CHAPTER xli

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Bootle to make further provision for the improvement health local government and finances of the borough and for other purposes.

[29th July 1959.]

WHEREAS—

(1) The borough of Bootle (in this Act called " the borough ") is a county borough under the government of the mayor aldermen and burgesses of the borough (in this Act called " the Corporation "):

(2) It is expedient to confer further powers on the Corporation and to make further provision with reference to lands and the improvement health local government and finances of the borough:

(3) St. Mary's Church in the borough was destroyed by enemy action in nineteen hundred and forty-one and it is proposed that a new church shall be erected on an alternative site and the churchyard (in this Act called " the churchyard ") of the church which was destroyed is in a derelict condition and it is expedient to prohibit further interments therein and to empower the Corporation and the vicar and churchwardens of the parish of St. Mary with St. John Bootle with the approval of a consistory court of the diocese of Liverpool to make agreements for the management and maintenance of the churchyard and to confer powers upon the Corporation with respect thereto:

(4) In nineteen hundred and forty-nine the Minister of Town and Country Planning by virtue of the powers contained in

section 1 of the Town and Country Planning Act 1944 and in pursuance of all the powers enabling him in that behalf made the County Borough of Bootle (Reconstruction Area No. 2) Declaratory Order 1949 by which certain land in the borough including land (hereinafter called " the specified land ") lying between Sheridan Place and Bedford Place should be subject to compulsory purchase by the council of the borough (in this Act called " the council "):

(5) In nineteen hundred and fifty-one the Corporation submitted to the Minister of Housing and Local Government the development plan for the borough required by section 5 of the Town and Country Planning Act 1947 and the owner of the specified land objected to the approval of the said development plan and on its approval by the said Minister instituted proceedings in the High Court by notice of motion in respect of the said development plan:

(6) A settlement was reached between the Corporation and the owner of the specified land whereby the said owner withdrew his said notice of motion and the Corporation agreed to include in the next Bill to be promoted by them a clause to exclude the specified land from the said order of 1949 and it is expedient to amend the said order of 1949 by excluding the specified land therefrom:

(7) In pursuance of their powers and duties under the Allotments Acts 1908 to 1950 the Corporation have provided allotment gardens in the borough and it is expedient to empower the Corporation to appropriate or sell part of the allotment gardens so provided and to enact such other provisions with regard thereto as are contained in this Act:

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

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

(10) 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:

(11) Plans showing the churchyard and certain of the allotment gardens provided as aforesaid and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers thereof and of the persons having or reputed to have rights in respect of the churchyard were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the borough which plans and book of reference are in this Act referred to respectively as the deposited plans and book of reference:

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

PART I
PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Bootle Corporation Act 1959.

(2) The Bootle Corporation Acts 1873 to 1950 and this Act may be cited jointly as the Bootle Corporation Acts 1873 to 1959.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Streets.
Part IV.—Sanitation and buildings.
Part V.—Nuisances.
Part VI.—Infectious diseases.
Part VII.—Food.
Part VIII.—Parks cemeteries and other municipal property.
Part IX.—Public order and public safety.
Part X.—Premises used for sales by auction.
Part XI.—Finance rating and superannuation.
Part XII.—Churchyard and church grounds.
Part XIII.—Miscellaneous.
Part XIV.—General.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts except sections 127 to 132 and 150 and 151 of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

Interpretation.

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

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

" the Act of 1890 " means the Bootle Corporation Act 1890

" the Act of 1925 " means the Public Health Act 1925;

PART I
—cont.

" the Act of 1933 " means the Local Government Act 1933;

" the Act of 1936 " means the Public Health Act 1936;

" the Act of 1947 " means the Town and Country Planning Act 1947;

" the Act of 1950 " means the Public Utilities Street Works Act 1950;

" the appointed day " has the meaning assigned to it by section 135 (The appointed day) of this Act;

" authorised security " means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

" the borough " means the county borough of Bootle;

" the commission " means the British Transport Commission;

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

" the Corporation " means the mayor aldermen and burgesses of the borough;

" the council " means the council of the borough;

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

" dock board " means the Mersey Docks and Harbour Board;

" dock estate " means the present or future docks basins locks cuts entrances graving docks quays piers warehouses sheds roads lands and other works belonging to or under the management of the dock board and situate within the ring ownership boundary;

" the electricity board " means the Merseyside and North Wales Electricity Board;

" enactment " includes an enactment in this Act or in any general or local Act and any order byelaw scheme or regulation for the time being in force within the borough;

" financial year " means a period of twelve months ending on the thirty-first day of March;

" food " has the meaning assigned to that expression by section 135 of the Food and Drugs Act 1955;

" the gas board " means the North Western Gas Board;

PART I —*cont.*

"the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"the generating board" means the Central Electricity Generating Board;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;

"the Liverpool Corporation" means the lord mayor aldermen and citizens of the city of Liverpool;

"magistrates' court" has the same meaning as in subsection (1) of section 124 of the Magistrates' Courts Act 1952;

"the Minister" means the Minister of Housing and Local Government;

"open space" has the same meaning as in the Open Spaces Act 1906;

"private street" means—

(*a*) a street to which section 150 of the Public Health Act 1875 applies; or

(*b*) (if the Corporation adopt the Private Street Works Act 1892 or that Act applies to any street in the borough) a street within the meaning of that Act; or

(*c*) land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947;

"private street works" means works executed under the provisions of any enactment relating to private street works for the time being in force in the borough;

"public service vehicle" has the meaning assigned to that expression by section 39 of the Road Traffic Act 1956;

"revenues" in relation to the Corporation has the meaning assigned to it by section 218 of the Act of 1933;

"ring ownership boundary" means the boundary within which are included all lands belonging to or for the time being held by the dock board and not separated from a dock by land in other ownership or by a road repairable by the inhabitants at large;

"service pipe" has the same meaning as in the Third Schedule to the Water Act 1945;

"statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (*a*) of subsection (1) of section 215 of the Act of 1933;

PART I —*cont.*

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

" the town clerk " " the medical officer of health " " the surveyor " " the treasurer " and " the public health inspector " mean respectively the town clerk the medical officer of health the surveyor the treasurer and the chief public health inspector of the borough.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

(4) References in this Act to a subsequent offence against any provision of this Act shall be construed as references to an offence against that provision committed after a previous conviction for such an offence.

PART II

LANDS

Reservation of easements etc. by Corporation.

5. On selling any land the Corporation—

(*a*) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;

(*b*) may make the sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the deposit or discharge of manure sewage or other impure matter or otherwise as they think fit.

Development of land.

6.—(1) The Corporation may (with the consent of the Minister) lay out and develop any land acquired by them under section 35 (Further powers for acquisition of lands) of the Bootle Corporation Act 1930 and any other land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets:

Provided that—

(*a*) nothing in this section shall apply to land acquired by the Corporation under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections; and

(*b*) the powers of this subsection shall not be exercised with respect to any land within the administrative county of the county palatine of Lancaster without the consent of the county council of that administrative county and

PART II —*cont.*

(in the case of land within the borough of Crosby) of the mayor aldermen and burgesses of the said borough but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

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

(3) In this section the expression "industrial building" includes a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes (namely):—

(*a*) the making of any article or part of any article; or

(*b*) the altering repairing ornamenting finishing cleaning washing packing or canning or adapting for sale or breaking up or demolition of any article; or

(*c*) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business and for the purposes of this definition the expression "article" means an article of any description including a ship or vessel.

Loans for erection etc. of buildings.

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

Provided that any such advance shall not exceed three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

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

(*a*) fix the rate of interest to be paid being a rate not less than one-quarter per centum in excess of the rate of interest which at the date on which the terms of the advance are settled was the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance;

(*b*) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;

PART II —*cont.*

(*c*) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;

(*d*) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;

(*e*) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);

(*f*) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;

(*g*) require the borrower either—

(i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or

(ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf;

(*h*) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times after giving not less than seven days' notice to the occupier to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

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

Recovery of deposits under Lands Clauses Acts.

8. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Corporation in the bank in pursuance of section 76 of that Act or deposited by the Corporation in the bank by way of security in pursuance of section 85 of that Act to order upon

PART II —*cont.*

application by the Corporation that the money so deposited or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

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

Suspension of restrictive covenants.

9.—(1) If the Corporation—

(*a*) acquire land by agreement; or

(*b*) enter into an agreement to acquire land;

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise as to the user thereof or the building thereon the council may subject to the provisions of this section by resolution suspend the operation of such restriction.

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

(3) The Corporation shall—

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

(*b*) serve on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the preceding paragraph of this subsection; and

(*c*) affix to some conspicuous object or objects on the land to which the resolution relates a notice or notices containing the like particulars to those specified in paragraph (*a*) of this subsection.

PART II —*cont.*

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

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

(6) (*a*) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or (if more than one) the last objection or the date on which the Corporation acquire the land (whichever is the latest).

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

(7) The Corporation shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act 1845 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates or (if the Corporation convey the land to any body for any of the purposes of the Education Acts 1944 to 1953) so long as the land is used by that body for the purpose of those Acts and if compensation is paid by the Corporation under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land to a

PART II —*cont.*

person otherwise than for any of the purposes of the Education Acts 1944 to 1953 remain unenforceable only so long as the land is used for that purpose.

(9) If the Corporation dispose of any land to which the restriction relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

PART III

STREETS

Trees grass verges and gardens.

10.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

(*a*) to plant trees or shrubs or place tubs in which to grow trees or shrubs;

(*b*) to attach baskets for plants to posts or standards provided by the Corporation or with the consent of the owner thereof to any other posts or standards;

(*c*) to lay out grass verges or gardens;

(*d*) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens;

(*e*) to cut down any such tree or shrub to remove any such tub or basket and to abolish any such grass verge or garden or enlarge or diminish the area thereof;

(*f*) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

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

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

(4) Section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section and anything

PART III —*cont.*

done by the Corporation under that section with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section.

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

(6) Where the Corporation carry out works under any enactment relating to private street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Attachment of street lamps brackets etc.

11.—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps brackets pipes electric lines and apparatus (hereafter in this section referred to as " attachments ") as may be required for the purposes of street lighting.

(2) The Corporation shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or disallow the attachments.

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the Corporation any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such

conditions (if any) as to rent or otherwise as the authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the authority thinks fit. PART III —*cont.*

(4) Where any attachments have been affixed to a building under this section the owner of the building may give the Corporation not less than fourteen days' notice requiring them at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of a building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section—

"appropriate authority" means a magistrates' court except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

1	2
Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.	The Minister of Transport and Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest.	The Minister.
Building owned by a highway authority or railway canal dock or inland navigation undertakers.	The Minister of Transport and Civil Aviation.
Building owned by electricity or gas undertakers ...	The Minister of Power.
Building owned by the Liverpool Corporation ...	The Minister.

"building" includes a structure and a bridge or aqueduct over a street;

"owner"—

(*a*) in relation to a building occupied under a tenancy for a term of years whereof five years or

PART III —*cont.*

more remain unexpired and not forming part of such an aerodrome as aforesaid means the occupier of the building;

(*b*) in relation to a building forming part of such an aerodrome as aforesaid means the person having control of the aerodrome;

(*c*) in relation to any other building has the same meaning as in the Act of 1936;

and the expression "owned" shall be construed accordingly.

Crossings over footways.

12.—(1) Where the occupier of or any person residing in any premises in the borough which abut on or have access to a street repairable by the inhabitants at large habitually takes or permits to be taken a horse or a horse-drawn vehicle or a mechanically propelled vehicle (other than a motor-cycle or a vehicle of which the cylinder capacity of the engine does not exceed two hundred and fifty cubic centimetres) across any grass verge or kerbed footway in the street to those premises the Corporation may give notice to the occupier—

(*a*) that they propose to construct across the grass verge or footway a carriage-crossing of such materials and in such manner as they may specify in the notice; or

(*b*) in the case of a footway that they propose to strengthen or adapt it in such manner as they may so specify; or

(*c*) imposing such reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as they may so specify:

Provided that the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of a trunk road without the consent of the Minister of Transport and Civil Aviation or otherwise than in accordance with any conditions attached by him to his consent.

(2) Any person aggrieved by a notice under the foregoing subsection may appeal to a magistrates' court and on any such appeal the court may confirm reverse or vary the notice of the Corporation.

(3) The Corporation may execute such works as may have been specified in a notice served under paragraph (*a*) or paragraph (*b*) of subsection (1) of this section and recover the expenses of so doing from the occupier.

(4) If the Corporation impose any condition under paragraph (*c*) of subsection (1) of this section a person who knowingly

uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a fine not exceeding five pounds.

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

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

(*a*) Any person may request the Corporation in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing across a grass verge or footway in any such street or of strengthening or adapting a part of any such footway as a carriage-crossing;

(*b*) The Corporation may approve the request either with or without modifications or propose alternative work or reject the request:

Provided that the Corporation shall not exercise the powers conferred by this paragraph as respects the grass verge or footway of a trunk road without the consent of the Minister of Transport and Civil Aviation;

(*c*) The Corporation shall give the person making the request notice of their decision under the last foregoing paragraph and if they approve the work requested or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;

(*d*) The person making the request may deposit with the Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them;

(*e*) As soon as practicable after such a deposit has been made the Corporation shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Corporation by or to the person making the request as the case may require.

(7) The code in Part II of the Act of 1950 (which relates to cases where undertakers' apparatus is affected by road works) shall have effect as if works carried out by the Corporation in pursuance of a notice under subsection (1) of this section or under powers conferred by subsection (6) of this section were works such as are mentioned in paragraph (*a*) of subsection (1) of section 21 of that Act.

PART III —*cont.*

(8) The expenses recoverable under subsection (3) of this section and the cost of the works for the purposes of subsection (6) shall include the cost of any works which are required by the Act of 1950 to be executed in consequence of the construction of the crossing or the strengthening or adaptation of the footway.

Removal of trees etc. from streets.

13.—(1) Where any tree or structure or any part thereof falls on or across any street in the borough the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situated from the occupier thereof:

Provided that the Corporation shall not exercise the powers of this section as respects any street belonging to the commission without the consent of the commission.

(2) The provisions of section 276 of the Act of 1936 (relating to the sale of certain materials) as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included timber.

Fencing and lighting of obstructions in highways.

14.—(1) Where in any highway in the borough any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of any trench or opening therein or the erection thereon or thereover of any hoarding or scaffolding or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression "defective fitting or structure") the surveyor may cause proper boards or fences to be put up for the protection of passengers or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness namely the time between half an hour after sunset and half an hour before sunrise.

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

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

PART III —*cont.*

Temporary stoppage of streets.

15.—(1) For the purpose of—

(*a*) making any new street; or

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

the Corporation may break up and for any reasonable time stop up divert and interfere with any street in the borough and divert the traffic therefrom and prevent persons using it:

Provided that the Corporation shall not exercise the powers of this section—

(i) as respects any trunk road without the consent of the Minister of Transport and Civil Aviation; or

(ii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or

(iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock canal inland navigation or passenger road transport undertakers; or

(iv) so as to obstruct or interfere with the access to any pipes or other apparatus belonging to or maintained by the gas board; or

(v) so as to obstruct or interfere with the access to any works depot or apparatus belonging to or maintained by the Liverpool Corporation for the purposes of their water undertaking; or

(vi) so as to obstruct or interfere with the access to any pipes or other apparatus belonging to or maintained by the Liverpool Hydraulic Power Company.

(2) (*a*) Not less than twenty-four hours before exercising the powers of this section in a street the Corporation shall cause to be published in a local newspaper circulating in the borough notice of their intention to exercise those powers in that street.

(*b*) Either—

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

(ii) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

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

Illumination of street names.

16.—(1) Subject to the provisions of this section the Corporation may illuminate any inscription which has been set up of the name of any street in the borough:

PART III —*cont.*

Provided that the Corporation shall not continue any illumination under this section which in the opinion of the commission hinders or is likely to hinder the ready interpretation of any railway signal or is likely to render hazardous the use of any railway canal or inland navigation.

(2) The Corporation may for the purposes of this section affix lamps brackets pipes electric lines or other apparatus (hereafter in this section referred to as " attachments ") to a building with the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to a magistrates' court who may either allow the affixing of the attachments subject to such conditions (if any) as to rent or otherwise as the magistrates' court thinks fit or disallow the affixing of the attachments.

(3) Any electrical apparatus provided in pursuance of the powers of this section shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line or with any wires or apparatus belonging to or used by Rediffusion (Waterloo) Limited or their successors in title.

Street cleansing.

17.—(1) Notwithstanding anything contained in any other enactment when the Corporation use—

(*a*) mechanically propelled and operated road or footpath cleansing vehicles for cleansing any streets in the borough; or

(*b*) any vehicle which is being used for the reception of street refuse from any street in the borough;

between the hours of ten o'clock in the afternoon and seven o'clock in the forenoon it shall be lawful for such vehicles to be driven over or along any footway or paved area for the purpose of cleansing the same:

Provided that this subsection shall not apply to a vehicle any wheel of which when the vehicle is at rest upon a level surface transmits to such surface a weight exceeding such weight as may from time to time be prescribed in writing by the Minister of Transport and Civil Aviation after consultation with the Minister of Power.

(2) Between one hour after sunrise and one hour before sunset the provisions of any order under the Road Traffic Act 1930 prohibiting the driving of vehicles on any specified road in the borough otherwise than in a specified direction and any provisions applicable to the direction to be followed by vehicles using roads provided with dual carriageways shall not apply to any

mechanically propelled and operated road cleansing vehicle provided by the Corporation when engaged in the cleansing of any street.

Defacing of road surface etc.

18.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall—

(*a*) deface the surface of any street in the borough or any wall fence post or other structure or erection or any tree on or adjoining any such street by inscribing or painting thereon any letter sign device or other mark;

(*b*) remove obliterate deface or obscure any traffic sign erected or placed in the borough under the provisions of the Road Traffic Acts 1930 to 1956.

(2) The Corporation may themselves cleanse and reinstate the surface of any street wall fence post or other structure or erection or any tree which has been defaced contrary to the provisions of subsection (1) of this section or any such traffic sign which has been so removed obliterated defaced or obscured and may remove any such letter sign device or other mark as is referred to in that subsection.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to a fine not exceeding five pounds and the court by which he is convicted may whether or not it imposes a fine in addition by order require him to pay to the Corporation any expenses incurred by them under subsection (2) of this section.

Removal of furniture etc. from streets.

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

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

(*b*) is or are likely to cause an obstruction;

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

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

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

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

PART III —*cont.*

(3) Nothing in this section shall apply to any articles goods or materials placed in or upon any street in connection with or for the purposes of undertakers' works within the meaning of section 1 of the Act of 1950.

Mixing of mortar etc. in streets.

20.—(1) No person shall mix mortar cement plaster or any like substance in any street in the borough repairable by the inhabitants at large or any street therein constructed under the powers in that behalf contained in sections 146 to 150 of the Public Health Act 1875 the Housing Act 1957 the Act of 1947 or this Act or in any part of a private street being a part that drains into a gully drain or sewer for the maintenance of which the Corporation are responsible except upon such board or in such receptacle as will protect the street from such mortar cement plaster or substance and will prevent the same from being washed into any gully drain or sewer:

Provided that this section shall not apply to the mixing in any street of any substance for the purposes of making up maintaining reinstating repairing altering or improving such street.

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

PART IV

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

Recovery of expenses of sewering public highway.

21.—(1) Where the council—

(*a*) resolve to construct a sewer in a street or part of a street in the borough being a street or part which is repairable by the inhabitants at large and has not been previously sewered; and

(*b*) include in the resolution a declaration that the construction of the sewer will in the opinion of the council increase the value of premises fronting adjoining or abutting on the street or that part thereof;

the provisions of the First Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the sewer:

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the Corporation in a local newspaper circulating in the borough and the resolution shall become operative for the purposes of this section and the said schedule on the date of the publication.

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(3) Either—

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

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing the notice;

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

Recovery of expenses of sewering prospective street.

22. Where land in the borough in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) the provisions of the First Schedule to this Act shall if the council so resolve have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the length of sewer:

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

Prevention of evasion of liabilities under last two foregoing sections.

23.—(1) If on a complaint by the Corporation to a magistrates' court it is proved to the satisfaction of the court—

(*a*) that by reason of any transfer of land any part of any premises (hereafter in this section referred to as " the severed part ")—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one foregoing section applies; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last foregoing section applies or has ceased to be included in premises fronting adjoining or abutting on such a street; and

(*b*) that the transfer was intended for the purpose of evading liability under the First Schedule to this Act imposed by the last but one foregoing or the last foregoing section as the case may be;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

(2) Any such order may direct—

(*a*) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the

PART IV —*cont.*

relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order;

(*b*) that for the purposes of sub-paragraph (*a*) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order;

(*c*) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (*a*) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders under any provision of subsection (2) of this section may be made on separate complaints made by the Corporation at different times.

(5) For the purposes of this section the expression " transfer " includes any disposal of land whether by way of sale lease exchange gift or otherwise.

Recovery of cost of maintaining public sewers.

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

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

Separate sewers for foul water and surface water.

25. For the purpose of facilitating the disposal of sewage the powers of the Corporation under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in the borough to provide separate sewers for foul water drainage and surface water drainage respectively.

Power to cleanse or repair drains etc.

26. The Corporation may on the application of the owner or occupier of any premises in the borough undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may recover from the applicant such charge if any for so doing as they think fit.

Power to repair drains and private sewers.

27.—(1) If a drain or private sewer in the borough—

(*a*) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation; and

(*b*) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds;

the Corporation may after giving not less than seven days' notice to the person or persons concerned cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine:

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

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

(*a*) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable; and

(*b*) whether any apportionment made by the surveyor was fair;

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

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

(3) In this section the expression "person concerned" in relation to a drain or private sewer means any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

Closet accommodation for separate dwellings.

28. For the purposes of section 44 of the Act of 1936 any part of a building in the borough being a part occupied as a separate dwelling shall be treated as a separate building:

Provided that where any part or parts of a building occupied as aforesaid has or have been let for occupation without the consent of the owner of the building the person so letting that part or those parts shall be deemed to be the owner thereof for the purpose of the said section 44.

Provision of sanitary conveniences at places of public exhibition etc.

29.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition performance amusement game or sport to which the public are or will be admitted is held given or provided or is about to be held given or provided to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition performance amusement game or sport in a suitable position such

PART IV —*cont.*

numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

(2) Any person aggrieved by a requirement made under subsection (1) of this section may appeal to a magistrates' court.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period not being less than one month after the date of the service of the notice as may be specified therein and the public are thereafter admitted to the premises or place for any such exhibition performance amusement game or sport he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings:

Provided that—

(*a*) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or as the case may be the owner of the premises; and

(*b*) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section if on the date when the public are admitted to the premises or place in respect of which the notice was served he has ceased to be the owner or occupier thereof.

(4) (*a*) Section 89 of the Act of 1936 shall in its application to the borough have effect as if for the words " refreshment-house or place of public entertainment " in subsection (1) of that section there were substituted the words " or refreshment-house ".

(*b*) Nothing in this section shall apply to premises to which the said section 89 as amended by this subsection applies by reason only of the holding thereon of any exhibition performance amusement game or sport to which the public are admitted.

(5) The provisions of this section shall not apply to any premises or place in respect of which byelaws for preserving sanitary conditions may be made by the Corporation under section 70 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act.

Loan of temporary sanitary conveniences.

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

(2) Temporary sanitary conveniences loaned by the Corporation under subsection (1) of this section shall be supplied free of charge where the disconnection of the water-closets or other sanitary conveniences is necessitated by a defect in a public sewer vested

in and maintainable by the Corporation (not being a length of sewer to which subsection (3) of this section applies).

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

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

Buildings and structures

Ruinous and dilapidated buildings and neglected sites.

31.—(1) Paragraphs (*b*) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof—

(*a*) to execute such works of repair or restoration; or

(*b*) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition;

as may be necessary in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the borough is lying on the site of the building or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they

PART IV —*cont.*

apply in relation to the notices mentioned in subsection (1) of that section and in their application to a notice given under subsection (2) of this section—

(*a*) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material; and

(*b*) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or material removed by the Corporation under this section.

(6) In this section the expression "building" includes a structure and a fence (other than a hedge).

Defective premises.

32.—(1) Where—

(*a*) a house in the borough or the roof of a building in the borough is in such a state (in this section referred to as a "defective state") as to be prejudicial to health or a nuisance; and

(*b*) unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by sections 93 to 95 of the Act of 1936;

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

(2) Subject to the next following subsection the Corporation may after the expiration of nine days after service of a notice under the preceding subsection execute such works as may be necessary to remedy the defective state and may recover the expenses reasonably incurred by them in doing so from the person on whom the notice was served.

(3) If within seven days after service of a notice under subsection (1) of this section the person on whom the notice was served serves a counter-notice that he intends to remedy the defects specified in the first-mentioned notice the Corporation shall take no action in pursuance of the first-mentioned notice unless the person who served the counter-notice either—

(*a*) fails within what seems to the Corporation a reasonable time to begin to execute works to remedy the said defects; or

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(*b*) having begun to execute such works fails to make such progress towards their completion as seems to the Corporation reasonable.

(4) In proceedings by the Corporation to recover expenses incurred by them under this section it shall be a defence to prove that the notice served by the Corporation under subsection (1) of this section was not justified by the terms of that subsection.

(5) Where in such proceedings as aforesaid the defendant proves that he served a counter-notice under subsection (3) of this section the Corporation shall not recover the said expenses unless they prove that the defendant failed to begin works within a reasonable time or failed to make reasonable progress towards their completion.

(6) If the defendant in such proceedings as aforesaid makes a complaint to the magistrates' court before which he is summoned to appear that the defective state is due to the default of another person the court may—

(*a*) order that other person to pay the said expenses; or

(*b*) apportion the said expenses between the original defendant and that other person in such manner as the court thinks just.

(7) Where a complaint is made under the last preceding subsection the court may make such order for the payment of costs by or to the Corporation the original defendant and the third person as it thinks fit.

Repair of walls etc. of yards.

33.—(1) If it appears to the Corporation that any party or boundary wall of any court courtyard or yard attached to or forming part of any house in the borough or the fence or door of any such court courtyard or yard—

(*a*) has collapsed or been pulled down; or

(*b*) is in danger of collapsing; or

(*c*) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or to the public;

the Corporation may by notice require the owner or occupier of the house to carry out such works (including the rebuilding reinstatement or repair of any such wall fence or door) as are reasonably necessary.

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

Artificial lighting in habitable rooms.

34.—(1) In every house in the borough which is let for human habitation adequate means of lighting shall be provided and maintained in every habitable room in that house.

(2) If adequate means of lighting are not provided and maintained in any such habitable room the Corporation may serve

PART IV —*cont.*

on the owner or occupier a notice requiring him within such time not being less than twenty-one days as may be specified in the notice to execute such works as may be necessary to comply with the provisions of subsection (1) of this section.

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

Provided that in the application of the said section 290 that section shall have effect as if the following paragraph were inserted at the end of subsection (3):—

"(*g*) that having regard to the period during which the house is likely to continue to be used for human habitation it is unreasonable to require the execution of the works."

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

(5) In this section—

the expression "adequate means of lighting" in relation to a room means adequate means of lighting that room by electricity or gas and includes the provision in that room of adequate electric lines or gas pipes connected with an electricity main or gas main (as the case may be) but does not include—

(*a*) the supply of electricity or gas; or

(*b*) the provision of lamps;

the expression "habitable room" means a room used or intended to be used as a living room or sleeping room;

the expression "house" includes a flat.

(6) This section shall not apply to a house in an area declared by the council to be a clearance area or to any house as respects which the medical officer of health has made an official representation under section 157 of the Housing Act 1957 either that the house is unfit for human habitation or that it is in an area which should be dealt with as a clearance area.

Demolition of buildings

35.—(1) A person shall not demolish a building wholly or in part unless he has given notice to the Corporation of his intention to do so:

Provided that this subsection shall not require notice of—

(*a*) demolition undertaken to comply with a demolition order or a clearance order; or

(*b*) demolition of an internal part of a building incidental to alteration of an internal part of the building where the building is occupied and intended to be occupied; or

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(*c*) demolition of a poultry-house greenhouse coal-shed tool-shed bicycle-shed or similar structure; or

(*d*) demolition of any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—

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

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

(2) A notice under the preceding subsection shall describe the building and specify the intended works.

(3) The Corporation may by counter-notice served within six weeks from the date of service of the notice referred to in subsection (1) of this section or such longer period as the person proposing to demolish may in writing allow require him—

(*a*) to shore up adjacent buildings; and

(*b*) to remove material or rubbish resulting from the demolition and clearance of the site.

(4) A counter-notice served under this section may require the person proposing to demolish—

(*a*) to disconnect and seal at each end any sewer drain or water pipe in or under the building to be demolished; or

(*b*) to remove any such sewer drain or water pipe and seal any sewer drain or water pipe with which the sewer drain or pipe to be removed is connected; and

(*c*) in either case to make good to the satisfaction of the Corporation the surface of the ground thereby disturbed after giving the Corporation at least twenty-four hours' notice of the making good.

(5) Section 290 of the Act of 1936 shall apply to a counter-notice given under this section.

(6) A sewer drain or pipe shall not be sealed or removed in pursuance of the requirements of a counter-notice under sub-section (4) of this section unless at least forty-eight hours' notice thereof has been given to the Corporation.

(7) Where the owner of a building required by a counter-notice under subsection (3) of this section to be shored up is not entitled to the support of the building by the building to be demolished the

PART IV —*cont.*

person demolishing or if the Corporation execute the works under subsection (6) of section 290 of the Act of 1936 the Corporation may recover the expense of shoring up the first-mentioned building from the owner thereof.

(8) Notwithstanding subsection (3) of section 276 of the Act of 1936 that section shall apply to materials and rubbish removed by the Corporation under section 290 of that Act as applied by this section.

(9) If a person carries out works without having served notice as required by subsections (1) and (2) of this section he shall be liable to a fine not exceeding five pounds and the Corporation may serve a counter-notice under this section as if that person had served notice as required by the said subsections.

(10) Where a demolition order or clearance order requires a building to be demolished the Corporation may by notice served on the owner within seven days after serving on him a copy of the order under section 19 or subsection (2) of section 72 of the Housing Act 1957 or paragraph 5 of the Fourth Schedule to that Act require him to take such steps as a counter-notice might under subsection (3) or subsection (4) of this section require him to take and this section (except subsections (1) and (2) thereof) shall apply to a notice served under this subsection as it applies to a counter-notice.

In this subsection "owner" has the same meaning as in the Housing Act 1957.

(11) In this section—

"demolition order" means a demolition order made under section 17 section 28 or section 72 of the Housing Act 1957;

"clearance order" means a clearance order made under section 44 or section 50 of that Act.

(12) This section shall come into force on the appointed day and shall not apply to the demolition of any part of a building the demolition of which building has been begun before that day.

Cellars and rooms below subsoil water level.

36.—(1) No person shall in or in connection with a house shop or office in the borough construct without the consent of the Corporation any cellar or room the floor level of which is lower than the ordinary level of the subsoil water on under or adjacent to the site of the house shop or office.

(2) A consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein and conditions specified therein shall be binding on successive owners of the house shop or office.

(3) Any person aggrieved by a refusal of the Corporation to give their consent under this section or by any conditions attached to a consent given thereunder may appeal to a magistrates' court.

PART IV —*cont.*

(4) If any person constructs a cellar or room in contravention of subsection (1) of this section or any conditions attached to a consent given under this section—

(*a*) he shall be liable to a fine not exceeding twenty pounds; and

(*b*) the Corporation may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the Corporation may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

(5) If any person uses a cellar or room in contravention of any such conditions he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

(6) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 as to the avoidance for want of registration as a local land charge of a prohibition or restriction imposed by virtue of any such conditions.

(7) Nothing in this section shall apply to the construction of any cellar or room—

(*a*) in or in connection with a shop or office which forms part of a railway station; or

(*b*) in or in connection with any premises in respect of which a provisional grant of a justices' licence for the sale of intoxicating liquor for consumption on the premises has been made before the construction of the cellar or room is commenced.

Food storage accommodation.

37.—(1) Every house erected in the borough after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the borough not so provided shall if reasonably practicable be so provided within three months from the date of service by the Corporation on the owner thereof of a notice requiring it to be so provided.

(2) Any person aggrieved by a requirement imposed by a notice under the foregoing subsection may appeal to a magistrates' court.

(3) If a house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

PART IV —*cont.*

(4) The owner of a house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house after giving not less than forty-eight hours' notice to the occupier and carry out such work as may be necessary to comply with the notice.

(5) For the purposes of this section—

(*a*) the expression " house " includes any part of a building which is occupied or intended to be occupied as a separate dwelling;

(*b*) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and

(*c*) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act:

Provided that where a part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

Provision of bathrooms.

38.—(1) Where plans of a house have been deposited with the Corporation in pursuance of building byelaws the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath or (in a case in which in the opinion of the Corporation a shower bath would be adequate) a shower bath.

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

(3) For the purposes of this section the expression " house " includes any part of a building which is intended to be occupied as a separate dwelling.

Supply of water to premises where supply cut off.

39.—(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe or the absence or defective state of any fittings the Corporation may without prejudice to any action or proceedings which they may 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 to the house is restored and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

PART IV —*cont.*

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

Provided that the court shall not under this subsection order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person at the instance of the defendant has had due notice of the proceedings and an opportunity of being heard.

(3) (*a*) Where two or more houses in the occupation of different persons being houses supplied with water by a common pipe belonging to the owners or occupiers of those houses or some of them have ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the defective state of the supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe the Corporation may give notice to the owners requiring them within such reasonable period as may be stated in the notice to repair or renew the pipe or execute any other works as may be necessary to secure that the supply of water to any such houses is restored:

Provided that if after reasonable inquiry the names and addresses of the owners cannot be ascertained the Corporation may if they think fit repair or renew the pipe or execute such other works as aforesaid and may recover any expenses reasonably incurred by them in so doing from the owners or occupiers of the houses in such proportions as may be determined by the Corporation or in case of dispute by a magistrates' court.

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

(*c*) Nothing done under this subsection shall prejudice or affect the rights and obligations as between themselves of the owner and the occupier of any house.

(4) The powers and functions of the Corporation under the foregoing provisions of this section may be exercised by the medical officer of health or the public health inspector.

PART IV —*cont.*

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

(6) The provisions of this section shall not without the consent of the Liverpool Corporation (which consent shall not be unreasonably withheld) apply to the restoration by the Corporation of the supply of water to an occupied house where such supply has been cut off by the Liverpool Corporation in exercise of their powers as statutory water undertakers.

PART V

NUISANCES

Restriction on use of dustbins.

40.—(1) No person shall deposit in a dustbin or other receptacle for removal by or on behalf of the Corporation as house refuse anything other than house refuse.

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

(3) In this section the expression " house refuse " includes dust and ashes but does not include refuse of a liquid or partially liquid character unless in a container or soot.

Nuisance from pigeons etc.

41.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the borough by house-doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act or at common law—

(*a*) seize and humanely destroy or cause to be seized and humanely destroyed any such house-doves pigeons or starlings in excess of such numbers as the Corporation consider reasonable;

(*b*) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcases of any such house-doves pigeons or starlings; and

(*c*) take such other steps as they think necessary for any such purpose:

Provided that the Corporation shall not in the exercise of the powers conferred by this section—

(i) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or

PART V —*cont.*

(ii) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Protection of Birds Act 1954 or any order made thereunder.

PART VI

INFECTIOUS DISEASES

Compensation for stopping employment to prevent spread of disease.

42. If with a view to preventing the spread of—

(*a*) a notifiable disease; or

(*b*) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies;

the medical officer of health requests in writing a person to discontinue his work the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

Persons provided with certain accommodation etc.

43.—(1) (*a*) The Corporation may require any person residing in accommodation provided by them under Part III of the National Assistance Act 1948 whom they have reason to believe may be suffering from a communicable disease to submit himself for examination by the medical officer of health or a duly registered medical practitioner and if he certifies that that person is suffering from a communicable disease and that serious risk of infection is thereby caused to other persons then the Corporation if satisfied that accommodation is available in a suitable hospital may with the consent of the hospital management committee or board of governors of the hospital order him to be removed thereto.

(*b*) The Corporation and any officer of the Corporation to whom an order under this subsection is addressed and any officer of the hospital in question may do all acts necessary for giving effect to the order.

(2) The Corporation may require any person residing in accommodation provided by them under paragraph (*b*) of subsection (1) of section 21 of the National Assistance Act 1948 whom they have reason to believe may be in a filthy condition or to be suffering from infestation of his person or clothing by vermin to submit to such measures as may in their opinion be necessary to cleanse him or free him or his clothing from vermin as the case may be.

(3) In this section—

the expression " hospital " has the meaning assigned to it by section 79 of the National Health Service Act 1946;

the expression " communicable disease " means—

(*a*) any notifiable disease; and

(*b*) tuberculosis of the respiratory tract.

PART VII

FOOD

Interpretation of this Part of Act.

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

"animal feeding meat" means any flesh of cattle horses asses mules swine sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance but does not include any residuals which have been sterilised in a manner not less effective than that prescribed by byelaws made under section 46 (Byelaws as to sale etc. of animal feeding meat) of this Act for the time being in force resulting from the refining or processing of any such flesh at premises to which the provisions of sections 107 and 108 of the Act of 1936 are applicable;

"authorised officer" means any officer who is by virtue of the Food and Drugs Act 1955 an authorised officer for the purposes of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption;

"flesh" includes any part of an animal;

"slaughterhouse" has the same meaning as in section 135 of the Food and Drugs Act 1955;

"knacker's yard" means any premises used in connection with the business of slaughtering flaying or cutting up animals the flesh of which is not intended for human consumption;

"premises" does not include a knacker's yard or slaughterhouse;

"Public Health (Meat) Regulations" means the Public Health (Meat) Regulations 1924 to 1952 as continued in force and having effect by virtue of subsection (2) of section 136 of and the Twelfth Schedule to the Food and Drugs Act 1955 or as amended under section 13 of that Act and includes any regulations made under the said section 13 which replace those regulations.

Slaughter of animals otherwise than for human consumption.

45.—(1) As from the appointed day the following provisions shall have effect in the borough with respect to the slaughter of any of the following animals namely horses cattle sheep goats or pigs where the animal is slaughtered owing to emaciation or disease and the Public Health (Meat) Regulations do not have effect in relation to the slaughtering by reason of its not being for human consumption.

PART VII —*cont.*

(2) The owner of any such animal shall comply with the following provisions:—

(*a*) Except in the cases mentioned in paragraph (*b*) of this subsection he shall not slaughter it or cause it to be slaughtered until he has given notice to an authorised officer of the intended slaughter of it and not less than twenty-four hours from the giving of the notice have expired;

(*b*) If by reason of accidental injury illness or exposure to infection it is necessary to slaughter it either before the expiration of twenty-four hours from the giving of such a notice as is required by paragraph (*a*) of this subsection or without giving such a notice he may so slaughter it or cause it to be so slaughtered but—

(i) if the slaughter is before the expiration of the said twenty-four hours he shall retain the carcase intact until the expiration of that period or until its disposal is approved by an authorised officer whichever first occurs; or

(ii) if the slaughter is without giving such a notice he shall give notice thereof to an authorised officer as soon as practicable thereafter and retain the carcase intact until the expiration of twenty-four hours from the giving of that notice or until its disposal is approved by an authorised officer whichever first occurs;

(*c*) He shall on the application of an authorised officer made within two weeks from the date of its slaughter furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcase or any part thereof.

(3) Notwithstanding the requirement imposed by paragraph (*b*) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned he may permit a veterinary surgeon or veterinary practitioner—

(*a*) to send at any time during that period to a laboratory a specimen taken from the carcase or the whole carcase; or

(*b*) to take such a specimen or the whole carcase into his possession at any time during that period and to retain it;

but where the owner gives such a permission and it is acted upon he shall give to an authorised officer notice of the action taken within twenty-four hours from the time when it is taken.

(4) Notwithstanding the requirement imposed by paragraph (*b*) of subsection (2) of this section on the owner of an animal to

PART VII —*cont.*

retain the carcase intact until the expiration of a period therein mentioned if the slaughter was in a knacker's yard or the carcase is moved to a knacker's yard immediately after the slaughter the owner may take or cause to be taken from the carcase during that period any part or organ which in the opinion of the owner it is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcase but if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from what carcase it was taken.

(5) If the owner of an animal—

(*a*) contravenes this section or fails to discharge an obligation thereby imposed on him; or

(*b*) furnishes in response to an application under paragraph (*c*) of subsection (2) thereof information which he knows to be false;

he shall be liable to a fine not exceeding ten pounds.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of the Minister of Agriculture Fisheries and Food made granted or done thereunder or having effect by virtue of section 89 thereof.

Byelaws as to sale etc. of animal feeding meat.

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

(*a*) for regulating the construction and equipment of any premises in the borough at or from which animal feeding meat is—

(i) prepared for sale;

(ii) sold or offered or exposed for sale; or

(iii) deposited for the purpose of sale or preparation for sale;

(*b*) for regulating the cleanliness and sanitary condition of such premises and the provision of suitable storage therein for animal feeding meat;

(*c*) for requiring the keeping of accurate records of—

(i) the description quantities and weights of all animal feeding meat delivered at or sold otherwise than by retail at or from any premises at which the sale or offer or exposure for sale of animal feeding meat is carried on;

(ii) the dates at which such deliveries and such sales take place; and

(iii) the names and addresses of the persons from whom the animal feeding meat so delivered is obtained and of the persons to whom such sales are made;

PART VII —*cont.*

(*d*) for prohibiting the sale or offer or exposure for sale of animal feeding meat unless such meat has been sterilised in such manner as may be prescribed by the byelaws;

(*e*) for empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid:

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is bona fide supplied to a zoological garden or to a menagerie for consumption only by carnivorous animals in such zoological garden or menagerie and which has been examined and passed as fit for animal food by an authorised officer:

Provided also that the provisions of the foregoing paragraphs (*d*) and (*e*) and of the foregoing proviso and of any byelaws made under the said paragraph (*d*) or (*e*) shall cease to have effect on the coming into force of regulations to the like effect under section 13 of the Food and Drugs Act 1955.

(2) Nothing in any byelaw made under paragraph (*a*) or (*b*) of subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

(*a*) in tins or other containers effectually sealed and having attached thereto a notice of adequate size distinctly and legibly printed and conspicuously visible to the effect that the animal feeding meat is for animal consumption only;

(*b*) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

(3) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of any byelaws made under this section shall be provisions which it is the duty of the Corporation to enforce.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of any Minister made granted or done thereunder or having effect by virtue of subsection (2) of section 89 thereof.

PART VII —*cont.*

Registration of premises used in connection with the sale etc. of animal feeding meat.

47.—(1) (*a*) As from the appointed day and subject to the provisions of this subsection no premises in the borough shall be used for the sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of animal feeding meat unless such premises are registered under this section for that purpose by the Corporation and a person who uses any premises in contravention of the provisions of this subsection shall be liable in the case of a first offence to a fine not exceeding ten pounds and in the case of a subsequent offence to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such a fine and such imprisonment.

(*b*) Subject to the following provisions of this subsection the Corporation shall on the application of the occupier of or of a person proposing to occupy any premises register those premises for the purposes of this subsection.

(*c*) If it appears to the Corporation that any premises for the registration of which application has been made under this subsection or which are registered under this subsection do not satisfy the requirements of any byelaws made under the last foregoing section or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used the Corporation shall serve on the applicant for registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time not being less than twenty-one days after the date of the service of the notice at which they propose to take the matter into consideration and informing him that he may attend before a committee of the council with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.

(*d*) If a person on whom a notice is served under the last foregoing paragraph fails to show cause to the satisfaction of the Corporation they may refuse the application or (as the case may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it is based.

(*e*) A person aggrieved by the decision of the Corporation under this subsection to refuse to register any premises or to cancel the registration of any premises may appeal to a magistrates' court.

(*f*) Upon any change in the occupation of premises registered under this section the incoming occupier shall if he intends to use them for the purpose for which they are registered forthwith

PART VII —*cont.*

give notice of the change to the Corporation who shall thereupon make any necessary alteration in their register If a person required to give a notice under this paragraph fails to do so he shall be liable to a fine not exceeding five pounds.

(2) Nothing in subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

(*a*) in tins or other containers effectually sealed and having attached thereto a notice of adequate size distinctly and legibly printed and conspicuously visible to the effect that the animal feeding meat is for animal consumption only;

(*b*) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

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

PART VIII

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

Parking places in parks etc.

48.—(1) For the purpose of providing a parking place under section 68 of the Act of 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Corporation may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control:

Provided that—

(*a*) the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less;

(*b*) no part of an open space which is consecrated land shall be utilised under this section except with the approval of a consistory court of the diocese of Liverpool.

(2) In this section the expression " open space " has the same meaning as in the Open Spaces Act 1906.

Golf courses.

49.—(1) The Corporation may provide and shall be deemed always to have had power to provide a golf course or golf courses and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without the borough.

PART VIII —*cont.*

(2) The Corporation may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of a golf course under this section and references in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided or works executed under this subsection and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

(*a*) themselves manage a golf course provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit; or

(*b*) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The Corporation may—

(*a*) at a golf course provided under this section provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto;

(*b*) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;

(*c*) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments;

(*d*) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of intoxicating liquor or tobacco at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses provided by them whether within or without the borough and the conduct of persons using them or resorting thereto.

Agreements to maintain graves and tombstones.

50.—(1) The Corporation may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a burial ground or crematorium provided by the Corporation and the following provisions shall apply in relation to such an agreement:—

(*a*) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in any security in which trustees are for the time being authorised by law to invest trust moneys;

(*b*) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;

PART VIII —*cont.*

(*c*) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Corporation may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment;

(*d*) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the burial ground or crematorium.

(2) In this section—

" burial ground " includes a cemetery;

" grave " includes a grave space niche or urn;

" tombstone " includes a monument or other memorial of a deceased person.

Extension of power to maintain burial grounds.

51.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

(*a*) to put and keep in order any tombstone or memorial therein;

(*b*) to level any grave therein;

(*c*) to remove any tombstone or memorial on any grave therein or any railings surrounding any grave therein or any such tombstone or memorial;

(*d*) to alter the position of any such tombstone memorial or railings.

(2) Before exercising a power conferred by paragraph (*b*) (*c*) or (*d*) of the foregoing subsection the Corporation shall—

(*a*) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough with an interval between the dates of publication of not less than six clear days;

(*b*) display a notice thereof in a conspicuous position in the burial ground; and

(*c*) serve a notice thereof upon the owner of the grave or upon a relative of a deceased person whose remains are interred therein if after reasonable inquiry the name and address of the owner or of a relative of such a person can be ascertained.

(3) Each of the notices shall—

(*a*) contain brief particulars of the Corporation's proposals and specify an address at which full particulars of the proposals can be obtained unless the brief particulars are of proposals incapable of further statement;

PART VIII —*cont.*

(*b*) specify a date as being that on which it is intended that the Corporation will begin to carry out the proposals which shall be a date not earlier than the fourteenth day after the date of the later of the two publications or than the twenty-first day after the date on which the notice in the burial ground is first displayed or where notice is required to be served than the twenty-first day after the date of service; and

(*c*) state the effect of the next following subsection.

(4) If notice of objection to a proposal and of the ground thereof is given to the Corporation before the date specified under paragraph (*b*) of the last foregoing subsection that proposal shall not be carried out without the consent of the Minister unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate or destroy any tombstone memorial or railings removed under this section unless it or they is or are claimed within three months after the date of the earlier of the two publications of the notice required by paragraph (*a*) of subsection (2) of this section or where notice has been served under paragraph (*c*) thereof after the date of such service whichever is the later.

(6) Where a tombstone is removed under this section the Corporation may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each tombstone or memorial taken from the burial ground under this section containing—

(*a*) a copy of any inscription on it; and

(*b*) if it is intended to preserve the tombstone or memorial a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar-General.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work a faculty or licence of a consistory court.

Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence and subsection (5) thereof shall not have effect in relation to any tombstone memorial or railings for whose removal such a faculty or licence was obtained.

PART VIII —*cont.*

(9) In this section—

" burial ground " includes a cemetery and during the period while an agreement made under section 94 (St. Mary's Churchyard) of this Act is in operation includes the churchyard as defined in that section;

" grave " includes a grave space;

" tombstone " includes a kerb.

Aerodrome undertaking.

52.—(1) In the event of the Corporation's establishing in pursuance of sections 19 and 20 of the Civil Aviation Act 1949 an aerodrome with or without any ancillary business in connection therewith (in this section referred to as " the aerodrome undertaking ") they may either—

(*a*) themselves manage the aerodrome undertaking making such reasonable charges in respect thereof as they think fit; or

(*b*) subject to the provisions of subsection (6) of the said section 19 let it or any part thereof for such consideration and on such terms and conditions as they think fit:

Provided that nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Minister of Transport and Civil Aviation in pursuance of powers conferred on him by or under the said Act.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Minister of Transport and Civil Aviation and subject to the like control by him under the Civil Aviation Act 1949 as if this Act had not been passed.

PART IX

PUBLIC ORDER AND PUBLIC SAFETY

Control of sirens etc. used in factories etc.

53. As from the appointed day section 2 of the Steam Whistles Act 1872 shall in its application to the borough have effect as if for the words " steam whistle or steam trumpet " there were substituted the words " mechanically operated whistle trumpet siren or hooter ".

Amendment of section 154 of Act of 1936.

54. Section 154 of the Act of 1936 shall in its application to the borough have effect as if after the words " or any article whatsoever " in subsection (1) of that section there were inserted the words " or any animal fish bird or other living thing ".

PART IX —*cont.*

Removal etc. of dangerous trees.

55.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or to property any tree in the borough should be lopped cut removed or felled the Corporation may serve a notice on the owner or occupier of the premises on which such tree is growing or situated requiring him within twenty-one days to lop cut remove or fell the tree or execute such other works as the Corporation may consider necessary to prevent the danger.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression " materials " included timber.

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

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (*a*) of subsection (3) thereof there were substituted the following paragraph:—

" (*a*) that the notice or requirement is unreasonable; ".

Damage to trees etc. on streets etc.

56.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street or open space within the borough—

(*a*) remove or cut any turf; or

(*b*) pluck any bud blossom flower fruit or leaf of any tree shrub or plant or remove cut or displace any tree shrub or plant;

if the tree shrub or plant has been planted or maintained by the person having the control of the street or open space for the purpose of improving the amenities thereof and a notice stating the effect of this paragraph is conspicuously placed within reasonable proximity of the tree shrub or plant.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the street or open space.

(3) Nothing in this section shall apply to any open space in respect of which the Corporation have made byelaws regulating the matters referred to in subsection (1) of this section.

PART IX —*cont.*

Removal of property of Corporation.

57.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall remove or otherwise interfere with—

(*a*) any life-saving equipment vested in the Corporation within the borough; or

(*b*) any other property vested in the Corporation in any street or public place within the borough.

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

Precautions against fire in certain buildings.

58.—(1) Where plans for the erection or extension of a building are in accordance with building byelaws deposited with the Corporation and the plans show that the building—

(*a*) will not be provided with such means of access for fire brigade appliances and personnel; or

(*b*) will not leave or make provision for such means of access for fire brigade appliances and personnel to an existing building or to a proposed building the plans of which have been passed by the Corporation;

as the Corporation may consider necessary to enable effective action to be taken by them in case of fire at such building or existing building or proposed building (as the case may be) the Corporation shall reject the plans.

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

(3) Any question arising under this section between the Corporation and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with or as the case may be will leave or make provision for the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

(4) This section shall not except with the consent of the gas board which shall not be unreasonably withheld extend or apply to any building designed or used by the gas board for the manufacture or storage of gas and any question whether any such consent is or is not unreasonably withheld shall be referred to arbitration.

Further provision for public and other buildings.

59.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building in the borough to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

(*a*) the apparatus or fittings for lighting or heating the building require alteration; or

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(*b*) the arrangement of the chairs and seating requires alteration;

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

Provided that—

(i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Acts 1909 and 1952 is for the time being in force;

(ii) nothing in this subsection shall authorise the owner or occupier to alter or otherwise interfere with any electrical apparatus belonging to the generating board or the electricity board and installed for the purpose of affording a supply of electricity to the building;

(iii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

(2) The provisions of section 290 of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Amendment of sections 59 and 60 of Act of 1936.

60.—(1) Section 59 of the Act of 1936 shall have effect in its application to the borough as if paragraph (*b*) of subsection (5) thereof were deleted and the following paragraph were substituted therefor:—

"(*b*) any restaurant shop store office or warehouse in which more than ten persons are employed".

(2) Section 60 of the Act of 1936 shall have effect in its application to the borough as if—

(*a*) in subsections (1) and (4) thereof the words "eighteen feet" were substituted for the words "twenty feet";

(*b*) paragraph (*c*) of subsection (4) thereof were deleted and the following paragraph were substituted therefor:—

"(*c*) is used as a restaurant shop store office or warehouse";

(*c*) the following paragraph were inserted in the said subsection (4):—

"(*d*) is used for the holding of dances or dancing classes other than—

(i) any premises in respect of which a licence has been granted under section 121 (Places for music dancing and other entertainments to be licensed) of the Act of 1890;

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(ii) any premises registered under section 72 (Registration of entertainment proprietors) of this Act;

(iii) any building or part of a building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force;

(iv) a private house used for the holding of dances (but not dancing classes) to which the public are not admitted."

Storage of dangerous materials.

61.—(1) As from the appointed day no premises in the borough shall be used for the storage or deposit of a dangerous material unless the premises are registered by the Corporation under this section for the storage and deposit of that material.

(2) An application for registration under this section shall indicate the dangerous material or dangerous materials for the storage and deposit of which registration is desired and may be made by the owner or the occupier or the intending occupier of the premises but where an application is made by a person who is not the owner of the premises evidence of the consent thereto of the owner shall be produced to the Corporation.

(3) If any person contravenes the provisions of this section or any condition imposed under subsection (5) of this section he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

(4) If application is duly made for the registration of premises for the storage and deposit of a dangerous material and—

(*a*) the Corporation are satisfied that—

(i) the premises are suitable for the storage and deposit of that dangerous material; and

(ii) having regard to the position of the premises in relation to property in the vicinity the storage or deposit of that dangerous material therein will not afford an undue hazard; and

(iii) notices will be displayed and at all times maintained in prominent positions in or on the premises indicating the existence of danger and specifying the nature of the danger; and

(iv) adequate provision will be made for the segregation of the dangerous material from other kinds of dangerous materials (if any) stored or deposited in the premises; and

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(*b*) (if the nature of the dangerous materials so requires) the Corporation are also satisfied that—

(i) adequate means of escape in case of fire will be provided and maintained and kept clear at all times; and

(ii) appropriate means for fighting fire will be provided and maintained in or on the premises; and

(iii) adequate means of access into and within the premises will be provided for fire appliances fire brigade appliances or personnel ;

the Corporation shall register the premises for the storage and deposit of that dangerous material:

Provided that if the Corporation do not within a period of five weeks from the date of the receipt of an application for the registration of premises for the storage and deposit of a dangerous material serve a notice under subsection (6) of this section on the person applying for registration the premises shall as from the expiration of that period be deemed to be registered for the storage and deposit of that dangerous material.

(5) When registering any premises under this section the Corporation may impose conditions relating to any of the matters referred to in sub-paragraph (iii) or (iv) of paragraph (*a*) or paragraph (*b*) of subsection (4) of this section.

(6) If—

(*a*) application is duly made for the registration of premises for the storage and deposit of a dangerous material and the Corporation are not satisfied as to any of the matters mentioned in paragraph (*a*) or paragraph (*b*) of sub-section (4) of this section; or

(*b*) after premises have been registered for the storage and deposit of a dangerous material the Corporation are not satisfied that (where the nature of the dangerous material so requires)—

(i) adequate means of escape in case of fire are provided and maintained and kept clear at all times; or

(ii) appropriate means for fire-fighting are provided and maintained in the premises; or

(iii) adequate means of access into and within the premises are provided for fire appliances and fire brigade appliances or personnel; or

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(iv) notices are displayed and at all times maintained in prominent positions in or on the premises indicating the existence of danger and specifying the nature of the danger; or

(v) adequate provision is made for the segregation of different kinds of dangerous materials stored or deposited in the premises;

the Corporation shall serve on the person applying for the registration of the premises or in the case of premises which are registered the owner and the occupier of the premises a notice—

(i) stating the place and time (not being less than seven days after the date of the service of the notice) at which it is proposed that a committee of the council shall take the matter into consideration; and

(ii) informing him or them that he or they may attend before the said committee with any witnesses whom he desires or they desire to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse to register the premises or revoke the registration thereof as the case may be.

(7) If the person or persons on whom a notice is served under the last preceding subsection fails or fail to show cause to the satisfaction of the said committee the Corporation shall refuse to register the premises or revoke the registration thereof as the case may be and shall forthwith give notice to him or them of their decision in the matter and shall if so required by him or them within fourteen days of their decision give to him or them within forty-eight hours a statement of the grounds on which it was based.

(8) If a material structural alteration of premises registered by the Corporation under this section is carried out without the Corporation's consent or in breach of conditions subject to which the Corporation's consent is granted the Corporation may revoke the registration of the premises.

(9) Any person aggrieved by a condition imposed under subsection (5) of this section or a decision of the Corporation under subsection (7) or subsection (8) of this section or by the refusal of the Corporation to grant their consent under subsection (8) of this section or by any condition attached to such consent may appeal to a magistrates' court.

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

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(11) In this section—

the expression " dangerous material " means—

(*a*) any of the materials specified in the Second Schedule to this Act; and

(*b*) any other material which may be declared to be a dangerous material for the purpose of this section by an order made by the Corporation and confirmed by the Secretary of State in accordance with the provisions of subsection (12) of this section;

the expression " premises " means—

(*a*) any warehouse or other building (other than a factory or a laboratory or a wholesale or retail shop) which or any part of which is used for the storage or deposit of merchandise;

(*b*) any other land (other than a factory or a laboratory or a wholesale or retail shop) used for the storage or deposit of merchandise.

(12) (*a*) Before submitting an order to the Secretary of State for confirmation under this section the Corporation shall publish in a newspaper circulating in the borough a notice stating—

(i) that the order has been made and its general effect; and

(ii) that within a period of twenty-eight days beginning with a date specified in the notice (not being earlier than the publication of the notice) any person who will be affected by the order may object to the confirmation of the order by giving notice in writing to the Secretary of State and sending a copy of the notice of objection to the town clerk.

(*b*) If no objection is duly made or if every objection so made is withdrawn the Secretary of State may if he thinks fit confirm the order either with or without modification and in any other case he may before confirming the order cause a local inquiry to be held and consider any objection not withdrawn and the report of the person holding the inquiry and may then confirm the order either with or without modification.

(*c*) An order under this section when confirmed shall come into operation on such date (not being earlier than one month after the publication of the notice under paragraph (*d*) of this subsection) as may be prescribed by the Secretary of State.

(*d*) At least one month before the date on which an order under this section comes into operation the Corporation shall cause to be published in a local newspaper circulating in the borough a notice stating that the order has been made and its general effect and the date on which it will come into operation.

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(*e*) Either—

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

(ii) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

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

(*f*) Any person who—

(i) immediately before the date on which an order under this section comes into operation was using premises for the storage or deposit of a dangerous material to which the order relates; and

(ii) had before that date duly applied for the registration of those premises for the storage or deposit of that dangerous material;

may continue to use those premises for the storage or deposit of that dangerous material until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 137 (Appeals) of this Act.

(13) Nothing in this section shall apply to any premises belonging to the commission and used for the purposes of their undertaking:

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

Fireman's switches for luminous tube signs.

62.—(1) As from the appointed day any luminous tube sign or other similar apparatus requiring the transforming of electrical energy to a higher voltage fitted externally or internally on or in any premises in the borough other than such apparatus which is fitted internally in any premises and is attended when in operation or is used for lighting only and is already fitted with a readily accessible switch in the low voltage side of the apparatus shall be provided with a cut-off switch on the low voltage side of the transforming apparatus.

(2) At least fourteen days before beginning the work of fitting any apparatus to which subsection (1) of this section applies on or in any premises in the borough the owner or occupier of the premises shall give notice to the Corporation that such apparatus is about to be fitted indicating the position in which it is proposed that the cut-off switch required under subsection (1) of this

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section will be placed and in the case of any such apparatus to be fitted internally in any premises shall inform the Corporation of the pattern of the cut-off switch which it is proposed to provide.

(3) The owner or occupier of the premises in respect of which notice is given under subsection (2) of this section shall take into consideration any representations which may be made by the Corporation within ten days of the receipt of such notice in order to secure that the cut-off switch will be placed in a position in which it will be readily recognisable by and accessible to firemen and in the case of any such apparatus to be fitted internally in any premises the work of fitting the apparatus shall not be begun until the pattern and position of the cut-off switch have been approved by the Corporation:

Provided that where the pattern and position of any cut-off switch to be provided in connection with such apparatus to be fitted internally in any premises complies with the provisions of the Institution of Electrical Engineers' regulations the pattern and position shall be deemed to have been approved by the Corporation.

(4) If—

(*a*) apparatus on or in any premises is required by subsection (1) of this section to be provided with a cut-off switch and is not so provided; or

(*b*) apparatus is fitted on or in any premises without a notice which is required by subsection (2) or the proviso to subsection (6) of this section having been served as required by that subsection or (as the case may be) that proviso; or

(*c*) the work of fitting internally in any premises apparatus in respect of which notice is given under subsection (2) of this section is commenced before the pattern and position of the cut-off switch is approved or deemed to have been approved by the Corporation;

the occupier or (if there is no occupier) the owner of the premises shall be liable to a fine not exceeding five pounds.

(5) The provisions of this section shall not prejudice or affect the requirements of the Electricity Supply Regulations 1937 or any regulations or other provisions amending or replacing the same.

(6) This section shall not apply to premises or any part of premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that where any luminous tube sign to which but for this subsection subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or

occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch. PART IX —*cont.*

Underground car parks.

63.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction alteration or extension of an underground car park or the alteration of a building for use as an underground car park the Corporation may notwithstanding anything in section 64 of the Act of 1936 reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire being proposals relating to all or any of the following matters:—

(*a*) the construction of the underground car park and the approaches thereto and the materials to be used in such construction;

(*b*) the provision of adequate means of ventilation to the underground car park;

(*c*) the provision of electrical and mechanical and heating equipment in the underground car park;

(*d*) the provision of fire-fighting equipment and appliances in connection with the underground car park;

(*e*) the provision of safe and adequate means of ingress to and egress from the underground car park;

(*f*) the provision of adequate means of access to the underground car park for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

(*a*) whether the work is such as is mentioned in subsection (1) of this section; or

(*b*) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may on the application of that person be referred to the Secretary of State for determination and the Secretary of State (after holding an inquiry if he thinks fit) shall determine any question submitted to him under paragraph (*a*) of this subsection or (as the case may be) may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If after plans of any underground car park have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section it appears to the Corporation that any such proposal has not been carried into effect or is

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not being observed the Corporation may by notice to the owner or occupier of the underground car park prohibit its use as an underground car park until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground car park or permits it to be used as an underground car park without giving effect to or securing the observance of any proposal specified in the notice he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

Further provision as to underground car parks.

64.—(1) Without prejudice to the provisions of section 63 (Underground car parks) of this Act the Corporation may by notice to the owner or occupier of any underground car park in the borough which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground car park as may be specified in the notice for the purpose of preventing or reducing danger from fire therein and in the case of any underground car park as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (*b*) to (*f*) of subsection (1) of the said section 63 as the Corporation think fit.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may if he thinks it necessary or desirable cause an inquiry to be held and a report to be made to him by a person appointed by him for the purpose and may if he thinks fit confirm modify alter or annul any requirement made by the Corporation under this section.

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Interpretation and powers of entry for purposes of last two foregoing sections.

65.—(1) In the last two foregoing sections the expression " underground car park " means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space (either alone or in addition to any other facility or service) for cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

Use of highway for shoring buildings.

66.—(1) The owner or occupier of any premises fronting adjoining or abutting on a highway in the borough may with the consent of the Corporation use for such period as the Corporation may approve a part of such highway for the purpose of any works which may be necessary for shoring up any building or structure forming part of such premises if such building or structure is in a dangerous condition or is in course of reconstruction.

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

(3) No consent given under this section shall affect the powers of the Corporation under section 58 of the Act of 1936 as amended by section 31 (Ruinous and dilapidated buildings and neglected sites) of this Act.

Recovery of expenses of watching etc. dangerous and dilapidated buildings.

67.—(1) Where it appears to the Corporation that any building or part of a building in the borough is in such a condition as to be dangerous to persons in such building or in any adjoining premises or using any street upon which such building abuts the Corporation may until—

(*a*) any order made by a magistrates' court under section 58 of the Act of 1936 in respect of such building shall have been complied with or executed; or

(*b*) the building shall have been taken down secured or repaired in pursuance of section 75 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875;

employ and pay watchmen and do all such other acts as may be necessary to watch such building and may recover the expenses reasonably incurred by them in so doing from the owner of the building:

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Provided that the Corporation shall forthwith give to the owner of any building notice that they propose to employ and pay watchmen or to do any other act in the exercise of the powers of this section to watch such building.

(2) In this section the expression "building" includes a structure and a fence (other than a hedge).

Disused petrol tanks.

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

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such container and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding ten pounds and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container to which the warning relates and may recover from such person the expenses incurred by them in so doing.

(4) In this section the expression "petroleum spirit" has the same meaning as in the Petroleum (Consolidation) Act 1928.

Dealing in second-hand goods and metals etc.

69.—(1) In this section—

the expression "dealer" means—

(*a*) any person who from time to time in any way deals by way of purchase in any old metal except by way of exchange for manufactured goods or for the purpose of himself manufacturing or using such metal;

(*b*) a retail broker or retail dealer who buys second-hand mechanically propelled vehicles for the purpose of breaking them up for the resale of parts thereof; and

(*c*) any person who in any way deals by retail in raw cotton wool in a less quantity upon any one transaction than one hundred and twelve pounds in weight;

the expression "metal" means aluminium copper iron lead magnesium nickel tin zinc or any other base metal or brass bronze gunmetal solder steel white metal or any

other alloy containing such base metals or tool tips or dies made of hard metal or of cemented or sintered metallic carbides.

(2) As from the appointed day no person shall in any premises within the borough carry on the business of a dealer unless he is registered by the Corporation under this section and his place of abode and all the premises (if any) within the borough at which he carries on or intends to carry on the business of a dealer are registered.

(3) On application in that behalf made to the Corporation by any person for registration and on his furnishing them with particulars of his place of abode and the premises (specifying the room or other parts of the premises used or intended to be used for the purposes of such business) the Corporation shall register the applicant and the place of abode and the premises and issue to the applicant a certificate of registration (hereafter in this section referred to as a " dealer's certificate ").

(4) There shall be specified in every dealer's certificate the name and place of abode of the person registered and the premises in which such business is authorised to be carried on and the particular room or other parts of such premises intended to be used for the purposes of such business.

(5) (*a*) The registration of a dealer under this section shall be in force for a period of three years and at the expiration of that period the person so registered shall deliver up his dealer's certificate to the Corporation.

(*b*) Before or after the expiration of the said period the person registered may make application to the Corporation under subsection (3) of this section for further registration.

(6) So often as any person registered under this section shall change his place of abode he shall within seven days give notice thereof in writing signed by him to the Corporation specifying his new place of abode and such person shall at the same time produce his dealer's certificate to the Corporation who shall cause to be endorsed thereon a memorandum specifying the particulars of such change.

(7) If any person registered under this section shall desire to change his place of business or to carry on the business in any other part of the premises than is specified in the dealer's certificate he shall before so doing give notice to the Corporation specifying his proposed new place of business or the additional or other part of the premises proposed to be used for the purposes of the said business as the case may be and such person shall at the same time produce his dealer's certificate to the Corporation who shall cause to be endorsed thereon a memorandum specifying the particulars of such change or addition.

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(8) No person shall give a false name or address when selling or otherwise disposing of any article to a person carrying on business as a dealer.

(9) (*a*) Any officer of the police of the borough may enter any place of business registered under this section or any other premises in the borough which there is reasonable cause to believe are being used for the business of a dealer and may inspect the premises and all stock therein and the records relating to the business.

(*b*) Section 287 of the Act of 1936 shall apply in relation to this section as if in subsection (1) for the words " any premises at all reasonable hours " and paragraphs (*a*) to (*d*) there were substituted the following words:—

" at all reasonable hours any premises in the borough which are not registered under section 69 (Dealing in second-hand goods and metals etc.) of the Bootle Corporation Act 1959 and which there is reasonable cause to believe are being used for the business of a dealer and to inspect such premises for the purpose of ascertaining whether such premises should have been registered under the provisions of this section ".

(10) The Corporation may make byelaws for all or any of the following purposes with respect to any person who shall carry on the business of a dealer (namely):—

(*a*) for requiring every person carrying on such business to enter in a book the description and the price of all articles purchased acquired sold or disposed of by him in the course of carrying on such business and the date and time when and the name and address of the person from whom the same are purchased or acquired or to whom the same are sold or disposed of and the registration number of any vehicle used to bring such articles as aforesaid to a dealer;

(*b*) for securing that all such entries in a book as aforesaid are kept for such period as may be specified not being more than two years from the date of the last entry in the book;

(*c*) for preventing any person carrying on such business as aforesaid from purchasing any new or second-hand goods or articles from any person apparently under the age of sixteen years;

(*d*) for applying with such exemptions adaptations and modifications as may be specified the provisions of this section to itinerant dealers and their vehicles.

(11) Any person offending against any provision of—

(*a*) this section (other than subsection (8)) or any byelaws made under subsection (10) of this section (other than

byelaws made under paragraph (*c*) of that subsection) shall be liable to a fine not exceeding for a first offence twenty pounds and for any subsequent offence fifty pounds;

(*b*) subsection (8) of this section or any byelaws made under paragraph (*c*) of the said subsection (10) shall be liable to a fine not exceeding ten pounds.

(12) Nothing in this section shall extend to—

(*a*) pawnbrokers who are duly licensed for that purpose; or

(*b*) persons who shall only occasionally deal in second-hand goods or articles and whose chief or principal occupation or business shall not be the dealing therein.

(13) For the purposes of this section the expression " place of abode " in relation to a company means the registered or principal office of the company and it shall not be obligatory under this section to register the private address of any director of the company.

(14) As from the appointed day Part XI (Marine store dealers) of the Act of 1890 shall be repealed.

Byelaws as to pleasure fairs and roller-skating rinks.

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

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

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

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

(2) In this section—

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

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

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

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

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

(*a*) circuses;

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(*b*) exhibitions of human beings or of performing animals;

(*c*) merry-go-rounds roundabouts swings switchback railways;

(*d*) coconut shies hoop-las shooting galleries;

(*e*) dodgems or other mechanical riding or driving contrivances;

(*f*) automatic or other machines intended for entertainment or amusement;

(*g*) anything similar to any of the foregoing.

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

(*a*) a fair held by statute royal charter royal licence letters patent or ancient custom; or

(*b*) an entertainment which is not run for profit and is not carried on for more than seven consecutive days; or

(*c*) an entertainment the profits whereof are devoted to a religious or charitable purpose; or

(*d*) an entertainment in premises licensed under the Cinematograph Acts 1909 and 1952.

(5) The Corporation shall—

(*a*) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws; and

(*b*) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Corporation in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

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

(7) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of any byelaws made under this section shall be provisions which it is the duty of the Corporation to enforce.

(8) Section 124 (Byelaws for prevention of danger from whirligigs) of the Act of 1890 shall be repealed on the date on which byelaws made by the Corporation under this section come into operation.

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Restrictions on use of loudspeakers in streets.

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

Provided that this subsection shall not apply to the operation of any loudspeaker on a vehicle constructed or adapted for use for the conveyance of any perishable commodity for human consumption (including ice-cream) where—

(*a*) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words); and

(*b*) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public the commodity conveyed by the vehicle; and

(*c*) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this proviso " ice-cream " includes any similar commodity and the commodity known as " water-ice ".

(2) No person shall between the hours of nine in the afternoon and eight in the forenoon operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the borough:

Provided that this subsection shall not apply to a loudspeaker forming part of a wireless receiving set on or inside a motor vehicle so long as such loudspeaker is only used for the private purposes of the occupants of the said vehicle or for communication with them in connection with their trade or business and is not used so as to be an annoyance or nuisance to persons in a street.

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

(4) This section shall not apply to—

(*a*) the use of a loudspeaker by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency;

(*b*) the use of a loudspeaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission or by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or at any of their stations or depots not forming part of a public highway or for communications between their staff;

PART IX —*cont.*

(*c*) the use of a loudspeaker by statutory undertakers for the purpose of announcements in case of emergency to their customers or to the public generally.

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

Registration of entertainment proprietors.

72.—(1) If any person on or after the appointed day uses any premises wholly or mainly—

(*a*) for the business of providing any entertainments to which this section applies; or

(*b*) for carrying on a dancing establishment;

without being registered in respect of such premises he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(2) An application for registration under this section shall be made in writing to the Corporation by or on behalf of the person (hereafter in this section referred to as " the proprietor ") carrying on or proposing to carry on the business of providing entertainments to which this section applies or (as the case may be) carrying on or proposing to carry on a dancing establishment and every such application shall state—

(*a*) the address or situation of the premises to which the application relates;

(*b*) the full name and address of the proprietor and if the proprietor is a company or firm or other body the registered or principal office of such company firm or body;

(*c*) the periods (if any) in the twelve months preceding the appointed day during which the premises were being used wholly or mainly for the purpose of providing entertainments or (as the case may be) wholly or mainly for the purpose of a dancing establishment;

(*d*) the extent to which it is proposed to use the premises for the purpose of providing entertainments and the general nature of the entertainments proposed to be provided at the premises or (as the case may be) the extent to which it is proposed to use the premises for the purpose of a dancing establishment;

(*e*) the nature of the interest of the proprietor in the premises;

and where the proprietor is a prospective purchaser lessee or licensee of the premises shall be accompanied by a statement in writing signed by the person who proposes to sell lease or license the premises to the proprietor to the effect that the application is being made with his knowledge and consent.

PART IX —*cont.*

(3) Subject as hereinafter provided the Corporation shall as soon as practicable and not later than two months after the receipt of an application under this section register the proprietor in respect of the premises to which the application relates:

Provided that (except where the premises were used wholly or mainly for the purpose of providing entertainments or (as the case may be) for the purpose of a dancing establishment during a continuous period of not less than eight weeks in the twelve months immediately preceding the appointed day) the Corporation may refuse to register the proprietor in respect of the premises if—

(*a*) the Corporation are of opinion that the premises cannot be made to conform to the requirements of any byelaws made under paragraph (*b*) or paragraph (*c*) of subsection (1) of section 70 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act; or

(*b*) there are circumstances connected with the proprietor which in the opinion of the Corporation render it undesirable that he should be registered in respect of the premises.

(4) If—

(*a*) since the date of the registration circumstances connected with the proprietor have arisen which render it undesirable in the opinion of the Corporation that the proprietor should continue to be registered in respect of all or any of the premises in respect of which he is registered under this section; or

(*b*) since the said date circumstances connected with the management by the proprietor of any premises in respect of which he is registered as aforesaid have arisen which render it undesirable in the opinion of the Corporation that he should continue to be registered in respect of the premises in relation to which such circumstances have arisen as aforesaid; or

(*c*) the entertainments provided or (as the case may be) the conduct of the dancing establishment at any premises in respect of which the proprietor is registered under this section have offended against public decency; or

(*d*) any premises in respect of which the proprietor is registered as aforesaid do not conform to the requirements of any byelaws made under paragraph (*b*) or paragraph (*c*) of subsection (1) of section 70 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act;

the Corporation may cancel the registration of the proprietor in respect of such premises:

PART IX —*cont.*

Provided that the Corporation shall not on the grounds mentioned in the foregoing paragraph (*d*) of this subsection cancel the registration of the proprietor in respect of any premises—

(i) (in the case of any premises which have been used for the purpose of providing entertainments or (as the case may be) for the purpose of a dancing establishment during a continuous period of not less than eight weeks in the twelve months immediately preceding the appointed day) until the expiration of a period of three years from the twenty-seventh day of November nineteen hundred and fifty-eight; and

(ii) (in any case) unless the proprietor has had a reasonable opportunity to make the premises conform to the requirements of any such byelaws as are referred to in that paragraph.

(5) The Corporation shall not refuse to grant an application for registration under this section and shall not cancel any such registration until they have given to the proprietor an opportunity of appearing before and of being heard by a committee of the council and if so required by him shall within seven days of their decision give to him a statement of the grounds on which it was based.

(6) Any person aggrieved by the refusal of the Corporation to grant an application for registration under this section or by the cancellation of any such registration may appeal to a magistrates' court.

(7) The entertainments to which this section applies are the following:—

(*a*) circuses;

(*b*) exhibitions of human beings or of performing animals;

(*c*) merry-go-rounds roundabouts swings switchback railways;

(*d*) coconut shies hoop-las shooting galleries;

(*e*) dodgems or other mechanical riding or driving contrivances;

(*f*) automatic or other machines intended for entertainment or amusement;

(*g*) anything similar to any of the foregoing:

Provided that this section shall not apply to any—

(*a*) entertainment provided at a fair held by statute royal charter royal licence letters patent or ancient custom; or

PART IX —*cont.*

(*b*) entertainment provided in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with; or

(*c*) entertainment provided in premises licensed under the Cinematograph Acts 1909 and 1952; or

(*d*) entertainment provided in premises licensed under section 121 (Places for dancing music and other entertainments to be licensed) of the Act of 1890 if and so long as the terms conditions and restrictions attached to the licence under the said section are complied with; or

(*e*) entertainment provided at any travelling circus or travelling fair of a temporary character; or

(*f*) entertainment which is not run for profit and is not carried on for more than seven consecutive days; or

(*g*) entertainment the profits whereof are devoted to a religious or charitable purpose.

(8) In this section—

the expression " dancing establishment " means either—

(*a*) a club (carried on as a business) whose sole or main object is dancing and in respect of which any fee payment or charge is made for admission either to the club or to or in respect of any premises used by such club solely or mainly for the purpose of dancing not being premises in respect of which a licence for public dancing has been granted under section 121 (Places for dancing music and other entertainments to be licensed) of the Act of 1890 and is for the time being in force; or

(*b*) a dancing school which is run for profit and of which the sole or main purpose is to give instruction in dancing.

Offences in respect of telephone boxes fire hydrants etc.

73.—(1) If any person wilfully and without the consent of the Corporation—

(*a*) obstructs the access to a police telephone call box provided by the Corporation or to a shelter or box so provided for the use of police constables or to a fire alarm so provided; or

(*b*) interferes with equipment in such a call box or in such a shelter or box or in such a fire alarm; or

(*c*) removes obliterates alters defaces or obscures a mark provided by the Corporation for indicating the position of such a call box or of such a shelter or box or of a fire alarm or fire hydrant;

PART IX —*cont.*

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

(2) If any person telephones or causes to be telephoned—

(*a*) from a police telephone call box provided by the Corporation any statement which he knows to be false; or

(*b*) from a telephone call box provided in the borough by the Postmaster-General a statement which he knows to be false made for the purpose of instigating police fire brigade or ambulance action;

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

(3) In this section the expression "call box" includes any installation.

PART X

PREMISES USED FOR SALES BY AUCTION

Definitions for this Part of Act.

74.—(1) In this Part of this Act—

the expression "premises" includes land;

the expression "prescribed articles" means any plate plated articles linen china glass books pictures prints furniture jewellery articles of household or personal use or ornament or any musical or scientific instruments or apparatus; and

the expression "sale by auction" includes any public sale at which a salesman invites an assembly of persons or any of them to acquire prescribed articles by competitive bidding.

(2) This Part of this Act applies to any sale by auction on any premises in the borough of any prescribed article whether or not in combination with the sale by auction of any other articles or things.

Registration of premises used for sales by auction.

75.—(1) As from the appointed day no premises in the borough shall be used for the conduct of any sale by auction to which this Part of this Act applies unless they are registered under this section for that purpose by the Corporation.

(2) Subject to the following provisions of this section the Corporation shall on the application of the occupier of or of a person proposing to occupy any such premises register those premises under this section and shall issue to the applicant a certificate of registration.

PART X
—*cont.*

(3) If—

(*a*) it appears to the Corporation—

(i) that any premises for the registration of which application has been made under this section or which are registered under this section are unsuitable for use for the purpose of conducting sales by auction; or

(ii) that any such premises have been used for the purpose of conducting otherwise than in good faith any sale by auction;

(*b*) the applicant for registration or the occupier for the time being of any such premises has been convicted of any offence involving fraud or dishonesty;

the Corporation shall if they propose to take the matter into consideration serve on the applicant or occupier as the case may be a notice stating the place and time not being less than seven days after the date of the service of the notice at which they propose to do so and informing him that he may attend before a committee of the council with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or as the case may be cancel the registration of the premises.

(4) If a person on whom notice is served under the last preceding subsection fails to show cause to the satisfaction of the Corporation they may refuse the application or as the case may be cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(5) A person aggrieved by a decision of the Corporation under this section to refuse to register any premises or to cancel a registration of any premises may appeal to a magistrates' court.

(6) The occupier of any premises registered under this section shall keep a copy of his certificate of registration displayed in the said premises and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and to a daily fine not exceeding ten shillings.

(7) (*a*) In the event of the occupier of premises registered under this section ceasing to occupy the premises otherwise than by reason of his death he shall within seven days after so ceasing give to the Corporation notice in writing thereof.

(*b*) If a person required to give notice under this subsection fails to do so he shall be liable to a fine not exceeding five pounds.

PART X —*cont.*

(8) In the event of the occupier of premises registered under this section dying or ceasing to occupy the premises the registration of the premises then in force shall (unless previously cancelled under this section) continue in force for a period of three months from the date of death or cesser of occupation but shall upon the expiration of that period cease to have effect.

(9) Any person who conducts or assists in conducting a sale by auction to which this Part of this Act applies on any premises in the borough which are not registered under this section and any person who knowingly permits any such premises to be used for the purpose of conducting a sale by auction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Exemptions.

76. Notwithstanding anything in the last preceding section sales by auction to which this Part of this Act applies of the under-mentioned classes may be conducted on premises which are not registered under that section:—

(*a*) sales at intervals of not less than six months of property so long as no substantial part of the property was brought on to the premises for the purposes of the sale;

(*b*) sales for the purpose of assisting the funds of any voluntary organisation if the whole or substantially the whole of the proceeds of sale are devoted to the funds of the organisation.

Offences by bodies corporate.

77. Where an offence punishable under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance or be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

As to section 287 of Act of 1936.

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

PART XI

FINANCE RATING AND SUPERANNUATION

Power to borrow.

79.—(1) The Corporation may borrow—

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

PART XI —*cont.*

(*b*) without the consent of any sanctioning authority such sums as may be necessary for the payment of 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 preceding subsection within five years from the date of borrowing.

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

Art fund.

80.—(1) The Corporation may if they think fit establish a fund to be called " the art fund " to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historic interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in any building owned or occupied by the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister:

Provided that when the art fund shall amount to the sum of five thousand pounds the Corporation shall discontinue such annual payments but if the said fund is at any time reduced below the sum of five thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of five thousand pounds.

(2) (*a*) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in any security in which trustees are for the time being authorised by law to invest trust moneys.

(*b*) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

PART XI —*cont.*

Closing of registers.

81.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter consecutive period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest payable thereon.

Interest and dividends by post.

82.—(1) The Corporation may give notice to the registered holder of an authorised security whose address as appearing in the register is in the United Kingdom the Channel Islands or the Isle of Man that they intend to send interest or dividends on the security to him by post if he does not object and unless the registered holder within fourteen days from the date of receipt of the notice notifies the Corporation that he objects the Corporation may from time to time send orders for the payment of interest and dividend warrants to him by post at the address in the register.

(2) If the registered holder of an authorised security notifies the Corporation in writing that he wishes interest or dividends on the security to be sent to another person at an address in the United Kingdom the Channel Islands or the Isle of Man specified in the notice the Corporation may from time to time send orders for the payment of interest or dividend warrants to that person by post at that address.

(3) For the purposes of this section the Corporation may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register or such other of them as they may in writing direct.

(4) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall discharge the Corporation from any obligation to deliver the order or warrant to the holder of the security.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque and the Corporation shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882.

(6) In this section " authorised security " means any mortgage or bond or other security that the Corporation are for the time being authorised to grant or issue but does not include stock.

Receipts in case of minors.

83. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

PART XI —*cont.*

Power to borrow etc. for reconstruction of corporate land.

84. The layout and development of any corporate land (as defined by section 305 of the Act of 1933) for the time being belonging to the Corporation and the alteration enlargement improvement extension reconstruction or rebuilding of any building thereon shall be purposes for which the Corporation may borrow or may expend money out of the general rate fund.

Modification of mortgages by endorsement under hand.

85. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

Power to charge in respect of establishment expenses.

86. Whenever under any enactment (other than the Act of 1936) the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

Investment of superannuation fund.

87. In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest certain moneys forming part of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

(1) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or

(2) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof respectively; or

PART XI —*cont.*

(3) in or upon any of the stocks bonds mortgages or securities of any municipality county or district council or local or public authority or board in the United Kingdom or any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or

(4) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or

(5) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated or registered in the United Kingdom being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or

(6) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof shall have at least sixty years to run; or

(7) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value;

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

Provided that no investment shall be made under the powers of paragraph (5) of this section—

(*a*) unless the company has paid a dividend at the rate of at least five per centum per annum for each of the four years immediately preceding the date of investment or (if the company has been incorporated or has been trading for less than four years before that date) for each of the years since the company has been incorporated or has commenced to trade; and

(*b*) so long as the value of all the investments made under the said paragraph (5) which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund For the purpose of this proviso the value of any investment of moneys

forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made. PART XI —*cont.*

As to proof of continued existence of pensioners.

88. Notwithstanding anything in any other enactment the Corporation shall not be required to make any payment by way of superannuation allowance pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Payment of pension etc. of person of unsound mind.

89.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife husband relations or dependants of the person so detained as aforesaid.

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

(3) This section applies to any sum payable by the Corporation to any person by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the court of protection notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said powers and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the court of protection:

PART XI —*cont.*

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

(5) If at any time the court of protection give to the Corporation notice in writing that they object to the exercise by the Corporation of the said powers in relation to any person the said powers shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the court of protection withdraw the notice.

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

Recovery of rates from tenants and lodgers.

90. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

Service of demand notes.

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

Expenses of public entertainment etc.

92.—(1) The Corporation may make reasonable payments (including payments for travelling expenses) for or in connection with—

(*a*) the provision of public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing;

(*b*) the arrangement and conduct of ceremonies relative to or arising out of any statutory functions of the Corporation;

(*c*) the reception and entertainment by way of official courtesy of distinguished persons residing in the borough;

(*d*) refreshments for members of the council and representatives of local authorities and other bodies or for other persons attending conferences or meetings convened by the council or held at the town hall or otherwise under the auspices of the Corporation;

(*e*) the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

(2) The Local Authorities (Expenses) Act 1956 shall have effect in its application to the Corporation as if the expression

"members of the council" in that Act included members of committees or of sub-committees of the council who are not themselves members of the council. PART XI —*cont.*

Refreshments etc. for persons giving assistance in case of emergency.

93. The Corporation may make reasonable payments for or in connection with the provision of refreshments and comforts for persons (other than officers or servants of the Corporation or officers of the police) who are or have been engaged in preventing the spread of fire or in assisting the fire brigade or otherwise in the preservation of life or property in case of emergency.

PART XII

CHURCHYARD AND CHURCH GROUNDS

St. Mary's Churchyard.

94.—(1) In this section the expression "the churchyard" means the property numbered 400 on the deposited plans being the churchyard of the former church of St. Mary in the parish of St. Mary with St. John Bootle.

(2) As from the passing of this Act burials in the churchyard shall be wholly discontinued and no further interments shall take place therein.

(3) Any person whose right of interment in the churchyard is extinguished by this section shall be entitled (at his option) to either—

(*a*) a similar right of interment without payment in the cemetery of the Corporation; or

(*b*) compensation for the extinction of such right such compensation to be determined in default of agreement in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) The Corporation and the vicar and churchwardens of the parish of St. Mary with St. John Bootle with the approval of a consistory court of the diocese of Liverpool may enter into and carry into effect agreements for the management and maintenance of the churchyard by the Corporation on such terms and conditions and for such period as may be agreed.

(5) During the continuance and subject to the provisions of any agreement made under subsection (4) of this section the Corporation may lay out and maintain the churchyard as an open space or ornamental ground and in such case the Corporation shall have in relation to the laying out and maintenance of the churchyard and generally in relation thereto all such powers as they possess under any general or local Act in relation to other open spaces or ornamental or pleasure grounds within the borough.

PART XII —*cont.*

(6) The Corporation may erect upon the churchyard a monument to commemorate the persons buried therein and to commemorate the action of the Corporation with regard to the churchyard.

Agreements as to Christ Church grounds.

95.—(1) The Corporation and the vicar and churchwardens of the parish of Christ Church Bootle with the approval of a consistory court of the diocese of Liverpool may enter into and carry into effect agreements for either or both of the following purposes:—

(*a*) the conveyance to the Corporation of so much of the grounds of the church of the said parish as may be required for the widening and improvement of the junction between Merton Road Hawthorne Road Oxford Road and Breeze Hill; and

(*b*) the maintenance and improvement by the Corporation of the remainder of the said grounds.

(2) The said vicar and churchwardens with the like approval may in accordance with any agreement made under subsection (1) of this section convey to the Corporation for the purpose mentioned in paragraph (*a*) of that subsection part of the said grounds freed from the act or consequences of the consecration thereof and from all trusts uses obligations disabilities and restrictions whatsoever attributable to such consecration heretofore attaching thereto under ecclesiastical law.

PART XIII

MISCELLANEOUS

Hairdressers and barbers.

96.—(1) As from the appointed day a person shall not carry on the business of a hairdresser or barber in the borough on premises occupied by him unless he is registered by the Corporation under this section and the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for registration of the applicant or of any premises and (if the application relates to premises) on his furnishing them with particulars of the premises the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

(3) The Corporation may make byelaws for the purpose of securing—

(*a*) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein; and

(*b*) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) If any person carries on business in contravention of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

(5) If any person contravenes or fails to comply with any byelaw made under subsection (3) of this section he shall be liable to a fine not exceeding five pounds and if he is registered the court by which he is convicted may instead of or in addition to imposing a fine order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice of appeal to quarter sessions have expired:

Provided that if notice of appeal is given within the said fourteen days an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(7) Where the registration of any person is cancelled by order of a court under subsection (5) of this section—

(*a*) he shall within seven days deliver up to the Corporation the cancelled certificates of registration and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings; and

(*b*) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court made on his application.

(8) The occupier of premises registered under this section shall keep a copy of the said byelaws and of the certificate of registration displayed in the premises and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings.

(9) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence.

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

PART XIII —*cont.*

As to water supply to occupied houses.

97. The proviso to subsection (3) of section 138 of the Act of 1936 (which empowers local authorities to require any occupied house to be provided with a sufficient water supply) shall in its application to the borough have effect as if in that proviso the word " forty " was substituted for the word " twenty ".

False statements to obtain rent rebate etc.

98.—(1) Any person who for the purpose of obtaining for himself or for any other person any of the benefits or advantages hereinafter mentioned—

(*a*) knowingly makes to the Corporation or to any of their employees a false statement or false representation relating to his or that other person's need for the benefit or advantage or ability to pay a rent or make any other payment; or

(*b*) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or to any of their employees any document or information relating to the matters aforesaid which he knows to be false in a material particular;

shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) The benefits or advantages hereinbefore referred to are—

(*a*) the occupation of any house belonging to the Corporation;

(*b*) a rebate of the rent of any such house;

(*c*) a reduction in the amount of any payment due to the Corporation by virtue of the following enactments or of regulations made thereunder or the remission of any such payment—

(i) the Children and Young Persons Act 1933;
(ii) the Education Acts 1944 to 1953;
(iii) the Children Act 1948;

(*d*) any award grant contribution or payment made by the Corporation under the Education Acts 1944 to 1953 or under or by virtue of any regulations made under those Acts;

(*e*) any advance from the Corporation under the Small Dwellings Acquisition Acts 1899 to 1923 the Housing Act 1957 the Housing (Financial Provisions) Act 1958 or section 7 (Loans for erection etc. of buildings) of this Act;

(*f*) any payment by the Corporation under section 63 of the Housing Act 1957; or

(*g*) a reduction in the amount of any rate or water charge due to the Corporation.

PART XIII —*cont.*

(3) If any person is convicted of an offence under this section the court may—

(*a*) terminate the tenancy of the house of which occupation had been obtained and order possession thereof to be given to the Corporation;

(*b*) order the person convicted to pay to the Corporation the amount of the rebate or reduction obtained by him;

(*c*) order the person convicted to make such payments as the court may think just to the Corporation in respect of—

(i) the reduction in the amount of any payment referred to in paragraph (*c*) of the last foregoing subsection or the remission thereof; or

(ii) any award grant contribution or payment referred to in paragraph (*d*) or (*f*) of that subsection.

(4) For the purposes of this section the expression "house" includes any part of a house which is occupied or intended to be occupied as a separate dwelling.

Use of libraries etc.

99.—(1) The Corporation may use or allow to be used or let any part of any public library or museum or art gallery provided by them and not at the time required for the purpose of a library or museum or art gallery respectively for any of the following purposes (that is to say):—

(*a*) the giving of lectures;

(*b*) the provision of exhibitions;

(*c*) the holding of public and other meetings;

(*d*) the provision of an entertainment of any nature;

(*e*) the provision of facilities for dancing.

(2) Notwithstanding anything in any other enactment the Corporation may make charges—

(*a*) for admission to any part of any public library or museum or art gallery when such part is used for any of the purposes specified in the last foregoing subsection; and

(*b*) for any refreshments or programmes supplied by them when any part of any public library or museum or art gallery is used for any of those purposes.

(3) Nothing in this section shall be taken to dispense with the consent of any Minister of the Crown to any appropriation lease or other disposition of any lands of the Corporation in any case in which the consent of such Minister would have been required if this section had not been enacted.

(4) Any byelaws relating to a public library museum or art gallery of the Corporation shall not apply to any part thereof

PART XIII —*cont.*

which is used or let for any purpose other than as a public library museum or art gallery respectively so long as that part is so used except to such extent as they may be expressed so to apply.

Disposal of unsuitable specimens and works of art.

100.—(1) The Corporation may sell exchange or give or otherwise dispose of any specimen work of art or book vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum art gallery library or other building of the Corporation.

(2) The Corporation may make arrangements by way of sale exchange or gift with any person being the owner of any museum art gallery or library for the transfer to that person of any specimen work of art or book vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum art gallery or library of that person than in the museum art gallery or library of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

(*a*) the Corporation shall if reasonably practicable consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section; and

(*b*) the powers conferred by this section shall not during a period of thirty-five years commencing on the date on which it so became vested be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest.

(4) Any moneys received by the Corporation in the exercise of the powers of this section shall be applied by them in the purchase of specimens works of art or books.

Acquisition of works of art produced to order.

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

Power to provide and lend gramophone records etc.

102. The Corporation may provide and lend or permit the use of gramophone records pictures films film strips lantern slides prints engravings and photographs.

Further powers as to libraries.

103.—(1) Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of the Corporation under those Acts in relation to any library provided by them under those Acts shall include—

(*a*) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article;

PART XIII —*cont.*

(*b*) the power to prescribe a period not being less than seven days within which any article borrowed from such library must be returned thereto;

(*c*) the power to recover from any person who fails within such prescribed period to return to such library any article so borrowed such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such article together with any expenses incurred by the Corporation in sending to such person notices in respect of such article;

(*d*) the power to prohibit any such person from borrowing any other article from any library provided by the Corporation under those Acts until such person has paid any such sum as is due to the Corporation under paragraph (*c*) of this subsection;

(*e*) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

Provided that the sums prescribed by the Corporation for the purposes of paragraph (*c*) of this subsection shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

(2) In this section the expression " article " includes a book gramophone record picture film film strip lantern slide map plan print engraving or photograph.

Provision of garages.

104. Subject to the provisions of section 163 of the Act of 1933 the Corporation may erect provide and maintain garages on any land in the borough which they may for the time being possess and may let the same for such periods and on such terms and conditions as they may think fit:

Provided that nothing in this section shall empower the Corporation—

(*a*) to sell motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles; or

(*b*) to carry on the business of maintaining or repairing motor vehicles; or

(*c*) to use or let land held by them for allotments otherwise than in accordance with the provisions of the Allotments Acts 1908 to 1950.

Welfare of aged and handicapped persons.

105.—(1) The Corporation may make arrangements for—

(*a*) providing aged persons and persons to whom section 29 of the National Assistance Act 1948 applies with meals and for providing aged persons with other domiciliary services in their own homes;

(*b*) providing aged persons with recreational facilities in their own homes or elsewhere.

PART XIII —*cont.*

(2) The Corporation may recover from persons availing themselves of any service provided under this section such charges (if any) as having regard to the cost of the service the Corporation may determine whether generally or in the circumstances of any particular case.

(3) This section shall apply to such aged persons and such persons to whom the said section 29 applies as are resident in the borough.

Prohibition on solicitation of school children to sell or exchange articles etc. at schools.

106.—(1) While any child is entering or leaving any school provided or maintained by the Corporation as the local education authority or is entering or leaving any yard or playground appurtenant to any such school or is entering or leaving any school playing field provided or maintained by the Corporation or is in any such yard playground or school playing field no person shall solicit such child—

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

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

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

(3) In this section the expression "child" has the meaning assigned to it by section 114 of the Education Act 1944 and the expression "article or thing" includes any animal fish bird or other living thing.

Provisions as to motor vehicles let for hire.

107.—(1) The provisions of the Town Police Clauses Act 1847 and of section 171 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to—

(*a*) any such vehicle which is kept by any person in connection with any business carried on by such person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or

(*b*) a public service vehicle; or

(*c*) any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises;

or to the drivers or conductors of such vehicles:

PART XIII —*cont.*

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

(2) Section 99 (Penalty for fraudulent use of numbers and badges) and section 100 (Powers of inspector of hackney carriages) of the Act of 1890 shall to the extent determined by the byelaws extend and apply to every vehicle to which byelaws made under the Town Police Clauses Act 1847 as extended by this section apply.

Alteration of prescribed distance for plying of hackney carriages.

108.—(1) For the purpose of the provisions of the Town Police Clauses Acts 1847 and 1889 with respect to hackney carriages the borough shall be the prescribed distance except with respect to any hiring taking place within the borough in which case eight miles measured in a straight line beyond the boundary of the borough shall be the prescribed distance.

(2) In the case of any such hiring within the borough proceedings in respect of any offence against any byelaw of the Corporation with respect to hackney carriages whether such offence shall have been committed within the borough or not may be taken before and determined by any magistrates' court in the borough.

Illuminations.

109.—(1) The Corporation may in on or over any of the structures streets gardens parks and places in the borough belonging to the Corporation or (with the consent of the owner or occupier) any other structures streets gardens parks and places in the borough provide or arrange on such terms and conditions as they may think fit for the provision of illuminations and may for such purposes (with the like consent) provide fit up maintain and operate all such brackets lamps fittings equipment apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith:

Provided that the Corporation—

(*a*) shall not continue any illumination under this section which hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway;

(*b*) shall on being reasonably so requested by the dock board cease any illumination under the powers of this section which will be likely to interfere with or endanger navigation and any question whether a request under this paragraph is reasonable shall be determined by the Corporation of Trinity House of Deptford Strond.

(2) Any illuminations and any brackets lamps fittings equipment apparatus or appurtenances provided fitted up maintained

PART XIII —*cont.*

or operated under this section shall be so provided fitted up maintained and operated as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line or with any wires or apparatus belonging to or used by Rediffusion (Waterloo) Limited or their successors in title.

Information centres.

110. The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the borough and its neighbourhood.

Authorities to officers.

111.—(1) Where by virtue of any enactment in force in the borough any power or duty is required or authorised to be conferred or imposed by the Corporation on any officer any resolution of the council or a committee thereof under any such enactment conferring or imposing the power or duty may describe the officer by his name or by the designation of the office held by him.

(2) Where any such resolution whether passed before or after the passing of this Act describes an officer by the designation of the office held by him the resolution shall unless the contrary intention appears confer the power or impose the duty (as the case may be) on the holder or holders for the time being of the office.

As to minutes of council meetings etc.

112. Notwithstanding anything in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the council or of any committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the council or committee (as the case may be) by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof and for the purposes of sub-paragraph (2) of the said paragraph shall be deemed to have been made and signed in accordance with sub-paragraph (1) thereof.

Meetings of joint sewerage board.

113. Subsection (2) of section 160 of the Bootle Corporation Act 1939 (which provides that there shall not be an interval of more than three months between any two meetings of the joint board) shall have effect as if for the words " three months " there were substituted " six months".

Authentication of documents and service of notices.

114.—(1) Section 284 of the Act of 1936 (which relates to the authentication of documents) shall apply to any notice or other document which the Corporation are required or authorised to give make or serve by or under this Act or by or under any enactment in force immediately before the commencement of this Act.

PART XIII —*cont.*

(2) Section 285 of the Act of 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised to be given to or served on any person by or under this Act or by or under any enactment in force immediately before the commencement of this Act so far as that enactment relates to the Corporation.

(3) The said section 284 or as the case may be the said section 285 shall not apply in any case for which provision is made by or under this Act or any other enactment.

Custody of ancient documents.

115. The Corporation may enter into and carry into effect agreements with the owners of documents books or papers of historic or other interest for the custody and exhibition by the Corporation of such documents books or papers.

Robes of office.

116. The Corporation may provide and maintain robes of office for the use of the mayor aldermen and councillors of the borough:

Provided that the robes provided by the Corporation under the powers of this section shall remain the property of the Corporation.

Recreational and other facilities for employees.

117.—(1) The Corporation may within or without the borough provide and maintain recreational social and welfare facilities for their employees.

(2) For the purposes aforesaid the Corporation may—

(*a*) acquire and maintain buildings or acquire or appropriate land and erect buildings thereon;

(*b*) make such charges as they think fit for the use of such premises; and

(*c*) make regulations for the management of such premises.

Power to use ladders etc. for entry or inspection.

118.—(1) Any power conferred on an officer of the Corporation by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works.

(2) If the builder of or contractor for any building or works or any person employed by him in or about any building or works—

(*a*) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or

(*b*) otherwise obstructs such an officer in the exercise of those powers;

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

Electronic or mechanical accounting equipment.

119. At any time after the Corporation have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any other person use or permit that other person to use the

PART XIII —*cont.*

said equipment for the purposes of that other person and they may make such charges as may be agreed for the use of the said equipment.

Prizes for garden or allotment competitions.

120. The Corporation may expend on the provision of prizes in connection with competitions relating to their tenants' gardens or to allotments provided by the Corporation such sum as they may think fit not exceeding in any one year one hundred pounds.

Competitions etc.

121.—(1) The Corporation may either alone or in co-operation with any association or body dealing with the promotion or control of any recreation organise or conduct any competition.

(2) The Corporation may in connection with any such competition charge such entrance fees as they think fit to any entrants for any competition.

(3) The Corporation may expend on the provision of trophies and prizes to be awarded to participants in any such competition such sum as they may think fit not exceeding in any one year two hundred and fifty pounds.

(4) For the purposes of this section "competition" means any competition tournament or contest held in connection with any physical recreation sport or game and includes any display or exhibition given in connection therewith.

Disposal of lost and uncollected property.

122.—(1) Where any lost or uncollected property is contained in a package bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

PART XIII —*cont.*

(5) In this section—

the expression " lost property " means any property coming into the custody of the Corporation after being left in any premises occupied by the Corporation to which the public have access; and

the expression " uncollected property " means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

Enforcement of provisions of certain Acts etc.

123.—(1) Notwithstanding anything in section 253 of the Public Health Act 1875 or section 298 of the Act of 1936 proceedings for the enforcement of any of the provisions of—

(*a*) the Towns Improvement Clauses Act 1847 or the Town Police Clauses Act 1847 as incorporated with the Public Health Act 1875; or

(*b*) the Town Police Clauses Act 1889; or

(*c*) section 68 of the Act of 1925 so far as they relate to a parking place forming part of a street; or

(*d*) subsection (2) of section 74 of the Act of 1925; or

(*e*) any byelaws relating to a parking place forming part of a street and made by the Corporation under the said section 68; or

(*f*) any byelaws made by the Corporation under section 75 of the Act of 1925; or

(*g*) paragraph (*b*) subsection (3) of section 76 of the Act of 1936; or

(*h*) section 154 of the Act of 1936;

may be instituted by any officer of the police of the borough not below the rank of inspector.

(2) Notwithstanding anything in section 298 of the Act of 1936 proceedings for the enforcement of the provisions of paragraph (*b*) of subsection (3) of section 76 of the Act of 1936 in respect of any place provided by the Corporation in the administrative county of the county palatine of Lancaster for the deposit of refuse by the Corporation may be instituted by any officer of the police of the said administrative county not below the rank of inspector.

Removal of vehicles.

124.—(1) If any vehicle is left on any land belonging to or under the control of the Corporation or on any grass verge or open space provided or laid out by the Corporation in pursuance of the Housing Act 1957 or any Act repealed by that Act the Corporation may after giving not less than forty-eight hours' notice to the owner of the vehicle unless it is not practicable after

PART XIII —*cont.*

reasonable inquiry to ascertain the name and address of the owner remove the vehicle for safe custody and may recover from such owner the expenses incurred in such removal and safe custody:

Provided that this section shall not apply to a vehicle left on a road (as defined in section 121 of the Road Traffic Act 1930) or on land used as a parking place for vehicles.

(2) If any vehicle to which subsection (1) of this section applies be not within six months of its removal by the Corporation proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

Power to publish bulletins etc.

125. In connection with their powers under the Public Libraries Acts 1892 to 1919 and under section 134 of the Local Government Act 1948 the Corporation may publish and sell or dispose of bulletins journals periodicals and leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Corporation:

Provided that nothing in this section shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

Corporation vehicles in processions.

126. The Corporation may enter any vehicles belonging to them in carnival processions in the borough and in the neighbourhood of the borough and for that purpose may decorate or cause to be decorated any such vehicle:

Provided that the sums to be expended by the Corporation in any one financial year in exercise of the powers of this section shall not exceed one hundred pounds.

Amendment of declaratory order.

127. The County Borough of Bootle (Reconstruction Area No. 2) Declaratory Order 1949 made by the Minister of Town and Country Planning on the twenty-second day of August nineteen hundred and forty-nine under subsection (1) of section 1 of the Town and Country Planning Act 1944 shall have effect as if there were excluded from the land therein referred to all the land lying between Sheridan Place and Bedford Place.

Agreements as to use of plant etc.

128.—(1) The Corporation may enter into and carry into effect agreements with any local authority for the use by that local authority on such terms as may be agreed of any plant equipment or apparatus belonging to the Corporation and used by them for the construction or maintenance of street works or other works:

PART XIII —*cont.*

Provided that this section shall not apply to plant equipment or apparatus used by the Corporation in connection with the erection of buildings except for the preparation of the sites thereof.

(2) In this section the expression " local authority " means—

(*a*) the council of a county county borough county district or rural parish; and

(*b*) a joint board to which the Corporation appoint a member or members.

Sale etc. of certain allotments.

129.—(1) In this section " the specified allotment gardens " means the allotment gardens and other property coloured red (being part of the allotment gardens shown on the deposited plans) on the map signed in triplicate by the Right Honourable the Lord Merthyr the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred of which map one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk.

(2) Notwithstanding anything contained in any other enactment the Corporation may with the consent of the Minister of Agriculture Fisheries and Food after consultation with the Minister appropriate for any purpose for which the Corporation are authorised to acquire land or sell the whole or any part of the specified allotment gardens and for the purposes of such appropriation or sale may after giving not less than three months' previous notice to the tenants enter upon the whole or such part of the specified allotment gardens:

Provided that—

(*a*) the consent of the Minister of Agriculture Fisheries and Food may be given unconditionally or subject to such conditions as he thinks fit;

(*b*) the Minister of Agriculture Fisheries and Food shall not consent to such appropriation or sale of any part of the specified allotment gardens under the powers of this section unless he is satisfied that adequate provision will be made for allotment holders displaced by the action of the Corporation or that such provision is unnecessary or not reasonably practicable;

(*c*) the Corporation shall offer to the allotment holders of any of the allotment gardens so appropriated or sold a tenancy of an allotment garden not exceeding twenty poles in extent; and

(*d*) before appropriating or selling any of the specified allotment gardens the Corporation shall provide on or near the allotment gardens offered under paragraph (*c*) of this proviso buildings for the use of allotment holders.

PART XIII —*cont.*

(3) The allotment holders of any allotment garden which is appropriated or sold under the powers of this section shall be entitled to compensation as if the tenancy were determined in accordance with the provisions of the Allotments Acts 1908 to 1950.

Research into matters concerning social conditions etc.

130. The Corporation may undertake investigations and research into matters affecting the borough relating to—

(*a*) social or economic conditions; or

(*b*) health or hygiene;

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

Corporation may provide weighing-machines.

131. The Corporation may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof.

PART XIV

GENERAL

Confirming authority for byelaws.

132. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

1	2
Section 46 (Byelaws as to sale etc. of animal feeding meat)	Minister of Agriculture Fisheries and Food.
Section 49 (Golf courses)	Secretary of State.
Section 52 (Aerodrome undertaking)	Minister of Transport and Civil Aviation.
Section 69 (Dealing in second-hand goods and metals etc.)	Secretary of State.
Section 70 (Byelaws as to pleasure fairs and roller-skating rinks)	Secretary of State.

Local inquiries.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression " department " in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

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

PART XIV —*cont.* Arbitration.

134. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

1	2
Provision of Act	Person appointing arbitrator
Section 58 (Precautions against fire in certain buildings)	The President of the Institution of Civil Engineers.
Section 141 (For protection of dock board)	The Minister of Transport and Civil Aviation.
Section 142 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Section 143 (For protection of Liverpool Corporation)	The Minister.

The appointed day.

135.—(1) For the purposes of this Act the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

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

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

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

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

(4) Either—

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

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the

PART XIV —*cont.*

registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

(*a*) immediately before that day was carrying on that business or using any premises for that purpose; and

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

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 137 (Appeals) of this Act.

Restriction on right to prosecute.

136. Proceedings in respect of an offence created by or under this Act except the following sections thereof (namely):—

Section 56 (Damage to trees etc. on streets etc.);

Section 57 (Removal of property of Corporation);

Section 69 (Dealing in second-hand goods and metals etc.);

Section 71 (Restrictions on use of loudspeakers in streets);

Section 73 (Offences in respect of telephone boxes fire hydrants etc.);

Section 106 (Prohibition on solicitation of school children to sell or exchange articles etc. at schools); and

Section 107 (Provisions as to motor vehicles let for hire);

shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

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

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

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

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

PART XIV —*cont.*

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

(i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action; and

(ii) that person may carry on that business and use those premises for that purpose.

Protection of members and officers of Corporation from personal liability.

138. 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.

Application of general provisions of Act of 1936.

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

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act (that is to say):—

Part III (Streets);
Part IV (Sanitation and buildings);
Part V (Nuisances);
Part VI (Infectious diseases);
Part VII (Food);
Part IX (Public order and public safety).

(3) The sections of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to Part X (Premises used for sales by auction) and to the following sections of this Act:—

Section 96 (Hairdressers and barbers);
Section 105 (Welfare of aged and handicapped persons).

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to Part X (Premises used for sales by auction) and to the following section of this Act:—

Section 96 (Hairdressers and barbers).

Repeal.

140.—(1) The enactments mentioned in Part I of the Fourth Schedule to this Act are hereby repealed.

(2) The enactments mentioned in Part II of the said schedule shall be repealed on the date on which byelaws made by the Corporation under the Act of 1936 or this Act with respect to the matters dealt with in those enactments come into operation.

PART XIV —*cont.*
For protection of dock board.

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

(1) The following provisions of this Act shall not extend or apply to or in relation to any street place building premises structure or tank or other fixed container on or within the dock estate:—

Section 13 (Removal of trees etc. from streets);
Section 14 (Fencing and lighting of obstructions in highways);
Section 25 (Separate sewers for foul water and surface water);
Section 35 (Demolition of buildings);
Section 68 (Disused petrol tanks):

(2) (*a*) The Corporation shall not exercise within the dock estate the powers conferred upon them by the sections of this Act mentioned in sub-paragraph (*b*) of this paragraph except with the consent of the dock board which shall not be unreasonably withheld and any question whether any such consent is or is not unreasonably withheld shall be referred to arbitration;

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

Section 27 (Power to repair drains and private sewers);
Section 31 (Ruinous and dilapidated buildings and neglected sites);
Section 32 (Defective premises);
Section 67 (Recovery of expenses of watching etc. dangerous and dilapidated buildings):

(3) The provisions of section 47 (Registration of premises used in connection with the sale etc. of animal feeding meat) of this Act shall not extend or apply to premises on the dock estate in the occupation of the dock board:

(4) The following provisions of this Act shall not extend or apply to the dock estate:—

Section 19 (Removal of furniture etc. from streets);
Section 61 (Storage of dangerous materials);
Section 62 (Fireman's switches for luminous tube signs):

(5) Section 58 (Precautions against fire in certain buildings) of this Act shall not except with the consent of the dock board which shall not be unreasonably withheld extend or apply to any building within the dock estate and any question whether any such consent is or is not unreasonably withheld shall be referred to arbitration.

PART XIV —*cont.*

For protection of certain statutory undertakers.

142. 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*) in relation to the generating board and the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either of those boards;

(*b*) in relation to the gas board pipes and other apparatus belonging to or maintained by that board;

(*c*) in relation to the Liverpool Hydraulic Power Company mains pipes or other apparatus belonging to or maintained by that company;

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

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

" operational land " has the meaning given to that expression by the Act of 1947;

" position " includes depth;

" undertakers " means the generating board the electricity board the gas board the Liverpool Hydraulic Power Company or any of them:

(2) Nothing in section 6 (Development of land) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the Corporation shall so exercise those powers as not to obstruct or render less convenient so far as is reasonably practicable the access to any apparatus:

Provided that if any apparatus is situate in land which the Corporation develop or intend to develop under the powers of the said section the undertakers shall if reasonably required by the Corporation—

(i) remove the apparatus and relay or replace it in such other position as the undertakers may reasonably determine; or

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

(3) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers of or

PART XIV —*cont.*

in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (2) of this section and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under section 142 (For protection of certain statutory undertakers) of the Bootle Corporation Act 1959 ":

(4) Nothing in section 10 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

Provided that in exercising such rights the undertakers shall not cause or permit except in the case of necessity horses or vehicles to enter upon any such verge which is maintained in an ornamental condition or mown or any garden:

(5) Nothing in the following sections of this Act shall relieve the Corporation or the surveyor or any person acting by the requirement of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the Corporation or the surveyor or such person shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 10 (Trees grass verges and gardens);

Section 14 (Fencing and lighting of obstructions in highways);

Section 66 (Use of highway for shoring buildings):

(6) Notwithstanding the stopping up or diversion temporarily of any street under the powers of section 15 (Temporary stoppage of streets) of this Act the undertakers their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under such street as may be reasonably necessary for inspecting repairing maintaining renewing or removing any apparatus and to enter upon such street for those purposes or any of them:

(7) Nothing in section 27 (Power to repair drains and private sewers) or section 31 (Ruinous and dilapidated buildings and neglected sites) of this Act shall authorise the Corporation to enter on or to execute any works or do anything in under over across along or upon any operational land of the undertakers without the consent of the undertakers which shall not be unreasonably withheld:

(8) Before the Corporation give any consent pursuant to section 36 (Cellars and rooms below subsoil water level) of this Act they shall give not less than fourteen days' notice to the undertakers of their intention to do so and any such consent shall contain such conditions as may be required to secure that the owner or occupier of the premises or the person to whom such consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus:

(9) (*a*) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration;

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

For protection of Liverpool Corporation.

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

(1) In this section—

"apparatus" means mains pipes or other apparatus belonging to or maintained by the Liverpool Corporation for the purpose of their water undertaking and includes any works constructed for the lodging therein of apparatus;

PART XIV —*cont.*

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

" operational land " has the meaning given to that expression by the Act of 1947;

" position " includes depth:

(2) Nothing in section 6 (Development of land) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the Corporation shall so exercise those powers as not to obstruct or render less convenient so far as is reasonably practicable the access to any apparatus:

Provided that if any apparatus is situate in land which the Corporation develop or intend to develop under the powers of the said section the Liverpool Corporation shall if reasonably required by the Corporation—

(i) remove the apparatus and relay or replace it in such other position as the Liverpool Corporation may reasonably determine; or

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

(3) Nothing in section 10 (Trees grass verges and gardens) of this Act shall affect the rights of the Liverpool Corporation with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

Provided that in exercising such rights the Liverpool Corporation shall not cause or permit except in the case of necessity horses or vehicles to enter upon any such verge which is maintained in an ornamental condition or mown or any garden:

(4) Nothing in the following sections of this Act shall relieve the Corporation or the surveyor or any person acting by the requirement of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the Corporation or the surveyor or such person shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 10 (Trees grass verges and gardens);

Section 14 (Fencing and lighting of obstructions in highways);

Section 66 (Use of highway for shoring buildings):

(5) Notwithstanding the stopping up or diversion temporarily of any street under the powers of section 15 (Temporary stoppage of streets) of this Act the Liverpool Corporation

their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under any such street as may be reasonably necessary for inspecting repairing maintaining renewing or removing any apparatus and to enter upon such street for those purposes or any of them:

(6) Nothing in section 27 (Power to repair drains and private sewers) or section 31 (Ruinous and dilapidated buildings and neglected sites) of this Act shall authorise the Corporation to enter on or to execute any works or do anything in under over across along or upon any operational lands of the Liverpool Corporation without their consent but such consent shall not be unreasonably withheld:

(7) Before the Corporation give any consent pursuant to section 36 (Cellars and rooms below subsoil water level) of this Act they shall give not less than fourteen days' notice to the Liverpool Corporation of their intention to do so and any such consent shall contain such conditions as may be required to secure that the owner or occupier of the premises or the person to whom such consent is given shall comply with the reasonable requirements of the Liverpool Corporation for the protection of their apparatus:

(8) The Corporation shall repay to the Liverpool Corporation the reasonable expenses incurred by them of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (2) of this section and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority "

PART XIV —*cont.*

there were substituted the words " agreed or settled by arbitration under section 143 (For protection of Liverpool Corporation) of the Bootle Corporation Act 1959 ":

(9) (*a*) Any difference which may arise between the Corporation and the Liverpool Corporation under this section shall be determined by arbitration;

(*b*) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Saving for trusts etc.

144. No power conferred upon the Corporation by the following sections of this Act (namely):—

Section 6 (Development of land);
Section 48 (Parking places in parks etc.);
Section 49 (Golf courses);
Section 104 (Provision of garages); and
Section 117 (Recreational and other facilities for employees);

shall be exercised in such a manner—

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

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

Saving for town and country planning.

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

Costs of Act

146. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

SCHEDULES

FIRST SCHEDULE

Sections 21 22 and 23

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Corporation and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a magistrates' court and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(*a*) shall order the Corporation to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and

(*b*) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any apportionment revised pursuant to the order either without amendment or with such amendments as it thinks just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Corporation subject to and in accordance with the following provisions:—

(*a*) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

1ST SCH. —*cont.*

Provided that where a sum has become payable under sub-paragraph (*c*) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land:

(*b*) At any time after whichever of the following events last occurs (that is to say):—

(i) the erection of the new building; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal;

the Corporation may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand:

Provided that where the drains of the new building are at the time of its erection made to communicate with a sewer other than the sewer the expenses of the construction of which are apportioned no such demand shall be served in respect of the building unless and until the drains thereof are made to communicate with the last-mentioned sewer:

(*c*) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein;

(*d*) The rate of interest chargeable under this paragraph shall be such rate as the Corporation may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom a sum becomes recoverable under the last foregoing paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Corporation may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected:

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Corporation with respect to any such remission may appeal to a magistrates' court.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

1ST SCH. —*cont.*

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provisions of this schedule—

(*a*) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered;

(*b*) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

(*a*) a building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date;

(*b*) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

(i) the re-erection wholly or partly of any building of which an outer wall is pulled down (otherwise than in consequence of fire or other accident) either completely or to such an extent that the part of that wall remaining is less than half the previous height of the building (the height being measured from ground level to the highest point of the building);

(ii) the conversion into a house of a building not originally constructed for human habitation;

(iii) the conversion of any premises into a factory shop or place of public resort;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date;

(*c*) the expression " the relevant date " means—

(i) in relation to an apportionment under section 22 (Recovery of expenses of sewering prospective street) of this Act in pursuance of a resolution of the council the date when the resolution became operative; and

(ii) in relation to an apportionment under section 23 (Prevention of evasion of liabilities under last two foregoing sections) of this Act in respect of land becoming a street the date on which the street was laid out.

SECOND SCHEDULE

DANGEROUS MATERIALS

Acetaldehyde;
Acetone;
Ammonium nitrate (not free from added organic matter);
Collodion cotton;
Naphthalene;
Pyridine.

THIRD SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

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283	Notices to be in writing; forms of notices &c.
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297	Continuing offences and penalties.
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277	Power of councils to require information as to ownership of premises.
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291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
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The Bootle Corporation Act 1899—
Section 40 (Byelaws regulating hospitals);
Section 47 (Power to compensate nurses &c.).

The Bootle Corporation Act 1930—
Subsection (2) of section 17 (Prohibition on infected person carrying on business).

The Bootle Corporation Act 1939—
Section 82 (Planting of trees in private streets);
Section 90 (As to neglected sites);
Section 101 (Powers on inspection);
Section 108 (Compensation to persons for ceasing employment to prevent spread of disease);
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4TH SCH —*cont.*

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The Bootle Corporation Act 1890—
Section 42 (Fireplaces of buildings to have hearths of certain dimensions);
Section 124 (Byelaws for prevention of danger from whirligigs).

Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Larceny Act 1861	24 & 25 Vict. c. 96.
Steam Whistles Act 1872	35 & 36 Vict. c. 61.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Town Police Clauses Act 1889	52 & 53 Vict. c. 14.
Bootle Corporation Act 1890	53 & 54 Vict. c. ccxix.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Bootle Corporation Act 1899	62 & 63 Vict. c. ccxxxv.
Open Spaces Act 1906	6 Edw. 7 c. 30.
Public Health Acts Amendment Act 1907	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Trustee Act 1925	15 Geo. 5 c. 19.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act 1926	16 & 17 Geo. 5 c. 11.
Petroleum (Consolidation) Act 1928 ...	18 & 19 Geo. 5 c. 32.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Bootle Corporation Act 1930	20 & 21 Geo. 5 c. clxxxvi.
Children and Young Persons Act 1933 ...	23 Geo. 5 c. 12.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.

Short title	Session and chapter
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Bootle Corporation Act 1939	2 & 3 Geo. 6 c. lxxxv.
Education Act 1944	7 & 8 Geo. 6 c. 31.
Town and Country Planning Act 1944 ...	7 & 8 Geo. 6 c. 47.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
National Health Service Act 1946 ...	9 & 10 Geo. 6 c. 81.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Local Authorities (Expenses) Act 1956 ...	4 & 5 Eliz. 2 c. 36.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.
Housing (Financial Provisions) Act 1958	6 & 7 Eliz. 2 c. 42.

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Incorporation of Lands Clauses Acts.
4. Interpretation.

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LANDS

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6. Development of land.
7. Loans for erection etc. of buildings.
8. Recovery of deposits under Lands Clauses Acts.
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14. Fencing and lighting of obstructions in highways.
15. Temporary stoppage of streets.
16. Illumination of street names.
17. Street cleansing.
18. Defacing of road surface etc.
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24. Recovery of cost of maintaining public sewers.
25. Separate sewers for foul water and surface water.
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29. Provision of sanitary conveniences at places of public exhibition etc.
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