ELIZABETH II



1972 CHAPTER xxii

An Act to confer further powers on the mayor, aldermen and citizens of the city of Bath in relation to the finances of the city; to make further provision with regard to the improvement of the city; and for other purposes.

[27th July 1972]

WHEREAS the city of Bath (hereinafter referred to as "the city") is a county borough under the management and local government of the mayor, aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas it is expedient that further and better provision should be made with reference to the finances and the local government and improvement of the city and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed: 1933 c. 51.

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

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the Bath Corporation Act 1972.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Finance.
Part III.—Miscellaneous.
Part IV.—General.

Interpretation.

3.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them:—

1933 c. 51. "the Act of 1933" means the Local Government Act 1933;

1959 c. 25. "the Act of 1959" means the Highways Act 1959;

"the Corporation" means the mayor, aldermen and citizens of the city acting by the council;

"the council" means the council of the city;

"enactment" includes an enactment in this Act and in any general or local Act, and any order, byelaw or regulation for the time being in force in the city.

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

PART II
FINANCE

Power to borrow.

4.—(1) The Corporation may borrow—

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

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

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

(2) The Corporation shall repay sums borrowed under paragraph (*b*) of the foregoing subsection within five years from the date of borrowing. PART II —*cont.*

Power to raise money by issue of bills.

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

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

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

by means of bills (to be called " Bath Corporation bills " and in this section referred to collectively as " bills " and separately as " a bill "), subject to and in accordance with the following provisions:—

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

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

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

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

(v) The Corporation may make regulations providing for—

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

(B) the issue of a new bill in lieu of one defaced, lost or destroyed;

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

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

(E) the amendment or revocation of any regulations previously made or deemed to have been made under this paragraph:

PART II —*cont.*

(vi) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

(vii) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—

(A) the sum of seven hundred and fifty thousand pounds; or

(B) one-fifth of the amount of the estimated gross rate income of the city during the then current financial year;

whichever is the greater:

(viii) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:

(ix) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills.

(2) In this section—

" financial year " means a period of twelve months ending on the 31st March;

" gross rate income " means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967;

1967 c. 9.

" revenues " has the same meaning as in section 218 of the Act of 1933;

" signature " includes a facsimile of a signature by whatever process reproduced.

Power to raise money by bearer bonds.

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

Power to raise money abroad.

7.—(1) Any method by which the Corporation are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment,

PART II —*cont.*

be deemed to include the raising of money either alone or jointly with the council of a county, county borough or county district by that method outside the United Kingdom or in any foreign currency.

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

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

Investment of other funds of Corporation.

8.—(1) Notwithstanding anything in any other enactment the moneys standing to the credit of any capital, repairs, reserve, renewals, insurance, contingencies or other similar fund established by the Corporation, other than funds applicable wholly or partly for the redemption of debt, may be invested in similar manner and subject to the same restrictions as money of the superannuation fund.

(2) In this section " the superannuation fund " means the fund maintained by the Corporation for the purposes of local government superannuation under the statutory powers for the time being in force.

PART III

MISCELLANEOUS

Making up and widening of backways.

9.—(1) In this section—

" backway " means any lane, footpath, alley or passage (not being a highway maintainable at the public expense) whether a thoroughfare or not, which affords a secondary means of access to and is fronted by any premises in the city and includes part of a backway;

" the code of 1892 " has the meaning assigned to that expression by section 173 of the Act of 1959;

" fronting ", " front " and " street works " have the meanings assigned to those expressions by section 213 of the Act of 1959;

" owner " has the meaning assigned to that expression by section 295 of the Act of 1959.

PART III —*cont.*

(2) Where not less than two-thirds in number of the owners of land in the city having a frontage on a built-up backway have between them more than two-thirds of the aggregate length of all the frontages on both sides of the backway and by notice request the Corporation to exercise their powers under this section for the purpose of providing or improving vehicular access to such land by means of the backway, the Corporation may resolve to execute street works in the backway and, if they think fit, to widen the backway and, subject to the provisions of this section, one-third of the expenses incurred by the Corporation in executing street works in the backway or in widening the backway and in acquiring any land for any such widening shall be borne by the Corporation and two-thirds of the said expenses shall be apportioned between the premises fronting the backway:

Provided that where the Corporation so resolve with respect to a part only of the backway (not being a part extending for the whole of the length of the backway) the proportion of the said expenses to be apportioned shall be apportioned only between the premises fronting the length of the backway which constitutes or comprises that part.

(3) For the purposes of this section—

(*a*) a backway shall be deemed to be built up if the aggregate length of the frontages of the buildings on both sides of that backway constitutes at least one-half of the aggregate length of all the frontages on both sides of that backway;

(*b*) the frontage of a building on a backway shall be deemed to be the frontage that the building itself and any land occupied with the building and for the purposes thereof has on the backway.

(4) In ascertaining the number of owners requisite for the purposes of making a valid request to the Corporation under subsection (2) of this section, joint owners shall be treated as one owner.

(5) The following provisions of the Act of 1959, namely, subsections (2), (3) and (4) of section 174, section 175, subsections (1) and (2) of section 176, sections 177 to 187, sections 205 and 207 and sections 209 to 211 and the provisions of any order made for the time being by the Secretary of State under subsection (5) of section 181 or subsection (2) of section 211 of that Act shall extend and apply for the purposes of this section as if the execution of street works in the backway and any widening of the backway were street works which the Corporation have resolved to execute under the code of 1892 and those provisions shall accordingly have effect with any necessary modifications including the substitution of " backway " for " private street " and " Corporation " for " street works authority ":

PART III —*cont.*

Provided that for the purposes of such application—

(*a*) subsection (2) of the said section 176 shall have effect as if the following paragraph were inserted at the end thereof:—

"(*c*) the extent to which the owners or occupiers of any premises have agreed to dispose of land forming part of those premises to the Corporation for the widening of the backway at a price or for a consideration which is less than the value which that land if sold in the open market by a willing seller might have been expected to realise.";

(*b*) paragraph (*f*) of subsection (1) of the said section 177 shall have effect as if the following words were inserted at the end thereof:—

"or the extent to which the owner or occupier of premises has agreed to dispose of land forming part of those premises to the Corporation for the widening of the backway at a price or for a consideration which is less than the value which that land if sold in the open market by a willing seller might have been expected to realise."

(6) The provisions of section 202 of the Act of 1959 and of section 11 of the Highways (Miscellaneous Provisions) Act 1961 shall extend and apply for the purposes of this section in relation to any backway in which street works have been executed. 1961 c. 63.

(7) The Corporation may, for the purpose of effecting the widening of any backway which is intended to become a highway maintainable at the public expense, agree with any person having power in that behalf for the dedication of land adjoining the backway as part of the highway.

(8) The Corporation shall not, without the consent of the owner or owners of the land affected, widen any backway under the powers of this section to a width in excess of that prescribed in relation to secondary means of access by byelaws made under section 157 of the Act of 1959 or under any enactment repealed by that Act and for the time being in force.

(9) (*a*) The Corporation may by means of an order made by them and submitted to the Secretary of State and confirmed by him be authorised to purchase land in the city compulsorily for the purpose of widening any backway under the provisions of this section.

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

PART III —*cont.*

(10) The powers conferred by this section shall not be exercised with respect to any backway situated outside the city or with respect to any backway which is fronted by any premises situated outside the city.

Facilities and amenities in pedestrian highways. 1971 c. 78.

10.—(1) In their application to the city the provisions of subsections (1) to (3) of section 213 of the Town and Country Planning Act 1971 shall extend to enable the Corporation to exercise the powers of those subsections in relation to a pedestrian highway.

(2) In the exercise of their powers under the said subsections (1) to (3) as originally enacted or as extended by subsection (1) of this section the Corporation may permit any person or persons to provide in or on a highway in relation to which an order has been made under subsection (2) of section 212 of the said Act of 1971 or in or on a pedestrian highway, as the case may be, facilities for recreation or refreshment upon such terms and conditions as the Corporation think fit:

Provided that, except where the land on which a highway in relation to which an order has been made under subsection (2) of the said section 212 or a pedestrian highway, as the case may be, is situated is owned by the Corporation, the said terms and conditions shall not include the making of any monetary payment other than a reasonable sum in respect of legal, administrative and other expenses incurred by the Corporation in connection with the giving of such permission.

(3) (*a*) Not less than three weeks before taking into consideration any proposal to permit any person or persons, under subsection (2) of this section, to provide and maintain on more than twenty-eight days in any calendar year in or on a highway in relation to which an order has been made under subsection (2) of the said section 212 or a pedestrian highway any facilities for recreation or refreshment, not being facilities previously so provided by such person or persons, the Corporation shall give notice of the proposal in manner provided by paragraph (*b*) of this subsection specifying the highway or pedestrian highway in or on which it is proposed that such facilities should be provided and the nature of the proposed facilities and stating the date (not being less than three weeks after the notice was first displayed) by which any representations with respect to the proposal may be made to the Corporation; and the Corporation shall take into consideration any representations so made.

(*b*) Notice of any such proposal shall be given by displaying the notice in a conspicuous position at or adjacent to each end of the highway or pedestrian highway, or the part thereof, to which the proposal relates and by delivering a copy of the notice, addressed to the occupier, at such premises within the locality as may appear to the Corporation to be affected by the proposal.

(4) In this section—

" footpath " and " footway " have the meanings assigned to those expressions by section 295 of the Act of 1959;

" pedestrian highway " means a footpath or a scheduled footway;

" scheduled footway " means a footway described in Schedule 1 to this Act.

PART III —*cont.*

PART IV
GENERAL

Protection of members and officers of Corporation from personal liability.

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

1875 c. 55.

Application of general enactments.

12.—(1) The provisions of the Public Health Act 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if the references therein to that Act included references to section 9 (Making up and widening of backways) of this Act.

1936 c. 49.

(2) The provisions of the Act of 1959 mentioned in Part II of Schedule 2 to this Act shall have effect as if the references therein to that Act included references to section 9 (Making up and widening of backways) of this Act.

Saving for exchange control.

13. It shall not be lawful to exercise the powers conferred by any of the provisions of this Act except in compliance with the Exchange Control Act 1947.

1947 c. 14.

Saving for powers of Treasury.

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

1946 c. 58.

For protection of certain statutory undertakers.

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

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

" apparatus " means—

(*a*) electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the Central Electricity Generating Board or the South Western Electricity Board;

1882 c. 56.

PART IV —*cont.*

(*b*) mains, pipes or other apparatus belonging to or maintained by the Gas Council or the South Western Gas Board;

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

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

(2) The provisions of Part II of, and the Fourth Schedule to, the Public Utilities Street Works Act 1950 shall apply in relation to the carrying out of any works under or in pursuance of the provisions of section 9 (Making up and widening of backways) of this Act as if such works were works executed for road purposes within the meaning of paragraph (*a*) of subsection (1) of section 21 of that Act and were of a kind referred to in that section and as if any apparatus affected thereby were in a street or controlled land:

1950 c. 39

(3) Nothing in section 10 (Facilities and amenities in pedestrian highways) of this Act shall relieve the Corporation, or any person acting with the permission of the Corporation, from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said section, and the said powers shall be so exercised as not to obstruct or render inconvenient, so far as is reasonably practicable, the access to any apparatus.

Costs of Act.

16. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund of the city or out of money to be borrowed under the authority of this Act for that purpose.

SCHEDULES

SCHEDULE 1

Section 10

FOOTWAYS IN THE CITY TO WHICH SECTION 10 OF THIS ACT APPLIES

(1) So much of the footway on the northern side of the carriageway of South Parade as lies between (*a*) an imaginary line drawn straight from the south-western corner of the premises known as No. 1 South Parade to the nearest point on the said carriageway and (*b*) the wall forming the eastern boundary of South Parade.

(2) So much of the footway on the southern side of the carriageway of North Parade and on the western side of the carriageway of Terrace Walk as lies between (*a*) an imaginary line drawn straight from the north-eastern corner of the premises known as No. 2 Terrace Walk to the nearest point on the carriageway of Terrace Walk and (*b*) an imaginary line drawn straight from the north-eastern corner of the premises known as No. 6 North Parade to the nearest point on the carriageway of North Parade.

(3) So much of the footway on the northern and eastern sides of the Abbey Church of St. Peter and St. Paul as lies between (*a*) an imaginary line drawn straight from the point at which the line of the eastern face of the premises known as No. 13 Cheap Street if projected in a northerly direction would meet the carriageway of Cheap Street to the point at which the line of the said eastern face if projected in a southerly direction would meet the northern boundary of the said Abbey Church and (*b*) an imaginary line drawn straight from the north-western corner of the premises known as No. 7 Orange Grove to the nearest point on the carriageway of Orange Grove.

(4) So much of the footway at the southern end of Old Bond Street as lies between (*a*) an imaginary line drawn straight from the point at which the line of the southern face of the premises known as No. 10 Old Bond Street if projected in an easterly direction would meet the carriageway of Burton Street to the point at which the line of the said southern face if projected in a westerly direction would meet the face of the premises known as No. 12 Old Bond Street and (*b*) the carriageway of Upper Borough Walls.

(5) So much of the footway at the northern end of Old Bond Street as lies between (*a*) an imaginary line drawn straight from the north-eastern corner of the premises known as No. 17 Old Bond Street to the nearest point on the carriageway of Old Bond Street and (*b*) an imaginary line drawn straight from the point at which the line of the northern face of the premises known as No. 5 Old Bond Street if projected in an easterly direction would meet the carriageway of Burton Street to the point at which the line of the said northern face if projected in a westerly direction would meet the face of the premises known as No. 15 Old Bond Street.

(6) So much of the footway on the northern side of the carriageway of George Street as lies between (*a*) an imaginary line drawn straight from the south-western corner of the premises known as No. 1 Edgar Buildings to the nearest point on the said carriageway and (*b*) an

SCH. 1 —*cont.*

imaginary line drawn straight from the south-eastern corner of the premises known as No. 9 Edgar Buildings to the nearest point on the said carriageway.

(7) So much of the footway on the north-western side of the carriageway of Argyle Street as lies between (*a*) an imaginary line drawn straight from the southern corner of the premises known as No. 1 Argyle Street to the nearest point on the said carriageway and (*b*) an imaginary line drawn straight from the eastern corner of the premises known as Argyle Congregational Church to the nearest point on the said carriageway.

(8) So much of the footway on the south-easterly side of the carriageway of Argyle Street as lies between (*a*) an imaginary line drawn straight from the northern corner of the premises known as No. 9 Argyle Street to the nearest point on the said carriageway and (*b*) an imaginary line drawn straight from the western corner of the premises known as No. 17 Argyle Street to the nearest point on the said carriageway.

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Bath Corporation Act 1972

CHAPTER xxii

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