unless otherwise agreed in writing between the Council and the water authority, apply and have effect:—

(1) Nothing in section 13 (Repair of landing places and embankments) of this Act shall apply to any works of the water authority.

(2) Nothing in the said section 13 or in sections 14 (Powers as to moorings, etc.) or 15 (Licensing of moorings) of this Act shall relieve any person of the obligation to obtain consent under section 29 of the Land Drainage Act 1976 (which requires the consent of the water authority to the erection of any structure in, over or under a watercourse which is designated as main river), and nothing in the said sections 14 and 15 shall relieve any person of the obligation to moor vessels in accordance with byelaws having effect under the said Act.

1976 c. 70.

Consultation.

19. In the exercise by the Council of functions under this Part and the exercise by the water authority of functions under section 20 of the Water Act 1973 with respect to the recreational use of the river, the Council and the water authority shall consult each other with a view to co-ordinating action and any plans or programmes made by them.

1973 c. 37.

PART IV

PUBLIC ORDER

Dealers in
 second-hand
 goods.

20.—(1) As from the appointed day a person shall not in the city carry on the business of a dealer in second-hand goods when he is not registered by the Council under this section or exempted from registration by subsection (8) below and, when he is not so exempted, he shall not carry on such a business in premises occupied by him when the premises are not so registered.

(2) On application for registration under this section the Council shall register the applicant and, if the application specifies premises, those premises and issue to the applicant a certificate of registration.

(3) (a) Every person registered under this section shall, as respects every transaction under which he acquires any articles

in the course of his business, enter, in a book kept by him for that purpose, the date of the transaction, the quantity and description of the articles and the name and address of the person from whom the articles were acquired.

PART IV
—cont.

(b) Any book kept by a person in pursuance of paragraph (a) above shall be retained by him until the end of the period of one year beginning with the day on which the last entry was made in the book.

(4) Registration under this section shall remain in force for three years from the date thereof.

(5) If any person contravenes subsection (1) or (3) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) The occupier of any premises used by a person registered under this section for the purposes of the business in respect of which he is so registered shall keep a copy of the certificate of registration displayed in the premises, and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

(7) (a) If a person registered under this section acquires any second-hand goods from a person whom he knows to be under the age of 16, whether those goods are offered by that person on his own behalf or on behalf of another person, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(b) Any person who, on selling second-hand goods to a person registered under this section, gives that person a false name or false address shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(8) This section shall not apply to—

(a) any person engaged in a business carried on by a group, organisation or body registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section; 1960 c. 58.
or

(b) a person in respect of whom particulars are registered under the Scrap Metal Dealers Act 1964 in respect of his business as a scrap metal dealer; or 1964 c. 69.

(c) the holder of a licence issued under section 22 of the Consumer Credit Act 1974, in respect of activities covered by the licence or a person who does not need such a licence by virtue of section 21 of that Act; or 1974 c. 39.

PART IV
—cont.

- (d) a person engaged in the business either of financing the acquisition of goods by means of hire-purchase agreements, conditional sale agreements or credit-sale agreements (as defined in section 189 (1) of the said Act of 1974) or of financing the use of goods by means of bailment agreements, in respect of any such business or any transaction incidental thereto; or
- (e) a person engaged in a business of which the primary purpose is the supply of new unused goods and to which the supply of second-hand or used goods is merely incidental; or
- (f) a person engaged in business as a dealer in waste paper, cardboard, textiles, plastics in bulk or second-hand clothes in respect of his business as such; or
- (g) a person whose sole or principal business is the sale or purchase of, or dealing in, motor vehicles, as defined in section 190 (1) of the Road Traffic Act 1972;

1972 c. 20.

and for the purposes of this section a person is not to be treated as carrying on the business of a dealer in second-hand goods merely because occasionally he enters into transactions belonging to a business of that sort.

Section 20
powers of
entry,
inspection and
examination.

21.—(1) A proper officer of the Council, on producing if so required a duly authenticated document showing his authority, or any police constable may—

- (a) at all reasonable times enter and inspect any premises registered under section 20 (Dealers in second-hand goods) of this Act and inspect any book kept in accordance with subsection (3) of that section and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in, or in connection with, the premises, a contravention of the provisions of the said section 20; or
- (b) subject to subsection (2) below, enter and inspect any premises not registered under the said section 20, if he has reasonable cause to believe they are being used for, or in connection with, the business of a dealer in second-hand goods, for the purposes of ascertaining whether in connection with such premises there is a contravention of the said section 20.

(2) The powers of subsection (1) (b) above may be exercised in respect of premises only on the grant of a warrant by a justice of the peace.

(3) (a) A justice may grant a warrant under subsection (2) above only if he is satisfied either—

PART IV
—cont.

- (i) that notice of intention to apply for a warrant has been given to the occupier of the premises; or
- (ii) that the case is one of urgency, or the occupier is temporarily absent, or that the giving of notice of intention to apply for a warrant would defeat the object of entry.

(b) A warrant under this section shall authorise entry, if need be, by force but shall cease to have effect at the expiration of a period of seven days beginning with the day on which it is granted.

22.—(1) The Council may designate in the city, in accordance with subsection (5) below, any of the following places, or any part of such places, in the city as places to which this section applies for any of the purposes of subsection (2) below:—

- (a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;
- (b) a street, precinct or esplanade, parade, promenade, or way to which the public commonly have access, whether or not as of right:

Provided that the Council shall not designate for the purpose of subsection (2) (b) (ii) below any street.

(2) Any person who, in a place designated under this section—

- (a) importunes any person by touting for an hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage or other conveyance, not being a public service vehicle, or for a ship or boat; or
- (b) without the consent of the Council or in breach of any condition subject to which the Council's consent is given—
 - (i) photographs any person by way of trade or business; or
 - (ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The conditions of consent referred to in subsection (2) (b) above include conditions as to the times or period for which the consent is valid, the display of a certificate of the consent and the payment for the consent of such reasonable fee to cover the

PART IV
—cont.

expense of the Council in dealing with applications for such consents as the Council may by resolution prescribe; and, subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

(4) A person aggrieved by—

- (a) the withholding by the Council of consent referred to in subsection (2) (b) above;
- (b) the conditions subject to which the Council give such consent; or
- (c) the revocation of such consent under subsection (3) above;

may appeal to a magistrates' court which may dismiss or allow the appeal or may vary any conditions imposed by the Council.

(5) (a) Before designating any place for any of the purposes of subsection (2) above, the Council shall give notice of their proposal by advertisement in a newspaper circulating in the city, and by posting a copy of the notice in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the Council within a time, not less than 28 days after the giving of the notice, specified in the notice.

(b) After taking into consideration any objections made in accordance with paragraph (a) above, the Council may by resolution designate, as places to which this section applies for any of the purposes of subsection (2) above, all or any, or any part, of the places specified in the notice given under that paragraph.

(6) A resolution under subsection (5) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (5) (a) above, being a day not less than 28 days after the day on which notice is given under this subsection.

(7) This section shall not prohibit—

- (a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier;
- (b) 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.

PART V

PUBLIC HEALTH

23.—(1) As from the appointed day, in every dwelling in the city which is let for human habitation and to which a supply of electricity has been made available, adequate means of lighting shall be provided and maintained in every habitable room, stairway or passage in that dwelling.

Artificial
lighting in
habitable
rooms, etc.

(2) If adequate means of lighting are not so provided and maintained the Council may serve on the owner a notice requiring him within such time, not being less than 21 days, as may be specified in the notice to execute such works as may be necessary to comply with subsection (1) above and as respects any such works which require interference with, or connection into, any electric line, electricity main or fittings belonging to the electricity supplier to make arrangements in that behalf with that supplier.

(3) The provisions of section 290 of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of work shall apply in relation to a notice given under subsection (2) above as they apply in relation to the notices mentioned in subsection (1) of that section and as if—

(a) the following paragraph were inserted at the end of subsection (3):—

“(g) that, having regard to the period during which the dwelling is likely to continue to be used for human habitation, it is unreasonable to require the execution of the works”; and

(b) in subsection (6) the words from “and” where it secondly occurs to the end of the subsection were omitted; and

(c) references therein to a local authority were references to the Council.

(4) In this section—

“adequate means of lighting” in relation to a room, stairway or passage means adequate means of lighting the same by electricity and includes the provision in the room, stairway or passage of adequate electric lines connected with an electricity main but does not include—

(a) the supply of electricity; or

(b) the provision of lamps;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;

PART V
—cont.

“habitable room” includes a room used or intended to be used as a living room, sleeping room, bathroom, kitchen or for a sanitary convenience, and includes any cellar or room comprised in a dwelling and used as a fuel store.

(5) This section shall not apply to a dwelling—

(a) in an area declared by the Council to be a clearance area; or

(b) as respects which the proper officer has made an official report under section 606 of the Housing Act 1985 either that it is unfit for human habitation or that it is in an area which should be dealt with as a clearance area, and the report is under consideration; or

(c) as respects which notice has been served under section 189 (1) (which empowers a local authority to enforce repairs to unfit housing) or 190 (1) (which empowers a local authority to require the repair of habitable housing in disrepair) of the said Act of 1985 on the person having control of the dwelling and the works required pursuant to the notice have not been executed; or

(d) as respects which notice has been served under section 264 (which empowers a local authority to accept undertakings as to the reconstruction of unfit housing) of the said Act of 1985 and works required to render the dwelling fit for human habitation have not been carried out to the satisfaction of the Council.

(6) Nothing in any notice served under subsection (2) above shall be construed as authorising any person to interfere with, or connect into, any electric line, electricity main or fittings belonging to the electricity supplier.

(7) Not later than the seventh day after that on which the Council serve notice under subsection (2) above they shall send a copy of the notice to the electricity supplier.

(8) In this section “electricity supplier” means the Midlands Electricity Board or any supplier of electricity to the relevant premises who is authorised under the Energy Act 1983.

1983 c. 25.

Repair of
walls, etc.,
of yards.

24.—(1) If it appears to the Council that any party or boundary wall of any court, courtyard or yard attached to or forming part of any house in the city which is let or the fence or door of any such court, courtyard or yard—

(a) has collapsed or been pulled down or is in danger of collapsing; or

(b) is otherwise in a ruinous or dilapidated condition; and is thereby a source of serious inconvenience to the inhabitants of the house, the Council may by notice require the owner of the house to carry out such works (including the rebuilding, reinstatement, removal or repair of any such wall, fence or door) as are reasonably necessary.

PART V
—cont.

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

- (a) references therein to a local authority were references to the Council; and
- (b) in subsection (6) for the words “£500 and to a further fine not exceeding £2” there were substituted the words “level 4 on the standard scale and to a further fine not exceeding £50”.

25. In its application to the city section 76 of the Building Act 1984 (defective premises) shall have effect as if after subsection (5) there were inserted the following subsection:—

Temporary
repair of
defective
premises.
1984 c. 55.

“(5A) Without prejudice to any action or proceeding which the local authority may take under the foregoing provisions of this section or under any other enactment, where in relation to any premises to which this section applies the proper officer appointed for the purposes of this section (hereinafter referred to as ‘the proper officer’) certifies that temporary repairs are immediately necessary to avoid danger to health the local authority may enter upon the premises and execute such repairs and the local authority shall be entitled to recover the expenses incurred by them in so doing from any person on whom notice could be served under subsection (1) of this section:

Provided that—

- (a) where the name and address of the person concerned are known to or can reasonably be ascertained by the proper officer he shall—
 - (i) as soon as reasonably practicable forward to the person concerned a copy of the certificate which shall specify the nature and extent of the temporary repairs which the local authority propose to execute; and
 - (ii) inform the person concerned after such repairs have been executed;
- (b) in any proceedings to recover such expenses—
 - (i) the court shall inquire whether the proper officer was justified in concluding that the execution of temporary repairs was

PART V
—cont.

immediately necessary to avoid danger to health or that unreasonable delay would have been occasioned by following the procedure prescribed by subsections (1) to (3) of this section and if the court determines that the proper officer was not justified in either of the conclusions mentioned in this sub-paragraph the local authority shall not recover the expenses or any part of them;

(ii) the provisions of subsection (5) of this section shall apply;

(c) before entry on any operational railway line of the British Railways Board not less than twenty-four hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of the British Railways Board for the protection of their undertaking."

Urgent
repairs
to supply
pipes and
water
fittings.

26.—(1) This section applies to any house—

- (a) which is occupied by persons who do not form a single household; or
- (b) which is one of two or more houses or other buildings supplied with water by one common supply pipe.

(2) Where the Council are satisfied that, by reason of any injury to, or defect in, a water fitting in, or the supply pipe for supplying water to, any occupied house or houses to which this section applies in the city any such house, or any part thereof, has ceased to be supplied with water sufficient for the domestic purposes of the occupants, the Council may, without prejudice to any other action which they may be authorised to take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things as they may consider necessary to secure that the supply of water is restored and recover from the owner of the house or, as the case may be, from the owners of the houses, the expenses necessarily incurred by them in so doing not exceeding £200 or such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Except in cases of emergency, admission to any premises shall not be demanded as of right for the purpose of doing any work under subsection (2) above unless not less than 24 hours' notice of the intended entry had been given to the occupier.

(4) (a) In proceedings to recover expenses under subsection (2) above the court may inquire whether those expenses

ought to be borne wholly or in part by some person, being the occupier of the premises in respect of which they were incurred, other than the defendant in the proceedings and, subject as provided in paragraph (b) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

PART V
—cont.

(b) The court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that the other person has, at the instance of the defendant, had due notice of the proceedings and an opportunity of being heard.

(5) The Council may if they think fit themselves bear the whole or any part of any expenses recoverable under this section.

(6) Before, or, in case of emergency, as soon as possible after, exercising the powers of subsection (2) above in relation to any premises the Council shall notify the Severn-Trent Water Authority.

(7) (a) The powers conferred by this section shall not be exercisable in relation to any water meter of the Severn-Trent Water Authority or any other apparatus used for supplying water other than a water fitting in the premises supplied or the supply pipe to those premises.

(b) The powers conferred by subsection (1) above shall not be exercised except in compliance with any byelaws made by the Severn-Trent Water Authority under section 17 of the Water Act 1945.

1945 c. 42.

(8) In this section—

“house” means a dwelling-house, whether a private house or not; and

“supply pipe” and “water fitting” have the meanings given by Schedule 3 to the Water Act 1945.

27.—(1) This section applies to a stand for the accommodation of spectators of, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand—

Safety of
stands.

(a) comprising a work of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations; or

(b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Act of 1961.

PART V
—cont.

(2) No person shall in the city make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the Council under the following provisions of this section.

(3) Any person who intends to erect in the city a stand to which this section applies for the accommodation of 20 or more persons shall—

- (a) give to the Council notice of his intention, stating the period for which the stand is intended to remain erected; and
- (b) submit for approval by the Council such particulars of the intended stand as the Council may require.

(4) On receipt of a notice under subsection (3) (a) above the Council shall consult the fire authority.

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than seven days after the submission of such particulars the Council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.

(6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the Council may give to the person by whom the particulars, plan or section were submitted notice specifying—

- (a) such modifications of any plan, section and particulars submitted to them as they may require; and
- (b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the Council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for the fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of five weeks or, as the case may be, the said period of four weeks, the Council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the Council under

this section may appeal to a magistrates' court, which may dismiss or allow the appeal, or may vary any requirement of the Council, and may make directions for giving effect to its decisions.

PART V
—cont.

(9) If any person—

(a) contravenes subsection (2) above; or

(b) contravenes such requirements as are mentioned in subsection (6) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) Where it appears to the Council that any stand to which this section applies has been erected or is in use in the city in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

(a) to remedy the condition of the stand; or

(b) to prevent the continued use of the stand until its condition has been remedied; or

(c) to dismantle the stand;

as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

28.—(1) The Council may, after consultation with the fire authority, make byelaws with regard to structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—

Byelaws with regard to certain temporary structures.

(a) the provision of safe and adequate means of ingress to and egress from the structure;

(b) the provision of first-aid fire-fighting equipment;

(c) the provision of proper and sufficient passages or gangways in the structure and between the structure and another building or structure;

(d) the stability of the structure; and

(e) the proper arrangement of any seating accommodation to be provided in the structure.

(2) (a) A proper officer of the Council or any officer of the fire authority, in either case on producing, if so required, a duly authenticated document showing his authority, or any police constable may at all reasonable times enter upon, inspect and examine any structure to which this section applies and any land giving access thereto for the purpose of ascertaining

PART V
—cont.

whether there is, or has been, in or in connection with the structure, a contravention of the provisions of any byelaw made under this section.

(b) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to a structure and any land giving access thereto for the purposes of this subsection as they apply to entry to premises for the purpose of subsection (1) of that section.

(3) This section applies to any tent, marquee or other similar structure which is erected in the city and to which the public are admitted, whether with or without any charge for admission, for the purposes of or in connection with any fair, show, exhibition, game, sport or athletic or other contest or public entertainment or any political, religious or other public meeting:

Provided that this section shall not apply to any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Act of 1961.

(4) Nothing in this section shall affect the operation of any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

Power to order
alteration of
chimneys.

29.—(1) If, upon a complaint by the Council under this section, a magistrates' court is satisfied that any gas, vapour or fumes from a chimney of a building in the city is injurious or likely to be injurious to health or a nuisance, the court may make an order requiring the owner of the chimney within such time as may be specified in the order—

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

(2) The court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding—

- (a) in the case of a single private dwelling-house £500; and
- (b) in any other case £1,500;

or, in any case, such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Any person who without reasonable excuse fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

(4) Unless the Secretary of State has granted scheduled monument consent under section 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed building consent under section 55 of the Act of 1971 for the alteration of any chimney in a scheduled monument or listed building no complaint shall be made to a magistrates' court under this section in respect of any chimney in such monument or building.

PART V
—cont.

1979 c. 46.

(5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, &c. Works Regulation Act 1906 or to any class of premises prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974.

1961 c. 34.

1906 c. 14.

1974 c. 37.

(6) In this section "chimney" includes structures, openings and ducts of any kind from which any gas, vapour or fumes may be emitted whether or not as the product of combustion and reference to a chimney of a building includes reference to a chimney of a building which serves the whole or a part of a building but is structurally separate therefrom.

30.—(1) This section applies to any building operation in the city or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air.

Dust, etc.,
from building
operations.

(2) Except as provided in subsection (6) below, the Council may give notice to any person carrying out, or controlling the carrying out of, an operation to which this section applies requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from the operation.

(3) In considering what steps are reasonably practicable for the purposes of subsection (2) above, the Council shall have regard, amongst other matters, to the requirements of safety and safe working conditions, any relevant provisions of any code of practice approved under section 16 of the Health and Safety at Work etc. Act 1974 and to the financial implications.

(4) Any person aggrieved by a notice under subsection (2) above may appeal to the county court and the judge may make such order, either confirming or quashing or varying the notice, as he thinks fit but shall not so vary the notice that it is more onerous than the notice given by the Council.

(5) (a) Subject to any order made on appeal under subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £20.

PART V
—cont.

(b) In any proceedings under this subsection it shall be a defence to show that the quantity of dust emitted into the open air was not materially greater than would have been emitted if the notice had been complied with.

(6) (a) If, before the carrying out of any operation to which this section applies, the person who intends to carry it out applies to the Council for their consent to the operation giving particulars of—

(i) the operation and the method by which it is to be carried out; and

(ii) the steps proposed to be taken to reduce the emission of dust from the operation;

and the Council consider that, on the carrying out of the operation in accordance with the application, they would not serve a notice under subsection (2) above in respect of that operation, the Council may give their consent to the operation for the purposes of this section, either unconditionally or subject to such conditions as may be specified in the consent.

(b) In acting under this subsection the Council shall have regard to the matters specified in subsection (3) above.

(c) If the Council do not, within 21 days from the receipt of an application under this subsection, give to the applicant a consent, with or without conditions, which is acceptable to the applicant, he may appeal to the county court.

(d) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or varying any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions as he thinks fit but shall not so vary any conditions that they are more onerous than those specified by the Council.

(7) In this section “dust” includes chemicals in solution and grit.

Control of
stray dogs.
1906 c. 32.

31.—(1) A proper officer of the Council may exercise the powers in section 3 of the Dogs Act 1906 with respect to the seizure, detention and disposal of stray dogs in the city and for the purposes of that section, as it applies to the city, a dog shall be treated as a stray if it appears not to be in the charge of any person.

(2) In consequence of subsection (1) above, section 3 of the Dogs Act 1906 shall have effect in the city subject to the following modifications:—

(a) the substitution for subsection (1) of the following:—

“(1) Where it appears to a police officer or a duly authorised officer of the Worcester City Council

that any dog found in a highway or place of public resort is not in the charge of any person he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.”;

- (b) in both subsections (2) and (4), the substitution for “the chief officer of police, or any person authorised by him in that behalf,” of the words “the chief officer of police or, as the case may be, the Worcester City Council, or any person authorised by him or them in that behalf”;
- (c) in subsection (6), the substitution for “of a police area” of the words “and the Worcester City Council” and for “in that area” of the words “by him or them respectively”;
- (d) in subsection (7), the substitution for “The police shall not dispose of any dog seized under this section” of the words “A dog seized under this section shall not be disposed of”, and the insertion after “inspection” of the words “at all reasonable times”.

(3) Section 3 of the Dogs Act 1906, as that section has effect in accordance with this section, is set out in Schedule 2 to this Act. 1906 c. 32.

32. Section 22 of the Prevention of Damage by Pests Act 1949 (powers of entry) shall have effect in the city as if after subsection (1) there were inserted:—

Powers of entry for Prevention of Damage by Pests Act 1949. 1949 c. 55.

“(1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any land has been refused or that refusal is apprehended; or

(b) that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry;

and, in either case, that there is reasonable ground for entry upon the land for any such purpose as is mentioned in subsection (1) of this section, the justice may by warrant under his hand authorise the Council by any person duly authorised by them in writing to enter upon the land if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the circumstances are as mentioned in paragraph (b) of this subsection.

PART V
—cont.

(1B) A person entering upon any land by virtue of the foregoing provisions of this section or of a warrant issued under this section may take with him such other persons as may be necessary and on leaving any unoccupied land upon which he has so entered shall leave it as effectually secured against trespassers as he found it.

(1C) Every warrant issued under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.”.

Hairdressers
and barbers.

33.—(1) A person shall not in the city carry on the business of a hairdresser or barber unless he is registered by the Council under this section and except as provided under subsection (2) below he shall not carry on that business on premises occupied by him unless the premises are so registered.

(2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those premises.

(3) On application for registration under this section the Council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the premises and of any byelaws made by the Council under section 77 of the Act of 1961 displayed in the premises and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

Carrying or
storage of
waste food.

34.—(1) No person shall in any street or public place in the city carry waste food by way of trade otherwise than in a suitably covered container suitable for the purpose.

(2) No person shall deliver by way of trade to any premises in the city for the purpose of use for the storage of waste food a sack, bin or container which is unclean or is in an offensive condition.

(3) Any person who contravenes a provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) In this section—

PART V
—cont.

“unclean” means such as would be liable to contaminate any food for human consumption into the vicinity of which it came; and

“waste food” means a substance not intended for human consumption which has been, or has been part of, food used or intended for human consumption, and includes waste food which is mixed with other refuse.

35.—(1) No premises in the city shall be used as an eating house unless such premises are registered with the Council by the occupier thereof. Registration of eating houses.

(2) On application for registration under this section the Council shall register the premises specified in the application and shall issue to the applicant a certificate of registration.

(3) The Council shall keep a register of the premises registered under this section.

(4) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Subject to subsection (6) below, a proper officer of the Council may, on producing if so required some duly authenticated document showing his authority, enter any premises in the city if he has reason to suspect that an offence under subsection (1) above is being committed there.

(6) The power conferred by this section may be exercised by a person duly authorised by the Council only if he has been granted a warrant by a justice of the peace.

(7) A justice may grant a warrant under this section only if he is satisfied—

(a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

(b) that there is reasonable ground for entry under this section.

(8) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

PART V
—cont.

(9) A warrant shall cease to have effect at the expiration of a period of 7 days beginning with the day on which it is granted.

1951 c. xliv.

(10) Premises to which this section applies and in respect of which notification has been given under section 136 of the Worcester Corporation Act 1951 shall be deemed to be premises registered under this section.

(11) In this section “eating house” means premises substantially used for the sale of meals and refreshments to members of the public for consumption on or off the premises other than premises—

1984 c. 55.

(a) so used in pursuance of a planning permission granted on an application made under the Act of 1971 or a notice or application made under the Building Act 1984 specifying that use; or

(b) in respect of which a justices’ licence to sell intoxicating liquors by retail has been granted and is in force; or

(c) used as railway station refreshment rooms; or

1984 c. 30.

(d) required to be registered under section 16 of the Food Act 1984; or

(e) forming part of a departmental store.

PART VI

ESTABLISHMENTS FOR MASSAGE AND OTHER TREATMENT

Interpretation
of Part.

36. In this Part “establishment for massage or special treatment” means any premises used or represented as being or intended to be used by way of business for the reception or treatment of persons requiring—

(a) massage; or

(b) chiropody; or

(c) electric treatment, radiant heat, light or electric vapour treatment, or sauna or other baths for therapeutic treatment; or

(d) treatment for the tanning of the skin; or

(e) other similar treatment.

37.—(1) As from the appointed day, no person shall carry on an establishment for massage or special treatment in the city without a licence from the Council authorising him to do so.

PART VI
—cont.
Licensing of
persons to
carry on
establish-
ments.

(2) The Council may, on the application of any person, grant or renew to him a licence under this Part on such terms and conditions as may be specified in the licence.

(3) A licence under this Part shall be for such period, not exceeding 13 months, specified in the licence as the Council may determine.

(4) An application for a licence or the renewal of a licence under this Part shall be made to the Council and the applicant shall in the application state—

- (a) where the applicant is a private individual, his full name and date of birth;
- (b) where the applicant is a private individual, his private address;
- (c) where the applicant is a company, society, association or other body, the registered or principal office (if any) of that body and, so far as may reasonably be required, the names and private addresses of the directors or other persons directly or indirectly responsible for the management of the body;
- (d) the name under which and the address at which the establishment is carried on or proposed to be carried on;
- (e) the nature of the establishment;
- (f) where the applicant is a private individual, his qualifications (if any) for the conduct of an establishment of that nature, or where the applicant is a company, society, association or other body, the qualifications (if any) of any person named in the application;
- (g) where the applicant is a private individual, whether, and if so to what extent, he is or has been interested or employed in any other establishment for massage or special treatment or, where the applicant is a company, society, association or other body, whether, and if so to what extent, any person named in the application is or has been so interested or employed; and
- (h) such further information (if any) as the Council may reasonably require with respect to the applicant or the establishment carried on, or proposed to be carried on.

PART VI
—cont.

(5) With an application for a licence under this Part the applicant shall pay such reasonable fee to cover the expense of the Council in dealing with such applications as the Council may by resolution prescribe; and different fees may be prescribed for applications of different kinds.

Grant, renewal
and transfer of
licences.

38.—(1) The Council may refuse to grant or renew a licence under this Part or may revoke a licence so granted where—

- (a) the person applying for or holding the licence is under the age of 21;
- (b) the premises are unsuitable for the provision of massage or special treatment or the accommodation or provision for such massage or special treatment as may there be provided is not reasonably adequate or suitable;
- (c) adequate professional, technical or other staff is not available for the administration of such massage or special treatment as may be provided at the establishment; or
- (d) the establishment is being carried on in contravention of the provisions of this Part or any byelaw made thereunder.

(2) Before refusing to grant or renew a licence under this Part or revoking a licence so granted, the Council shall give to the person applying for the grant or renewal of the licence or, in the case of a revocation, the holder of the licence, an opportunity of appearing before and of being heard by a committee or sub-committee of the Council, and, if so required by him, the Council shall within seven days after their decision give him notice thereof containing a statement of the grounds on which it was based.

(3) The Council may on the application of the holder of a licence under this Part, or of any person to whom he wishes to assign the licence, transfer the licence to that person; and subsections (4) and (5) of section 37 (Licensing of persons to carry on establishments) of this Act and subsections (1) and (2) above shall apply to a transfer as they apply to the grant of a licence under this Part.

(4) Where, before the date of expiry of a licence granted under this Part, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the Council or until the withdrawal of the application.

(5) Where, before the date of expiry of a licence granted under this Part, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed or that the applicant for such transfer is carrying on an establishment for massage or special treatment in respect of which the licence was granted, until the determination of the application by the Council or until the withdrawal of the application.

PART VI
—cont.

39.—(1) The Council may make byelaws—

Byelaws as to
establish-
ments.

- (a) prescribing the books, cards or forms to be kept by every person holding a licence under this Part showing the business conducted by him so far as it relates to his establishment for massage or special treatment;
- (b) prescribing the entries to be made in connection with such business in such books, cards or forms; and
- (c) generally for regulating any premises used for the purposes of, or in connection with, any such establishment.

(2) Every person holding a licence under this Part shall keep exhibited in a suitable place (to be approved by the Council) in the premises to which the licence relates a copy of the byelaws for the time being in force under this section.

40.—(1) A person who—

Offences under
Part VI.

- (a) carries on an establishment for massage or special treatment, or permits such an establishment to be carried on, contrary to subsection (1) of section 37 (Licensing of persons to carry on establishments) of this Act; or
- (b) carries on an establishment or permits to be carried on an establishment in contravention of terms or conditions specified in a licence under this Part; or
- (c) on an application for a licence or the renewal or transfer of a licence under this Part provides any information which he knows to be false in a material respect or intentionally withholds any material information that is required by this Part to be given;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person who—

- (a) without reasonable excuse contravenes any byelaw made under this Part; or

PART VI
—cont.

- (b) knowingly issues, publishes, displays, or causes to be issued, published or displayed any advertisement relating to an establishment for massage or special treatment which is not licensed under this Part after the expiration of a period of seven days after the Council have given him notice that the licence relating to such establishment has expired or has been refused or revoked under this Part;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £20.

(3) Any person who, without reasonable excuse, contravenes the provisions of subsection (2) of section 39 (Byelaws as to establishments) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

(4) On conviction of any person for an offence under subsection (1) or (2) above the court may, instead of, or in addition to, imposing a fine, make an order revoking a licence granted or transferred to him under this Part.

Part VI
appeals.

41. A person aggrieved by a refusal by the Council to grant, renew or transfer a licence under this Part, or by any terms or conditions specified in such a licence, or by the revocation by the Council of such a licence, may appeal to a magistrates' court; and on any such appeal the court may order the grant or transfer of the licence, or the grant or transfer of it on such terms or conditions, not more onerous than those imposed by the Council, as the court thinks fit and make directions for giving effect to its decision.

Part VI
powers of
entry,
inspection and
examination.

42.—(1) A proper officer of the Council, on producing, if so required, a duly authenticated document showing his authority, or any constable, may at all reasonable times enter and inspect—

- (a) any premises specified in any licence or application under this Part; or
- (b) any other premises which he has reasonable cause to believe are used or intended to be used for the purposes of, or in connection with, an establishment for massage or special treatment;

for the purposes of ascertaining—

- (i) whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this Part or of any byelaw made thereunder or of any term or condition specified in a licence under this Part; or

(ii) whether or not circumstances exist which would authorise the Council to take action under this Part.

PART VI
—cont.

(2) A proper officer or a constable may exercise powers under subsection (1) (b) above only if he has been granted a warrant by a justice of the peace.

(3) (a) A justice may grant a warrant under this section only if he is satisfied either—

(i) that notice of intention to apply for a warrant has been given to the occupier of the premises; or

(ii) that the case is one of urgency or that the premises are unoccupied or the occupier is temporarily absent, or that the giving of notice of intention to apply for a warrant would defeat the object of entry.

(b) A warrant under this section shall authorise entry, if need be, by force, but shall cease to have effect at the expiration of a period of seven days beginning with the day on which it is granted.

43.—(1) Nothing in this Part shall apply to—

Savings.

(a) an establishment for massage or special treatment carried on by—

(i) a registered medical practitioner; or

(ii) a person registered by any board established under the Professions Supplementary to Medicine Act 1960; or

1960 c. 66.

(iii) a member of the Chartered Society of Physiotherapy; or

(iv) a member of the Society of Chiropodists or of the Institute of Chiropodists; or

(v) a nurse registered or enrolled by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting; or

(vi) a member of any organisation or association which specifies qualifications for the practice by its members of chiropractic, osteopathy, naturopathy or acupuncture, being a member who is required by that organisation or association to observe professional standards in such practices; or

(b) any hospital provided by the Secretary of State or by a charity which is registered under section 4 of the Charities Act 1960 or is excepted from registration by subsection (4) of that section; or

1960 c. 58.

(c) any nursing home which is for the time being registered under the Nursing Homes Act 1975 or exempted from registration under that Act; or

1975 c. 37.

PART VI
—cont.

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

1974 c. 37. (2) Nothing in this Part shall affect the operation of any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

PART VII

FIRE

Access for fire
brigade.

44.—(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with the Council in accordance with building regulations, the Council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show—

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

1984 c. 55.

(3) Section 16 (6) and (7) of the Building Act 1984 shall apply to plans mentioned in subsection (1) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act.

(4) Any person aggrieved by the action of the Council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

Provision of
means of
escape from
fire in certain
buildings.

45.—(1) In its application to the city section 72 of the Building Act 1984 (means of escape from fire in certain buildings) shall have effect as if—

(a) in subsection (1) for the words "twenty feet" there were substituted "4.5 metres";

(b) in subsection (6)—

(i) for the words “two storeys” there were substituted “one storey”;

(ii) for the words “twenty feet” there were substituted “4.5 metres”;

(iii) in paragraph (a) for the words “let in flats or” there were substituted “used in whole or in part as a flat or as”;

(iv) at the end there were inserted the words “(d) is used as an office and has on any upper floor sleeping accommodation for any person.”.

(2) (a) The Council may by notice require the person having control of a building to which the said section 72, as amended by subsection (1) above, applies (other than a house used, in whole or in part, as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice and if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(b) A person served with a notice under this subsection may appeal to a magistrates’ court on any of the following grounds:—

(i) that the requirement is not justified by the terms of this subsection;

(ii) that there has been some material informality, defect or error in, or in connection with, the notice;

(iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary;

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made.

(3) The said section 72 of the Building Act 1984, as having 1984 c. 55. effect in accordance with this section, shall not apply to any premises to which section 9A of the Fire Precautions Act 1971 1971 c. 40. (which imposes a duty to provide certain premises with a means of escape from fire) applies.

46.—(1) This section applies to a parking place within the city comprising or within a building which provides—

Parking places:
safety require-
ments.

(a) parking space for more than three motor vehicles, being a space of which any part of the floor is situated more than 1.2 metres below the surface of the ground adjoining any wall of the building; or

(b) parking space for more than 20 motor vehicles;

PART VII
—cont.

not being in either case a parking place for motor vehicles for the use only of the occupants of a single private dwelling-house.

(2) Where—

- (a) plans of any proposed work are deposited with the Council in accordance with building regulations; and
- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

1928 c. 32.

the Council shall reject the plans unless they are satisfied after consultation with the fire authority and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act (if not the fire authority), that they may properly consent to the construction, extension or alteration of the building, either unconditionally or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—

- (a) construction of the vehicular approaches;
- (b) means of access for fire brigade appliances and personnel;
- (c) means of ingress and egress, including the provision of appropriate signs;
- (d) means of ventilation;
- (e) safety of electrical, mechanical and heating equipment;
- (f) provision of an emergency lighting system;
- (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
- (h) prevention of the admission to drains of flammable substances.

1984 c. 55.

(4) Section 16 (6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (2) above as they apply to plans mentioned in those subsections and section 36 (2) to (6) of that Act shall apply as if this section were a section of Part I of that Act.

(5) Any person aggrieved by the action of the Council under subsection (2) or (4) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.

(6) If any conditions, subject to compliance with which plans have been passed under subsection (2), have not been or are not being complied with, the Council may by notice to the owner or occupier of the parking place prohibit or, as the case may be, require the cessation of its use for the parking of vehicles until those conditions have been complied with.

PART VII
—cont.

(7) If it appears to the Council, after consultation with the fire authority, that any building or part of a building in the city—

- (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;
- (b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and
- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the Council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

they may, for the purpose of preventing or reducing danger from fire, or other danger to life, by notice to the owner or occupier of the parking place, require compliance with—

- (i) such conditions with respect to any of those matters as may be specified in the notice; and
- (ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(8) The provisions of Part IV of the Building Act 1984 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (7) above as if—

- (a) references in those provisions to that Act included reference to that subsection;
- (b) in section 99 (2) paragraph (b) were omitted; and
- (c) for the reference in sections 102 and 104 to the court there were substituted reference to the Secretary of State.

(9) Any person on whom notice is served under subsection (6) above in respect of any parking place owned or occupied by him who uses the parking place or permits it to be used for the parking of vehicles in contravention of the

PART VII
—cont.

notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

1984 c. 55. (11) For the purposes of section 95 (1) (a) of the Building Act 1984 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the Council to enforce.

1928 c. 32. (12) (a) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force, or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above, no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence.

(b) Subject to paragraph (a) above, where plans in respect of any building have been passed subject to compliance with conditions specified under this section, no conditions shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which conflict with the conditions so specified.

PART VIII

MISCELLANEOUS

Prohibition of parking of goods vehicles in residential streets.

S.I. 1982/
1879.

47.—(1) In this section—

“goods vehicle” means a vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods and has a maximum gross weight which exceeds 3.5 tonnes;

“maximum gross weight” has the meaning given to it by article 4 (c) of the Traffic Signs (Amendment) Regulations 1982;

“prescribed hours” means the hours between 9.00 p.m. and 8.00 a.m.;

“residential street” means a street predominantly fronted by—

(a) residential or mainly residential buildings;

(b) by such buildings and schools; or

(c) such buildings and public open spaces;

and which is not a trunk road within the meaning of section 329 of the Highways Act 1980.

PART VIII
—cont.

1980 c. 66.

(2) (a) If, after the appointed day, it appears to the Council in consequence of a representation made to the Council in accordance with paragraph (b) below that amenities of any part of the city are prejudicially affected by the use during the prescribed hours of any residential street in the city as a place for parking by one or more goods vehicles, the Council may, by an order made in accordance with this section, prohibit the use for parking by goods vehicles during the prescribed hours of the residential street to which the representation relates.

(b) A representation under paragraph (a) above shall be made in writing and signed by local government electors residing in not less than five dwelling-houses, being dwelling-houses in the residential street concerned, or dwelling-houses in any other such street which are within 100 metres thereof.

(3) (a) If the Council propose to make an order under this section, they shall—

- (i) publish a notice stating the effect of the proposal in a newspaper circulating in the city;
- (ii) post copies of the notice in a conspicuous position at each end of the residential street to which the proposal relates; and
- (iii) serve a copy of the notice and the statement of the nature of the representation made under subsection (2) above on the owner or occupier of every dwelling-house in the street to which the draft order relates.

(b) The notice under paragraph (a) above shall state where the draft order can be inspected and copies purchased and that objections to the order may be made in writing to the Council before such day, not earlier than 28 days after the Council have complied with paragraph (a) above, as shall be specified in the notice.

(c) Before making the order the Council shall—

- (i) consider all objections made as provided in paragraph (b) above;
- (ii) consult the chief officer of police and either the highway authority (if any) for the street in question or if the street is not a highway, the county council; and
- (iii) afford to the owner or occupier of every dwelling-house in the street to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee or sub-committee of the Council.

PART VIII
—cont.

(4) If, after considering objections made under subsection (3) above, the Council determine to make the order, they may make the order in the terms of the draft, or in those terms as modified to meet in whole or in part all or any of the objections; but if the Council consider that any person may be adversely affected by any such modification they shall, before making the order, take such steps as appear to them to be appropriate for informing the persons likely to be so affected of the modification, for giving those persons an opportunity to make representations and for ensuring that any such representations are duly considered by the Council.

(5) When an order has been made by the Council under this section they shall publish notice of it, in the manner required by subsection (3) (a) above for notice of a proposal.

(6) (a) Any order made under this section shall come into operation at the expiration of the period of 28 days after the Council have published notice of the making of the order under subsection (5) above or, if an appeal is lodged under subsection (7) (a) below, when the appeal is disposed of or withdrawn or fails for want of prosecution and the Council shall publish notice of the date of coming into operation of any such order in the manner required by subsection (3) (a) above as soon as may be after that date is known.

(b) Any such order shall have effect for such period, not exceeding five years, as the Council may determine, but this paragraph does not prejudice the power of the Council to make a further order.

(7) (a) A person who is aggrieved by an order under this section may, within 28 days after the first publication of the notice of the making of the order under subsection (5) above, appeal to the county court.

(b) On an appeal to the county court under this subsection the judge may make such order, either confirming or quashing or varying the order as he thinks fit, but shall not so vary the order that it is more onerous than the order made by the Council.

(8) If any person parks a goods vehicle in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) A person shall not be guilty of an offence under this section by reason only of the fact that he parks a goods vehicle during the prescribed hours in any residential street for any period not exceeding one hour or for such period as is reasonably necessary for dealing with a breakdown or other emergency.

(10) A person shall not be guilty of an offence under this section by reason only of the fact that he parks a vehicle during the prescribed hours in any residential street for the purpose of holding that vehicle ready for use in an emergency by the British Gas Corporation:

Provided that the vehicle does not have a maximum gross weight exceeding 5.6 tonnes, but nothing in this subsection shall be taken to prejudice any rule of law or other enactment.

(11) A person shall not be guilty of an offence under this section by reason only of the fact that he parks a goods vehicle in a residential street for so long as may be necessary to enable the vehicle, if it cannot reasonably be used for such purpose without parking in that street, to be used in connection with the erection, laying, placing, maintenance, testing, alteration, repair, renewal or removal of—

- (a) any structure, works or apparatus in, on, under or over the street; or
- (b) any structure, works or apparatus of the British Railways Board, statutory undertakers or a telecommunications operator in land adjacent to the street in any case where it is reasonably necessary to carry out those operations during the prescribed hours.

(12) Notice of the effect of an order made under this section shall be indicated by a traffic sign (as defined by section 64 of the Road Traffic Regulation Act 1984) and subsection (1) of section 65 of the said Act shall have effect as respects the erection and display of the notice by the Council as if it were a notice by the highway authority. 1984 c. 27.

48.—(1) In this section—

“front garden” means so much of the curtilage of a dwelling-house fronting on a street as lies between that street and—

Prohibition of parking of goods vehicles in front gardens.

- (a) any building line within the curtilage prescribed under section 74 of the Highways Act 1980 or any other enactment; or

1980 c. 66.

- (b) if there is no such building line, a line, parallel to the street, which passes through the forwardmost part of any wall of the dwelling-house nearest to the street;

“goods vehicle” means a vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods, and has a maximum gross weight which exceeds 3.5 tonnes;

“maximum gross weight” has the meaning given to it by article 4 (c) of the Traffic Signs (Amendment) Regulations 1982;

S.I. 1982/1879.

PART VIII
—cont.

“residential street” means a street predominantly fronted by—

- (a) residential or mainly residential buildings;
- (b) such buildings and schools; or
- (c) such buildings and public open spaces;

1980 c. 66.

and which is not a trunk road within the meaning of section 329 of the Highways Act 1980.

(2) (a) If it appears to the Council, whether in consequence of a representation made to the Council in accordance with paragraph (b) below or otherwise, that the amenities of any part of the city are prejudicially affected by the use on more than one occasion of any land within the front garden of any dwelling-house in a residential street in the city for the parking in the open of one or more goods vehicles, the Council may, by an order made in accordance with this section, prohibit the use of land within the front gardens of the dwelling-houses in the street, or any part thereof, specified in the order for the parking in the open of goods vehicles.

(b) A representation under paragraph (a) above shall be made in writing and signed by local government electors residing in not less than five dwelling-houses, being dwelling-houses in the street concerned, or dwelling-houses in any other such street which are within 100 metres of the land in question.

(3) (a) If the Council propose to make an order under this section, they shall—

- (i) publish a notice stating the effect of the proposal in a newspaper circulating in the city; and
- (ii) post copies of the notice in a conspicuous position at each end of each street or part thereof to which the proposal relates; and
- (iii) serve a copy of the notice and a statement of the nature of the representations (if any) made under subsection (2) above on the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates.

(b) The notice under paragraph (a) above shall state where the draft order can be inspected and copies purchased and that objections to the order may be made in writing to the Council before such day, not earlier than 12 weeks after the Council have complied with paragraph (a) above, as shall be specified in the notice.

(c) Before making the order the Council shall—

- (i) consider all objections made as provided in paragraph (b) above and the availability of parking facilities;

- (ii) consult the chief officer of police, the licensing authority for the purposes of Part V of the Transport Act 1968 (regulation of carriage of goods by road), the highway authority (if any) for the street in question or if the street is not a highway, the county council; and
- (iii) afford to the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee or sub-committee of the Council.

PART VIII
—cont.
1968 c. 73.

(4) If, after considering objections made under subsection (3) above, the Council determine to make the order, they may make the order in the terms of the draft, or in those terms as modified to meet in whole or in part all or any of the objections, but if the Council consider that any person may be adversely affected by any such modification they shall, before making the order, take such steps as appear to them to be appropriate for informing the persons likely to be so affected of the modification, for giving those persons an opportunity to make representations and for ensuring that any such representations are duly considered by the Council.

(5) When an order has been made by the Council under this section they shall publish notice of it and of the right of appeal under subsection (9) below in the manner required by subsection (3) (a) above for notice of a proposal.

(6) (a) Any order made under this section shall come into operation at the expiration of the period of three months after the Council have published notice of the making of the order pursuant to subsection (5) above or, if an appeal is lodged under subsection (9) below, when the appeal is disposed of or withdrawn or fails for want of prosecution.

(b) Any such order shall have effect for such period, not exceeding five years, as the Council may determine, but this paragraph does not prejudice the power of the Council to make a further order.

(7) The Council may revoke an order made under this section and may vary an order so made so as to diminish the scope thereof.

(8) An order under this section shall be a local land charge.

(9) (a) A person who is aggrieved by an order under this section may, within 28 days after the first publication of the notice of the making of the order under subsection (5) above, appeal to a county court.

(b) On appeal to the county court under this subsection the judge may make such order, either confirming or quashing or varying the order as he thinks fit, but shall not so vary the order that it is more onerous than the order made by the Council.

PART VIII
—cont.

(10) Nothing in any order made under this section shall prevent the parking of a goods vehicle on any land within the front garden of a dwelling-house for such period as is reasonably necessary for loading or unloading or for dealing with a breakdown or other emergency.

(11) Nothing in any order made under this section shall apply to a goods vehicle held ready for use in an emergency by the British Gas Corporation, not being a vehicle which has a maximum gross weight exceeding 5.6 tonnes but nothing in this subsection shall be taken to prejudice any rule of law or other enactment.

(12) If any person uses, or permits to be used, land within the front garden of a dwelling-house in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Restriction on
use of armorial
bearings.

49.—(1) If any person uses in connection with any trade, business, calling or profession the armorial bearings of the Council, or an emblem or device closely resembling those armorial bearings, in such a manner as to be calculated to lead to the belief that he is entitled to use those bearings, he may at the suit of the Council be restrained by injunction from continuing to use them.

(2) If any person without the consent of the Council uses in connection with any trade, business, calling or profession any part of the armorial bearings of the Council, or any emblem or device closely resembling any such part, in a manner calculated to lead to the belief that he displays the part, emblem or device with the approval of the Council, he may at the suit of the Council be restrained by injunction from continuing to use that part, emblem or device.

1938 c. 22.

(3) Nothing in this section shall affect any right of the proprietor to the continued use of any trade mark (as defined in section 68 of the Trade Marks Act 1938) in existence at the commencement of this Act.

Omnibus
undertaking.
1926 c. xcvi.
1930 c. 43.

50. Notwithstanding the repeal by this Act of section 31 of the Worcester Corporation Act 1926 the Council shall continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act 1930 (which authorises the running of public service vehicles by local authorities).

Prohibition of
parking
vehicles on
verges, central
reservations
and footways.
1972 c. 20.

51.—(1) Subject to the provisions of this section, as from the appointed day a person who parks a vehicle, other than a heavy commercial vehicle, within the meaning of section 36A of the Road Traffic Act 1972, in the city, wholly or partly—

(a) on the verge of an urban road; or

(b) on any land which is situated between two carriage-ways of an urban road and which is not a footway; or
(c) on a footway comprised in an urban road;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court—

- (a) that it was parked in accordance with permission given by a police officer in uniform; or
- (b) that it was parked for the purpose of saving life or extinguishing fire or meeting any other like emergency; or
- (c) that the conditions specified in subsection (3) below were satisfied.

(3) The conditions mentioned in subsection (2) (c) above are—

- (a) that the vehicle was parked on a verge or footway for the purpose of loading or unloading or was parked for the exercise by the Midlands Electricity Board of their statutory powers; and
- (b) that the loading or unloading of the vehicle or the exercise by the Midlands Electricity Board of their statutory powers, as the case may be, could not have been satisfactorily performed if it had not been parked in contravention of subsection (1) above; and
- (c) that the vehicle was not left unattended at any time while it was so parked.

(4) The Council may by resolution provide that, in relation to vehicles of such classes as may be specified in the resolution, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.

(5) The Council shall erect notices at the border of the area to which the prohibition specified in subsection (1) above applies.

(6) A notice erected under subsection (5) above shall be indicated by a traffic sign (as defined by section 64 of the Road Traffic Regulation Act 1984) and subsection (1) of section 65 of 1984 c. 27. that Act shall have effect as respects the erection and display of the notice by the Council as if it were a notice erected by the highway authority.

(7) The Council may by resolution specify roads (other than roads for which the Secretary of State is the highway authority) in relation to which this section shall not apply.

PART VIII
—cont.

(8) The Secretary of State may designate roads (and may revoke or amend such designation) by such notice as appears to him to be appropriate in respect of which he is the highway authority in relation to which this section shall not apply.

1980 c. 66. (9) In this section “footway” has the same meaning as in the Highways Act 1980 and “urban road” means a road which—

1984 c. 27. (a) is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1984 (30 m.p.h. speed limit); or

(b) is subject to an order under section 84 of that Act imposing a speed limit not exceeding 40 m.p.h.; or

(c) is subject to a speed limit not exceeding 40 m.p.h. which is imposed by or under any local Act.

1972 c. 20. (10) Sections 181 and 183 of the Road Traffic Act 1972 (which relate to evidence by certificate and proof of the identity of a driver) shall apply to this section as if it were a section to which those sections are applied.

1974 c. 50. (11) This section shall cease to have effect on the day on which the Secretary of State brings into operation section 7 of the Road Traffic Act 1974 in the city.

Letting of Cattle Market. **52.**—(1) In this section “Cattle Market” means the market known as the “Cattle Market” situate at Croft Road in the city.

(2) The Council may let for any period upon such terms and conditions as they think fit the Cattle Market or any part thereof or the right of selling or holding auction sales of cattle therein or of other animals or things authorised to be sold in the market, to any auctioneer or other person desirous of holding a sale or exhibition therein of any animals, goods or things authorised to be sold or exhibited in the Cattle Market.

PART IX

GENERAL

Local inquiries. **53.** A 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, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Appeals to magistrates' court. **54.** Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act.

Suspension of proceedings pending appeal. **55.** Where a 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 a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

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

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

56.—(1) On an appeal to the Secretary of State under subsection (6) of section 46 (Parking places: safety requirements) of this Act, the Secretary of State may at his discretion afford to the appellant and the Council an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose. Appeals to Secretary of State.

(2) On determining such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination.

(3) Where the Secretary of State gives a decision in proceedings on such appeal, the appellant or the Council may appeal to the High Court against the decision on a point of law.

(4) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court). 1981 c. 54.

(5) In this section “decision” includes a direction, and references to the giving of a decision shall be construed accordingly.

PART IX
—*cont.*
Restriction on
right to
prosecute.

57. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, the Council or a constable.

Liability of
directors, etc.

58.—(1) Where an offence under this Act, or against any byelaw made under this Act 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, a 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 the offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Penalty for
obstruction.

59. Any person who intentionally obstructs any officer of the Council acting in execution of this Act or of any byelaws made thereunder, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Defence of
due diligence.

60.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (5) below, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) If in any case the defence provided by subsection (1) above 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 the 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 person as was then in his possession.

1980 c. 43.

(3) Notwithstanding anything in section 127 (1) of the Magistrates' Courts Act 1980, in any case where a court accepts a defence put forward under this section which involves an allegation that the commission of the offence was due to the act or default of another person, a magistrates' court may try any information which is laid against that person for an offence under the sections specified in subsection (5) below arising from the same set of circumstances if the information was laid at any time within six months of the final determination of the case of the first defendant.

(4) Where an information against any person is tried in accordance with subsection (3) above the information shall not be tried by any of the same justices as tried the earlier information arising from the commission of the same offence.

PART IX
—cont.

(5) The provisions referred to in subsection (1) above are the following:—

- Section 10 (River byelaws);
- Section 20 (1) and (3) (Dealers in second-hand goods);
- Section 22 (Touting, photographing, etc.);
- Section 27 (Safety of stands);
- Section 30 (Dust, etc., from building operations);
- Section 33 (Hairdressers and barbers);
- Section 34 (Carrying or storage of waste food);
- Section 40 (1) (a) (Offences under Part VI);
- Section 45 (Provision of means of escape from fire in certain buildings);
- Section 48 (Prohibition of parking of goods vehicles in front gardens).

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

Application of
general
provisions of
Act of 1936.

(2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following sections of this Act:—

- Section 11 (Removal of obstructions);
- Section 12 (Removal of projections);
- Section 23 (Artificial lighting in habitable rooms, etc.);
- Section 24 (Repair of walls, etc., of yards);
- Section 27 (Safety of stands);
- Section 29 (Power to order alteration of chimneys);
- Section 46 (Parking places: safety requirements):

Provided that, before entry on any operational railway of the British Railways Board in pursuance of any of those provisions of this Act and of the said section 287 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on such railway in pursuance of notice or in any such emergency shall comply with the reasonable requirements of the British Railways Board for the protection of their undertaking.

62. Where under this Act any question or difference is to be determined by arbitration, then unless otherwise provided, the question or difference shall be referred to, and settled by, a single arbitrator to be agreed by the parties or, failing

Arbitration.

PART IX
—cont.

agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Saving for
Health and
Safety at work
etc. Act 1974.
1974 c. 37.

63.—(1) Subsection (1) of section 80 (Repeal or modification of certain provisions by regulations) of the Health and Safety at Work etc. Act 1974 shall apply to any provision of this Act and to any regulation and byelaw made under it as it applies to any provision to which it applies.

(2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—

Section 29 (Power to order alteration of chimneys);
Section 30 (Dust, etc., from building operations).

1984 c. 55.

(3) Sub-paragraph (1) of paragraph 11 of Schedule 1 to the Building Act 1984 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that sub-paragraph applies to any enactment mentioned therein.

Repeals.

64.—(1) The Acts specified in Schedule 4 to this Act are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions contained in Schedule 5 to this Act shall have effect.

SCHEDULES

Section 8.

SCHEDULE 1

THE HOP MARKET ENACTMENTS

The Act 2 & 3 Anne c. 8 intituled "An Act for the erecting a Workhouse in the City of Worcester, and for setting the Poor on Work there".

1703 c. 8.

The Act 3 Geo. 2 c. 23 intituled "An Act for amending and making more effectual an Act made in the Second and Third Years of the Reign of the late Queen Anne, intituled, An Act for the erecting a Workhouse in the City of Worcester, and for setting the Poor on Work there".

1729 c. 23.

The Act 4 Geo. 2 c. 25 intituled "An Act for confirming an Agreement lately entered into between the Mayor, Aldermen, and Citizens of the City of Worcester, and the Guardians of the Poor of the said City, for continuing the Hop-Market of the said City in the Workhouse there; and for vesting the Right of the said Mayor, Aldermen, and Citizens, of keeping a Hop-Market in the said City, in the Guardians of the Poor of the said City, and their Successors for ever".

1730 c. 25.

The Act 32 Geo. 3 c. 99 intituled "An Act for the better Relief and Employment of the Poor of the several Parishes within the City of Worcester, and of the Parishes of Saint Martin and Saint Clement, which are Part within the City of Worcester, and Part within the County of Worcester, and for providing a Burial Ground for the Use of such Parishes".

1792 c. 99.

SCHEDULE 2

Section 31.

SECTION 3 OF THE DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 31 (CONTROL OF STRAY DOGS) OF THIS ACT 1906 c. 32.

3.—(1) Where it appears to a police officer or a duly authorised officer of the Worcester City Council that any dog found in a highway or place of public resort is not in the charge of any person, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police, or, as the case may be, the Worcester City Council or any person authorised by him or them in that behalf, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or

SCH. 2
—cont.

(c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police or, as the case may be, the Worcester City Council or any person authorised by him or them in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dog so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police and the Worcester City Council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them respectively which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public on payment of a fee of one shilling.

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection at all reasonable times by the public on payment of a fee not exceeding one shilling.

(8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.

(9) All expenses incurred by the police under this section shall be defrayed out of the police fund, and any money received by the police under this section shall be paid to the account of the police fund.

SCHEDULE 3

Section 61.

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
289	Power to require occupier to permit works to be done.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

Section 64.

SCHEDULE 4

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
48 & 49 Vict. c. clxiv.	Worcester Extension Act 1885.	The whole Act.
2 Edw. 7 c. lxxix.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1902.	The Worcester Order 1902.
9 Edw. 7 c. cxx.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1909.	The Worcester Order 1909.
4 & 5 Geo. 5 c. clxxxiv.	Local Government Board's Provisional Order Confirmation (No. 19) Act 1914.	The whole Act.
15 & 16 Geo. 5 c. lxxxiii.	Ministry of Health Provisional Order Confirmation (No. 7) Act 1925.	The Worcester Order 1925.
16 & 17 Geo. 5 c. xcvi.	Worcester Corporation Act 1926.	The whole Act.
21 & 22 Geo. 5 c. xxxiv.	Ministry of Health Provisional Order Confirmation (City of Worcester) Act 1931.	The whole Act.
14 & 15 Geo. 6 c. xliv.	Worcester Corporation Act 1951.	The whole Act.
1964 c. xxii.	Worcester Corporation Act 1964.	The whole Act.

Section 64.

SCHEDULE 5

SAVING PROVISIONS

1.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of such repeal, any provision of this Act relating to the same matter shall have effect as if that period began to run under that provision.

2. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment which is repealed by this Act and any enactment in this Act relating to the same matter, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

SCH. 5
—cont.

3. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

4. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978.

1978 c. 30.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR W. J. SHARP

Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£5.40 net

ISBN 0 10 514385 5

Worcester City Council Act 1985

CHAPTER xliii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Citation and commencement.
2. Interpretation.
3. Appointed day.

PART II

LANDS

4. Grass verges, etc.
5. Provision of parking places in parks, etc.
6. Byelaws as to leisure centres.
7. Pitchcroft race meetings.
8. Hop market.

PART III

RIVER

Section

9. Interpretation of Part.
10. River byelaws.
11. Removal of obstructions.
12. Removal of projections.
13. Repair of landing places and embankments.
14. Powers as to moorings, etc.
15. Licensing of moorings.
16. Offences in respect of sections 14 and 15.
17. Improvement of river.
18. For protection of Severn-Trent Water Authority.
19. Consultation.

PART IV

PUBLIC ORDER

20. Dealers in second-hand goods.
21. Section 20 powers of entry, inspection and examination.
22. Touting, photographing, etc.

PART V

PUBLIC HEALTH

23. Artificial lighting in habitable rooms, etc.
24. Repair of walls, etc., of yards.
25. Temporary repair of defective premises.
26. Urgent repairs to supply pipes and water fittings.
27. Safety of stands.
28. Byelaws with regard to certain temporary structures.
29. Power to order alteration of chimneys.
30. Dust, etc., from building operations.
31. Control of stray dogs.
32. Powers of entry for Prevention of Damage by Pests Act 1949.
33. Hairdressers and barbers.
34. Carrying or storage of waste food.
35. Registration of eating houses.

PART VI

ESTABLISHMENTS FOR MASSAGE AND OTHER TREATMENT

36. Interpretation of Part.
37. Licensing of persons to carry on establishments.
38. Grant, renewal and transfer of licences.

Section

- 39. Byelaws as to establishments.
- 40. Offences under Part VI.
- 41. Part VI appeals.
- 42. Part VI powers of entry, inspection and examination.
- 43. Savings.

PART VII

FIRE

- 44. Access for fire brigade.
- 45. Provision of means of escape from fire in certain buildings.
- 46. Parking places: safety requirements.

PART VIII

MISCELLANEOUS

- 47. Prohibition of parking of goods vehicles in residential streets.
- 48. Prohibition of parking of goods vehicles in front gardens.
- 49. Restriction on use of armorial bearings.
- 50. Omnibus undertaking.
- 51. Prohibition of parking vehicles on verges, central reservations and footways.
- 52. Letting of Cattle Market.

PART IX

GENERAL

- 53. Local inquiries.
- 54. Appeals to magistrates' court.
- 55. Suspension of proceedings pending appeal.
- 56. Appeals to Secretary of State.
- 57. Restriction on right to prosecute.
- 58. Liability of directors, etc.
- 59. Penalty for obstruction.
- 60. Defence of due diligence.
- 61. Application of general provisions of Act of 1936.
- 62. Arbitration.
- 63. Saving for Health and Safety at Work etc. Act 1974.
- 64. Repeals.

SCHEDULES—

Schedule 1—The Hop Market enactments.

Schedule 2—Section 3 of the Dogs Act 1906 as having effect in accordance with section 31 (Control of stray dogs) of this Act.

Schedule 3—Sections of Act of 1936 applied.

Schedule 4—Enactments repealed.

Schedule 5—Saving provisions.