CHAPTER v

An Act to empower the lord mayor aldermen and citizens of the city of Cardiff to construct works for the reclamation of and to reclaim certain lands from the foreshore and bed of the sea and to acquire lands for those purposes to confer further powers on them and to make further provision with regard to lands streets and buildings and the health local government welfare improvement and finances of the city and for other purposes. [2nd March 1961.]

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

And whereas it is expedient that the Corporation should be empowered to construct the works authorised by this Act for the purpose of reclaiming certain lands from the foreshore and bed of the sea and to acquire lands for those purposes:

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

And whereas it is expedient that the provisions with regard to the finances of the city which are contained in this Act should be made and that the Corporation should be empowered to borrow for the various purposes of this Act:

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

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

And whereas estimates have been prepared by the Corporation of the expense of the works and purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of lands and easements ..	200
For the construction of works for the reclamation of land	78,800
For the construction of a sewer and sewer outfall	20,000

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas a plan and sections showing the lines or situations and levels of the works by this Act authorised such plan showing also the lands which the Corporation may acquire or use under the powers of this Act and a book of reference to such plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited in the office of the Clerk of the Parliaments House of Lords and in the Private Bill Office of the House of Commons and with the town clerk of the city which plan sections and book of reference are in this Act referred to respectively as the deposited plan the deposited sections and the deposited book of reference:

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

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

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the Cardiff Corporation Act 1961.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Works.
Part IV.—Streets.
Part V.—Public health.
Part VI.—Public safety.
Part VII.—Food.

Part VIII.—Premises used for sales by auction.
Part IX.—Window cleaners.
Part X.—Regulation of street trading.
Part XI.—Finance superannuation and rating.
Part XII.—Miscellaneous.
Part XIII.—General.

PART I —*cont.*

Interpretation.

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

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

" the Act of 1919 " means the Acquisition of Land (Assessment of Compensation) Act 1919;

" 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 1952 " means the Magistrates' Courts Act 1952;

" the Act of 1955 " means the Food and Drugs Act 1955;

" the appointed day " has the meaning assigned to it by section 97 (The appointed day) of this Act;

" the city " means the city of Cardiff;

" the commission " means the British Transport Commission;

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

" the council " means the council of the city;

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

" 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 city;

" the general rate fund " means the general rate fund of the city;

" the Lands Clauses Acts " means the Lands Clauses Acts as modified by the Act of 1919 the Lands Tribunal Act 1949 the Town and Country Planning Acts 1947 to 1959 and this Act;

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

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

" Minister of the Crown " has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946;

PART I —*cont.*

" 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;

" the town clerk " " the medical officer " and " the treasurer" mean respectively the town clerk the medical officer of health and the treasurer and controller of the city and include any person appointed by the Corporation to discharge temporarily the duties of any of those officers;

" the tribunal " means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Act of 1919;

" voluntary organisation " means any person or body of persons whether corporate or unincorporate carrying on or proposing to carry on an undertaking otherwise than for profit.

(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.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts except sections 127 to 133 150 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 this Act:

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

PART II

LANDS

Power to acquire lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of—

(*a*) the works by this Act authorised; and

(*b*) the reclamation of land from the bed of the sea.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and sixty-one.

Correction of errors in deposited plan and book of reference.

6.—(1) If the deposited plan or the deposited book of reference is inaccurate in its description of any land or in its statement or description of the ownership or occupation of any land the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the city for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments House of Lords and a copy thereof in the Private Bill Office of the House of Commons and with the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) Any certificate deposited under this section with the town clerk shall be kept by him with the other documents to which it relates.

Disregard of recent improvements and interests.

7. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(*a*) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-nine, or

(*b*) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Extinction of private rights of way.

8.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Act of 1919.

Grant of easements.

9.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Corporation any easement or right required for the purposes of this Act in over

PART II —*cont.*

or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Reservation of easements etc. by Corporation.

10. 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 conditions and restrictions as they think fit and without prejudice to the generality of the foregoing words of this paragraph such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure sewage or other impure matter.

Development of land.

11.—(1) The Corporation may (with the consent of the Minister) lay out and develop any land acquired by them under article 3 (Further powers for acquisition of land) of the Cardiff Order 1929 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 flats shops offices industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets:

Provided that 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.

(2) 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.

12.—(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;

(*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 on any such days in the year as may be specified in the instrument 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;

PART II —*cont.*

(*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.

(5) Nothing in this section shall prejudice or affect the powers of the Corporation of making advances under section 43 of the Housing (Financial Provisions) Act 1958.

Recovery of deposits under Lands Clauses Acts.

13. 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 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.

PART II —*cont.*

Suspension of restrictive covenants.

14.—(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 four 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 three months from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made;

(*b*) serve by registered post 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 foregoing 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.

(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

PART II —*cont.*

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 Act of 1919.

(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 1959 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 person otherwise than for any of the purposes of the Education Acts 1944 to 1959 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
WORKS

Power to construct works.

15. Subject to the provisions of this Act the Corporation may within the city make and maintain in the lines or situations shown on the deposited plan and according to the levels shown on the deposited sections the following works together with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

Work No. 1 An embankment commencing at a point nine yards or thereabouts southward of the junction

PART III —*cont.*

of Clarence Embankment with Ferry Road and terminating at a point eight yards or thereabouts south-westwards of the junction of Penarth Terrace with Windsor Esplanade;

Work No. 2 A sewer and sewer outfall commencing at a point two hundred and ninety-seven yards or thereabouts south-westward of the existing sewer outfall seaward of the disused sea-lock of the Glamorganshire Canal and terminating at the said existing outfall by a junction with the existing sewer of the Corporation.

Limits of deviation

16. In the construction of the works by this Act authorised the Corporation may deviate from the lines or situations thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet upwards or downwards:

Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister of Transport.

Reclamation of sea bed etc.

17.—(1) Subject to the provisions of this Act the Corporation may fill in and reclaim from the foreshore and bed of the sea so much of the foreshore and bed of the sea as is situated within the limits of land to be reclaimed shown on the deposited plan and is landward of the embankment (Work No. 1) authorised by this Act.

(2) The land reclaimed by the Corporation under subsection (1) of this section may be held and used by them as a public park or pleasure ground or for the purposes of outdoor games sports or recreation or partly for one and partly for the other as the Corporation may from time to time determine and the Corporation may exercise in regard thereto the powers conferred upon them by the Public Health Act 1875 the Public Health Acts Amendment Act 1890 the Public Health Acts Amendment Act 1907 and any local Act of the Corporation relating to public parks and pleasure grounds:

Provided that the Corporation may with the consent of the Minister but subject to obtaining such consent without prejudice to their powers under any other enactment appropriate any part or parts of the said lands for purposes other than the purposes hereinbefore referred to.

Works below high-water mark to be subject to approval of Minister of Transport.

18.—(1) Subject to the provisions of this Act any work authorised by this Act so far as the same shall be situated on under or over land below high-water mark of ordinary spring tides shall only be constructed in accordance with plans and sections approved by the Minister of Transport and subject to such conditions and restrictions as the said Minister may prescribe before such work is begun.

PART III —*cont.*

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be begun or completed contrary to the provisions of this section the said Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

Provision against danger to navigation.

19.—(1) In case of injury to or destruction or decay of the works authorised by this Act or any part thereof so far as the same shall be constructed on under or over land below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding twenty shillings.

Abatement of work abandoned or decayed.

20.—(1) Where any work constructed by the Corporation under the powers of this Act and situated wholly or partly on under or over land below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of Transport may by notice in writing either require the Corporation at their own expense to repair and restore such part of the work as is situated below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the said Minister may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situated above high-water mark of ordinary spring tides and is in such a condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the said Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the said Minister may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the

PART III —*cont.*

Corporation to the Crown and shall be recoverable accordingly either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

Survey of works by Minister of Transport.

21. If at any time the Minister of Transport deems it expedient to order a survey and examination of any work constructed by the Corporation under the powers of this Act on under or over land below high-water mark of ordinary spring tides or of the site on which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

PART IV

STREETS

Decorations in streets.

22.—(1) The Corporation may cause or permit flag-poles and pylons to be erected in any street in the city for the purpose of displaying decorations and may for that purpose provide or allow the construction of sockets or slots in or under the surface of any such street.

(2) If any person wilfully removes or damages a flag-pole pylon socket or slot erected or provided under this section he shall be liable to a fine not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport or in any street belonging to or repairable by the commission without the consent of the commission.

Mixing of mortar etc. in streets.

23.—(1) No person shall mix mortar cement plaster or any like substance in any street in the city maintainable at the public expense or any street therein constructed under the powers in that behalf contained in Part VI of the Cardiff Corporation Act 1884 sections 146 to 150 of the Public Health Act 1875 the Act of 1947 the Housing Act 1957 the Highways Act 1959 or this Act or in any part of a private street being a part which 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 purpose 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 —*cont.*

Street cleansing.

24. Between one hour after sunrise and one hour before sunset the provisions of any order made under or having effect by virtue of the Road Traffic Act 1960 prohibiting the driving of vehicles on any specified road in the city 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.

PART V

PUBLIC HEALTH

Sewers drains and sanitary conveniences

Recovery of expenses of sewering public highway.

25.—(1) Where the council—

(*a*) resolve to construct a sewer in a street or part of a street in the city being a street or part which is maintainable at the public expense 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 city and the resolution shall become operative for the purposes of this section and the said schedule on the date of the publication.

(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.

PART V —*cont.*

Recovery of expenses of sewering prospective street.

26. Where land in the city 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 maintainable at the public expense 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.

27.—(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 of this Act 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 of this Act 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 either of the two last foregoing sections;

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 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

PART V —*cont.*

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 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.

Provision of sanitary conveniences at places of exhibition.

28.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the city 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 to maintain during the continuance of such exhibition performance amusement game or sport in a suitable position such 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

PART V —*cont.*

(*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) Section 89 of the Act of 1936 shall in its application to the city have effect as if—

(*a*) for the words " refreshment-house or place of public entertainment " in subsection (1) of that section there were substituted the words " refreshment-house cafe or restaurant "; and

(*b*) the proviso to subsection (2) of that section were omitted and the following subsection were inserted after the said subsection (2)—

" (3) The provisions of Part XII of this Act 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."

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

Nuisances

Silencers for internal combustion engines.

29.—(1) A stationary internal combustion engine shall not be used in the city unless an effectual silencer is provided and used on the exhaust of the engine.

(2) If any person uses such an engine in contravention of the foregoing subsection or causes or permits such an engine to be so used the Corporation may give him notice that the engine is being or has been so used and if after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

(3) An authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have the right—

(*a*) to enter at all reasonable hours premises on which there is reason to believe that such an engine is being or has been used in contravention of this section; and

(*b*) to inspect and test any silencer on the exhaust of such an engine found on the premises and for that purpose to require the silencer to be taken off;

PART V —*cont.*

and any expenses incurred under this subsection by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof:

Provided that in the exercise of the powers conferred by this section on any premises belonging to the commission and used by them for the purposes of their undertaking or on any premises belonging to the South Wales Electricity Board or the Central Electricity Generating Board or the Wales Gas Board and used by them for the generation of electricity or the manufacture or storage of gas (as the case may be) such officer shall conform to such reasonable requirements of the commission or any of the said boards as are necessary to prevent obstruction to or interference with the working of the traffic of the commission or the generation of electricity or the manufacture or storage of gas (as the case may be).

Infectious diseases

Entry on premises in case of notifiable disease.

30.—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

(*a*) that in any premises in the city there is a person who is or has been suffering from a notifiable disease; and

(*b*) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon:

Provided that no such warrant shall authorise the medical officer—

(i) to enter any premises except between the hours of seven in the morning and ten in the evening; or

(ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(4) For the purposes of this section the expression " notifiable disease " means—

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

PART V —*cont.*

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

Prohibition of tuberculous persons from handling food.

31.—(1) If the medical officer certifies—

(*a*) that a person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and

(*b*) that he is occupied in the cooking preparation or handling of food in the city intended for consumption by persons other than himself or members of his household; and

(*c*) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons;

the medical officer or any other person authorised in that behalf by the Corporation may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a magistrates' court may on the application of the Corporation order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the Corporation.

(4) If any person fails to comply with an order under subsection (3) of this section he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(5) This section shall not apply to an employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

Dustbins

Restriction on use of dustbins.

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

(*a*) soot; or

(*b*) refuse of a liquid or partially liquid character unless in a closed container.

(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.

PART V —*cont.*

Miscellaneous

Hairdressers and barbers.

33.—(1) As from the appointed day a person shall not carry on the business of a hairdresser or barber in the city 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 ten 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 Act of 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 forty 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.

PART V —*cont.*

(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 forty shillings and a daily fine not exceeding ten shillings.

(9) Where an offence punishable under this section has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person 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 the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

PART VI

PUBLIC SAFETY

Provision of means of escape from fire in certain existing buildings.

34.—(1) If it appears to the Corporation that any building to which this section applies is not provided with such means of escape in case of fire as the Corporation deem necessary from each storey of which the floor is more than twenty feet above the surface of the street or ground on any side of the building the Corporation shall by notice require the owner of the building to execute such work or make such other provision in regard to the matters aforesaid as may be necessary.

(2) In so far as a notice under the foregoing subsection requires a person to execute works the provisions of section 290 of the Act of 1936 shall apply in relation to that notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) In so far as such a notice requires a person to make provision otherwise than by the execution of works he shall if he fails to comply with the notice be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings:

Provided that in any proceeding under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements.

(4) This section applies to any building which exceeds two storeys in height and which—

(i) is used wholly or mainly as an inn hotel boarding house hospital nursing home children's home aged persons' home or similar institution; or

PART VI —*cont.*

(ii) is used wholly or mainly as a restaurant shop office school store or warehouse and in the case of any building in existence immediately before the passing of this Act has on any upper floor sleeping accommodation; or

(iii) is used as a house let in flats or lodgings or occupied by the members of more than one family.

(5) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under subsection (1) of this section in relation to a building in respect of which a notice could not have been given under section 81 of the Cardiff Corporation Act 1930 or section 60 of the Act of 1936 before the coming into operation of this section the following provisions shall apply and have effect:—

(*a*) In the case of expenditure incurred in relation to any premises referred to in paragraphs (i) and (ii) of subsection (4) of this section if the owner thereof alleges that any tenant of the premises should meet or contribute towards meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of subsection (1) of this section) apply to the county court for an order making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expenses incurred in executing the works and to other relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances;

(*b*) Expenditure incurred in relation to any building referred to in paragraph (iii) of subsection (4) of this section shall for the purpose of subsection (1) of section 5 of the Rent Act 1957 be deemed to be expenditure on the improvement of the dwellings within the building and the owner of the building may apply to the county court for an order apportioning such expenditure between the several dwelling-houses comprised in the building and the court may on such application make such order as may be just and equitable in all the circumstances.

(6) Section 60 of the Act of 1936 shall cease to have effect in the city.

(7) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws or building regulations by paragraph (*a*) or paragraph (*c*) of section 71 of that Act.

PART VI —*cont.*

Provision of means of escape from fire in certain new buildings.

35.—(1) Where plans of a building or of an extension of a building are in accordance with building byelaws or building regulations deposited with the Corporation and the building or (as the case may be) the building as extended will be a building to which this section applies the Corporation shall reject the plans unless they show that the building or (as the case may be) the building as extended will be provided with such means of escape in case of fire as the Corporation deem necessary from each storey of which the floor is more than twenty feet above the surface of the street or ground on any side of the building:

Provided that this subsection shall not apply to plans of an extension of a building where the building proposed to be extended was not immediately before the passing of this Act a building to which section 81 of the Cardiff Corporation Act 1930 or section 60 of the Act of 1936 applied and it is not proposed by the extension to increase the height of the building.

(2) Any question arising under the foregoing subsection between the Corporation and the person by whom or on whose behalf plans are deposited as to whether any means of escape in case of fire proposed to be provided ought to be accepted by the Corporation as satisfactory may on the application of that person be determined by a magistrates' court.

(3) This section applies to any building which exceeds two storeys in height and which—

(i) is used wholly or mainly as an inn hotel boarding house hospital nursing home children's home aged persons' home or similar institution; or

(ii) is used wholly or mainly as a restaurant shop office school store or warehouse; or

(iii) is used as a house let in flats or lodgings or occupied by the members of more than one family.

Means of ingress to and egress from certain buildings.

36.—(1) Section 59 of the Act of 1936 (which requires the Corporation to reject the plans of certain buildings where the plans do not show satisfactory means of ingress and egress) in its application to the city shall have effect as if—

(*a*) in paragraph (*b*) of subsection (5) of that section for the words "and in which more than twenty persons are employed" there were substituted the words "or in which more than ten persons are employed"; and

(*b*) in paragraph (*d*) of the said subsection (5) the words "and any premises used for giving instruction in dancing" were added at the end of that paragraph; and

PART VI —*cont.*

(*c*) there were added at the end of the said subsection (5) the following proviso:—

"Provided also that this section shall not apply to such premises as are referred to in paragraph (*b*) of this subsection if—

(i) only the ground floor of the building is used for the purposes of; and

(ii) not more than five persons are employed in;

the restaurant shop store or warehouse (as the case may be)."

(2) The provisions of the said section 59 in its application to the Corporation shall be construed so as to enable the Corporation to require that portable first-aid fire appliances shall be installed in premises to which the said section applies other than premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that any notice served under subsection (2) of the said section 59 requiring the installation of portable first-aid fire appliances may be served on the owner or the occupier of the building.

Precautions against fire in buildings.

37.—(1) Where plans for the erection of a building are in accordance with building byelaws or building regulations 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 they may consider necessary to enable effective action to be taken by them in case of fire at the building to which the plans deposited relate or (as the case may be) at the existing building or the proposed building to which the plans passed relate the Corporation may reject the plans deposited.

(2) If the Corporation reject the plans under the authority of this section the notice to be given under subsection (2) of section 64 of the Act of 1936 shall specify this section as that under the authority of which 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. PART VI —*cont.*

Oil-fired boilers.

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

(2) (*a*) The Corporation may make byelaws for securing that in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws proper arrangements will be made for preventing or reducing danger from fire.

(*b*) Byelaws made under this section may include provisions—

(i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works apparatus fittings and appliances; and

(ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(3) (*a*) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under any byelaw made under sub-paragraph (ii) of paragraph (*b*) of subsection (2) of this section may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

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

(*c*) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaw.

(4) (*a*) If any person instals oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

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

PART VI —*cont.*

(i) that person after conviction of the contravention; or

(ii) any other person after notice of the conviction has been served on him by the Corporation;

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

(5) In this section—

the expression " oil-burning equipment " means a boiler designed or adapted for the combustion of oil and includes the burner the storage tanks and the apparatus fittings devices and catchpits and any other equipment used for or in connection with the heating of the boiler;

the expression " boiler " means a boiler furnace heater oven or similar plant;

the expression " storage tank " means a tank container or device designed or adapted for the purpose of supplying oil to a boiler;

the expression " apparatus and fittings " includes pipes and pipe fittings taps valves pumps gauges vessels fans and filters.

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

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

(*b*) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

(*c*) the installation of any oil-burning equipment by the Central Electricity Generating Board or the South Wales Electricity Board or the Wales Gas Board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms; or

(*d*) the installation of any oil-burning equipment by the commission for the purposes of their undertaking:

PART VI —*cont.*

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms other than buildings so used which form part of a railway station.

(7) Section 250 of the Act of 1933 (which relates to the procedure for making byelaws) shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words " or confirm with modifications " after the word " confirm " in the second place where that word occurs in subsection (6) thereof.

(8) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Acts 1937 to 1959 apply on the coming into force in relation to those premises of regulations to the like effect under those Acts.

Further precautions against fire in certain high or large buildings.

39.—(1) Within the city unless the Corporation consent—

(*a*) no building shall be erected with a storey or part of a storey at a greater height than—

(i) one hundred feet; or

(ii) eighty feet if the area of the building exceeds ten thousand square feet;

(*b*) no building or part of a building of a cubical extent exceeding two hundred and fifty thousand cubic feet shall be used for purposes of trade or manufacture unless it is divided by division walls in such manner that no division of the building or part of the building (as the case may be) is of a cubical extent exceeding two hundred and fifty thousand cubic feet:

Provided that—

(i) the Corporation shall not withhold consent under paragraph (*a*) or paragraph (*b*) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put proper arrangements will be made and maintained for preventing or reducing danger from fire in the building;

(ii) paragraph (*b*) of this subsection shall not apply to a building erected before the passing of this Act unless and until after the passing of this Act a structural alteration or extension is made in or to the building or a material change (as defined in subsection (2) of section 62 of the Act of 1936) takes place in the purposes for which the building is used.

(2) In giving their consent under this section the Corporation may attach thereto conditions restricting the user of the building

PART VI —*cont.*

or part of the building or relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building.

(3) Any person who is aggrieved by a decision of the Corporation under this section—

(i) to withhold consent; or

(ii) to attach conditions to a consent;

may within twenty-one days from the receipt of notification of the decision appeal to a magistrates' court.

(4) If any person contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section he shall be liable to a fine not exceeding fifty pounds and if—

(*a*) that person after conviction of the contravention; or

(*b*) any other person after notice of the conviction has been served on him by the Corporation ;

uses the building without the consent of the Corporation or in contravention of any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (*a*) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(*b*) In this section the expression " cubical extent " in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or accommodating lift gear or other such apparatus:

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls with the external surface thereof in a vertical plane extending downwards from the outer edge of the roof.

(6) Nothing in this section shall apply to any building erected on land belonging to the commission and used for the purposes of their railways.

PART VI —*cont.*

(7) Nothing in this section shall apply to any building exempted from the provisions of Part II of the Act of 1936 with respect to building byelaws or building regulations by paragraph (*a*) or paragraph (*c*) of section 71 of that Act.

Application of section 41 of Act to buildings used for storage of inflammable substances.

40.—(1) Where part of a building in the city is used for the storage for the purpose of sale or trade of inflammable substances and that part or any other part of such building which communicates directly or indirectly with or is adjacent to or constructed at a higher level than that part is used for habitation or work and either—

(*a*) such storage is in such quantity as to be likely to prove a source of danger to any person inhabiting or working in either such part; or

(*b*) such storage is in such manner as to be liable to cause fire or explosion;

the Corporation may by order declare that the provisions of the next following section shall apply to the part of the building so used for storage:

Provided that the said provisions shall not be so applied if the only inflammable substances stored in the part of the building so used for storage consist of—

(i) any substance to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply;

(ii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than ninety degrees Fahrenheit and which is stored in reasonably closed metal containers in good condition each containing not more than five gallons; or

(iii) any paint varnish stain or polish which does not when tested as aforesaid give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in reasonably closed metal or glass containers in good condition each containing in the case of a metal container not more than five gallons and in the case of a glass container not more than one pint.

(2) An order under the last foregoing subsection shall come into force on such date (not being earlier than three months after the date on which notice of the making of the order is given pursuant to subsection (4) of this section) as may be specified in the order or if an appeal is made against the order under subsection (5) of this section on such later date as may be specified by the court.

PART VI —*cont.*

(3) The Corporation shall forthwith revoke any such order by a further order if at any time the part of the building to which the order applies and every such other part of the building as is described in subsection (1) of this section ceases to be used for habitation or work and notice thereof has been given to the Corporation.

(4) Notice of every order made under this section shall be given to the owner of the building and to the occupier of the part thereof to which the order applies.

(5) Any person to whom notice of the making of an order under subsection (1) of this section is given may appeal to a magistrates' court against the order on the ground that it is not within the provisions of the said subsection.

(6) An order under subsection (1) of this section shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(7) In this and the next following section—

"building" where used in relation to the storage of substances therein includes the curtilage of a building; and

"inflammable substance" means—

(*a*) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable; or

(*b*) any other substance which when tested by a method approved by the Secretary of State gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit.

(8) Nothing in this section shall apply to premises which are subject to the Factories Acts 1937 to 1959 or regulations made under those Acts.

Conditions as to storage of inflammable substances.

41.—(1) The Corporation may by notice require the occupier of a part of a building to which an order under subsection (1) of the last foregoing section applies to provide within such reasonable period as may be specified in the notice—

(*a*) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from such part;

(*b*) means of ready escape in case of fire from such part and from any such other part of the building as is described in the said subsection; and

(*c*) notices in or on the first-mentioned part indicating the existence of danger from fire.

PART VI
—*cont.*

(2) The occupier of any building who—

(*a*) by reason of a restriction affecting his interest in the building is precluded from executing works for the purpose of complying with any notice given by the Corporation under this section; or

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

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

(3) Upon compliance with any notice under subsection (1) of this section the Corporation shall forthwith issue to the occupier to whom the notice was given a certificate stating precisely and in detail—

(*a*) the matters provided by the occupier in compliance with the notice; and

(*b*) the maximum number of persons who may inhabit or work in the part of the building used for storage and such other part of the building as is described in subsection (1) of the last foregoing section.

(4) Where a certificate has been issued under the last foregoing subsection of this section and the Corporation are satisfied that by reason of changed circumstances the provision made for any of the matters specified in subsection (1) of this section has become insufficient they may by notice require the occupier of the part of the building to which the order under subsection (1) of the last foregoing section applies within such reasonable period as may be specified in the notice to extend or otherwise alter the provision made for such matters or to make new provision therefor.

(5) Upon compliance with any notice under the last foregoing subsection the Corporation shall forthwith alter the certificate issued under subsection (3) of this section or issue a new certificate.

(6) If a notice under subsection (4) of this section is not complied with the Corporation shall without prejudice to the taking of any other proceedings revoke the certificate issued under subsection (3) of this section.

PART VI —*cont.*

(7) (*a*) Any person aggrieved by a requirement of the Corporation under this section may appeal to a magistrates' court on all or any of the following grounds:—

(i) that the requirement is not within the provisions of this section;

(ii) that the requirement is unreasonable in character or extent;

(iii) that the period specified in the notice is not reasonably sufficient for the purpose of complying with the requirements in the notice.

(*b*) Any person aggrieved by the refusal of the Corporation to grant a certificate under this section or to alter a certificate or to issue a new certificate or by the revocation of a certificate may appeal to a magistrates' court.

(8) Subject to any order made by the magistrates' court a person shall not after the expiration of the period specified in any notice under this section use or permit to be used the part of the building to which the order under subsection (1) of the last foregoing section applies for the storage for the purpose of sale or trade of any inflammable substance not referred to in the proviso to subsection (1) of that section unless such certificate as is provided for in subsection (3) or subsection (5) of this section has been issued and the matters provided by the occupier in compliance with the notice are adequately maintained.

(9) If any person contravenes the provisions of the last foregoing subsection he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(10) Where a certificate has been issued under subsection (3) of this section and by reason of changed circumstances it appears to the Corporation that any provision made for any of the matters specified in subsection (1) of this section has become unnecessary the Corporation shall forthwith give notice to that effect to the occupier of the part of the building to which the order under subsection (1) of the last foregoing section applies.

(11) Any person who has requested the Corporation to give notice under the last foregoing subsection and is aggrieved by their refusal to do so may appeal to a magistrate's court.

(12) Subsection (8) of this section shall have effect subject to any notice under subsection (10) of this section or any order made by a magistrates' court on appeal under the last foregoing subsection.

Byelaws with regard to certain temporary structures.

42.—(1) The Corporation may make byelaws with regard to temporary structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto including byelaws for securing—

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

PART VI —*cont.*

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

(*c*) the provision of proper and sufficient passages or gangways in the structure;

(*d*) the stability of the structure and any stands erected therein;

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

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

Safety of stands.

43.—(1) As from the appointed day no person shall commence to erect in the city a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the Corporation of his intention to do so accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require and the Corporation have approved the erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand but only subject to—

(*a*) such modifications of the plan section and particulars submitted to them; and

(*b*) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the Corporation shall have regard to that statement in considering what modifications and requirements are to be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the Corporation may allow.

PART VI —*cont.*

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan section and particulars submitted to them and if within the said five weeks the Corporation have not given notice under subsection (2) of this section they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Corporation under this section may appeal to a magistrates' court.

(6) If any person—

(*a*) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or

(*b*) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the Corporation under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice; or

(*c*) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time; or

(*d*) being the owner or occupier of such a stand fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

he shall be liable to a fine not exceeding fifty pounds and in the case of any such failure to a daily fine not exceeding forty shillings:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

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

(8) The provisions of this section shall not apply to a stand erected by the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

(9) In this section the expression " stand " includes a structure but does not include a building or extension of a building to which building byelaws or building regulations are applicable.

PART VII
FOOD

Definition of expressions in Part VII of Act.

44. In this part of this Act unless the subject or context otherwise requires—

"animal feeding meat" means any part 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 part 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 any regulations for the time being in force under the Act of 1955 resulting from the refining or processing of any such part 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 Act of 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.

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

45.—(1) (*a*) As from the appointed day and subject to the provisions of this subsection no premises in the city 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 next following 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

PART VII —*cont.*

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 a 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 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 the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

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 city 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;

PART VII —*cont.*

(*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.

(2) Nothing in any byelaw made under paragraph (*a*) or paragraph (*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 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 of the Crown made granted or done thereunder or having effect by virtue of subsection (2) of section 89 thereof.

Exemption for knacker's yard and slaughter-houses from sections 45 and 46 of Act.

47. Nothing in the last two foregoing sections of this Act shall apply to—

(*a*) any premises used in connection with the business of slaughtering flaying or cutting up animals no part of which is intended for human consumption; or

(*b*) any slaughterhouse as defined by the Act of 1955.

PART VIII

PREMISES USED FOR SALES BY AUCTION

Definition of expressions in Part VIII of Act.

48.—(1) In this Part of this Act—

the expression " premises " includes land;

the expression " prescribed article " means any plate plated article linen china glass book picture print furniture jewellery article of household or personal use or ornament or any musical or scientific instrument 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 any prescribed article by competitive bidding.

(2) This Part of this Act applies to any sale by auction on any premises in the city 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.

49.—(1) As from the appointed day no premises in the city 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.

(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 foregoing 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.

(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 city which are not registered under this section and any person who knowingly permits any such premises to be used for the purpose of conducting such a sale by auction as aforesaid 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.

50. Notwithstanding anything in the last foregoing section sales by auction to which this Part of this Act applies of the

PART VIII —*cont.*

undermentioned 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.

51. Where an offence punishable under this Part of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of 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 powers of entry.

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

PART IX
WINDOW CLEANERS

Window cleaners to be licensed.

53. As from the appointed day no person shall within the city—

(1) carry on the trade of window cleaner; or

(2) perform the duties of window cleaning while employed by a person carrying on the trade of window cleaner;

without a licence from the Corporation authorising him so to do.

Applications for and provisions as to window cleaning licences.

54.—(1) An application for a licence under this Part of this Act—

(*a*) shall be made in writing to the Corporation;

(*b*) shall be made by or on behalf of the person requiring the licence;

(*c*) may be made by such person on behalf of any person employed by him or proposed to be employed by him as aforesaid;

(*d*) shall be in such form as the Corporation shall from time to time require;

(*e*) shall be signed by the applicant; and

(*f*) shall contain such information as the Corporation may reasonably require with respect to the applicant and every person employed by him as aforesaid.

PART IX —*cont.*

(2) Every such licence shall be in force for one year only from the date of such licence or until the next general licensing day in case any such general licensing day be appointed by the Corporation as they are hereby authorised to do and the town clerk shall enter such licences in a register to be provided and kept by the Corporation for that purpose.

Grant of window cleaning licences.

55.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on the trade of window cleaner or (as the case may be) to perform the duties of window cleaning.

(2) It shall be a condition of a licence under this Part of this Act to carry on the trade of window cleaner that the holder of the licence shall effect and during the term of the licence keep on foot an insurance with a responsible insurance company against any liability which may be incurred by him in respect of any damage arising directly or indirectly out of the carrying on by him of the said trade.

Penalties under Part IX of Act.

56.—On and after the appointed day—

(*a*) any person who carries on the trade of window cleaner; and

(*b*) anyone employed by such person who performs the duties of window cleaning;

without a licence under this Part of this Act or otherwise than in accordance with the conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required to be given shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding one pound.

PART X

REGULATION OF STREET TRADING

Definition of expressions in and application of Part X of Act.

57.—(1) In this Part of this Act—

" the appointed day " means the first occasion on which a resolution passed by the council under section 58 (Specification of streets to which Part X of Act applies) of this Act comes into force;

" article or thing " includes any living thing;

" street " means any street way or place in the city over which the public have a right of passage or any part or parts (being a part or parts over which the public have a right of passage) of any such street way or place;

" street trading " means the selling or exposing or offering for sale of any article or thing in a street;

" street trading licence " means a licence under this Part of this Act.

PART X —*cont.*

(2) This Part of this Act applies to such street or streets as are specified in any resolution of the council for the time being in force under section 58 of this Act.

Specification of streets to which Part X of Act applies.

58.—(1) If at any time or from time to time it appears to the Corporation that having regard to the traffic conditions in any street or to the character of any street the provisions of this Part of this Act should apply to that street the council may by resolution specify that street as a street to which this Part of this Act applies and may from time to time by subsequent resolution rescind or vary any previous resolution and may add to or alter the street or streets to which this Part applies:

Provided that the council shall not under the powers of this subsection specify any street belonging to or repairable by the commission without the consent of the commission.

(2) (*a*) The Corporation shall give public notice of the passing by them of a resolution under the foregoing provisions of this section by advertisement in a newspaper or newspapers circulating in the city and by posting a notice in every street to which it relates.

(*b*) Every such notice shall state that objections or representations with regard to the specification of any street or streets mentioned in the resolution may be made in writing addressed to the town clerk within such period (not being earlier than twenty-eight days after the publication of the notice in the newspaper or the posting of the notice in the street or streets whichever shall be the later) as may be specified in the notice.

(3) As soon as may be after the last day for making objections or representations under subsection (2) of this section the council shall take into consideration any objections or representations which may have been received by the town clerk and may if they think fit confirm the resolution referred to in subsection (1) of this section without modification or may confirm the said resolution with such modifications as they think fit but not so as to add any street or streets to those specified in the said resolution or may rescind the said resolution.

(4) Public notice of the confirming resolution shall be given by the Corporation in like manner as public notice of the resolution is required to be given under paragraph (*a*) of subsection (2) of this section.

(5) Subject to the provisions of the next two following subsections the resolution as so confirmed whether with or without modification shall come into force on such day as may be specified in the notice of the confirming resolution to be given pursuant to subsection (4) of this section not being earlier than twenty-eight days after the publication of the notice in the local newspaper or the posting of the notice in the street or streets whichever is

the later and in the case of the first resolution to come into force under this section not being earlier than the first day of October nineteen hundred and sixty-one.

(6) Any person who in accordance with a notice published under subsection (2) of this section has duly made objections or representations to the town clerk with respect to a resolution passed by the council under subsection (1) of this section and who is aggrieved by a resolution passed by the council under subsection (3) of this section with regard to the said first-mentioned resolution may appeal to a magistrates' court.

(7) If on an appeal the court confirms the decision of the Corporation whether with or without modification the resolution passed by the council under subsection (1) of this section as confirmed or varied by the court shall come into force on such date not being earlier in the case of the first resolution to come into force under this section than the first day of October nineteen hundred and sixty-one as the court may by order determine:

Provided that an order under this subsection shall be suspended until the fourteen days provided by subsection (1) of section 84 of the Act of 1952 for giving notice of appeal to quarter sessions have expired and if notice of appeal is given within the said fourteen days shall be further suspended until the appeal is finally determined or abandoned.

Licensing of street traders.

59.—(1) Subject to the provisions of this Part of this Act it shall be unlawful for any person on or after the appointed day to engage in street trading in any street to which this Part of this Act applies unless that person is authorised to do so by a street trading licence.

(2) For the purposes of this Part of this Act a person shall be deemed to engage in street trading on any occasion on which he sells or exposes or offers for sale any article or thing in a street to which this Part of this Act applies whether or not he regularly carries on the business of street trading.

Street trading licences.

60.—(1) A person requiring a street trading licence or the renewal of a street trading licence shall make application in writing to the Corporation in such form as the council may by resolution prescribe (a copy of which form shall be supplied by the Corporation to any person on demand) and shall in such application state—

(*a*) his full name and address;

(*b*) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the licence if granted or renewed;

PART X —*cont.*

(*c*) the street or streets in which and the day or days and the time or times on and at or during which he intends so to sell or expose or offer for sale such articles and things;

(*d*) the nature of the barrow cart or stall on or from which he intends so to sell or expose or offer for sale such articles and things; and

(*e*) such other information as the council may with the approval of the Secretary of State from time to time prescribe.

(2) As soon as reasonably practicable after the receipt of an application under this section the Corporation shall (save as provided by the next following subsection) grant or renew a street trading licence to the applicant.

(3) The Corporation may refuse to grant or renew a street trading licence or may at any time revoke or vary a street trading licence granted by them if—

(*a*) the applicant or licensee is on account of misconduct or for any other sufficient reason unsuitable to hold such licence; or

(*b*) the space available in the street or streets to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of the licence insufficient to permit of the applicant or licensee engaging therein in any street trading or in the particular street trading proposed to be or actually carried on by him without causing undue interference with or inconvenience to traffic in such street or streets; or

(*c*) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the Corporation under this Part of this Act or the byelaws made thereunder; or

(*d*) the licensee has for a period of not less than three consecutive months not exercised his rights under the licence:

Provided that—

(i) the Corporation shall not refuse to grant or renew and shall not revoke a street trading licence on the ground only that the applicant or licensee does not reside in the city;

(ii) the Corporation shall not refuse to grant or renew and shall not revoke or vary a street trading licence unless they shall have given to the applicant or licensee not less than seven days' previous notice in writing that for the reasons specified in the notice objection has been or will be taken to such grant or renewal or that for the reasons

so specified such a revocation or variation is proposed and (if so required by him in writing within three days after the receipt of such notice) they shall have afforded him an opportunity of being heard by a committee of the council against such refusal revocation or variation.

(4) If the Corporation refuse to grant or renew a street trading licence or revoke or vary a street trading licence they shall notify the applicant or licensee and deliver to him particulars in writing of the ground or grounds for such refusal revocation or variation.

(5) A street trading licence may prescribe—

(*a*) the street or streets in which and the position or place (if any) in any such street or streets at which the licensee may sell or expose or offer for sale articles or things under the authority of the licence;

(*b*) the class or classes of articles or things which the licensee may so sell or expose or offer for sale provided that no article or food shall be classed with any commodity not being an article of food;

(*c*) the day or days on which and the time or times at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid;

(*d*) the nature of the barrow cart or stall and the number of barrows carts or stalls which may be used by the licensee for the purpose of street trading under the authority of the licence;

and on any occasion of the renewal of a street trading licence the Corporation may vary such prescriptions.

(6) A street trading licence shall unless revoked be valid—

(*a*) (if granted or renewed at any annual meeting fixed by the council for the purpose of considering applications under this section) for a period of one year; or

(*b*) (if granted or renewed at any other time) for a period expiring on the thirty-first day of December next after the date of such grant or renewal.

Fees on street trading licences.

61.—(1) Any person making application for the grant or renewal of a street trading licence shall when making the application pay to the Corporation in respect thereof such fee not exceeding ten shillings as the Corporation may prescribe.

(2) Where the Corporation refuse to grant or renew a street trading licence they shall repay to the person who made the application therefor the amount of the fee paid by him as aforesaid.

PART X —*cont.*

Appeal against refusal of licence etc. under Part X of Act.

62. Any person aggrieved by the refusal of the Corporation to grant or renew a street trading licence or by the revocation or variation by the Corporation of a street trading licence or by any prescription made by the Corporation under section 60 (Street trading licences) of this Act may appeal to a magistrates' court.

Charges to holders of street trading licences.

63. On and after the appointed day the Corporation may make and recover from holders of street trading licences granted by them charges—

(*a*) for the removal of refuse or other services rendered by them to such holders; and

(*b*) in respect of the expenses incurred by them in the administration of this Part of this Act and in the cleansing of streets to which this Part of this Act applies and in which street trading takes place;

not exceeding the amounts which may be prescribed in relation to those matters respectively by byelaws made under this Part of this Act.

Byelaws as to trading under street trading licences.

64.—(1) The Corporation may make byelaws relating to the following matters (that is to say):—

(*a*) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles or things intended to be sold or exposed or offered for sale under the authority of a street trading licence;

(*b*) the deposit and removal of refuse;

(*c*) the allocation maximum dimensions and arrangement of barrows carts and stalls;

(*d*) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority as aforesaid;

(*e*) the charges which may be made under the last foregoing section; and

(*f*) the legible and prominent display on any barrow cart or stall used under such authority as aforesaid of the name of the holder of the street trading licence and the number of his licence or such other means of identification as may be prescribed by the byelaws.

(2) Before making any byelaws under this section the Corporation shall take such steps as they think necessary for affording to any recognised organisation representative of street traders and to—

(*a*) any street trader; and

(*b*) any other interested party;

affected by such byelaws and not being a member of any such organisation an opportunity to make representations with regard thereto.

(3) Nothing in this section shall authorise the Corporation to make byelaws relating to any matters in respect of which the Corporation may make byelaws under section 15 of the Act of 1955 or to which the Food Hygiene Regulations 1955 apply.

(4) Any byelaws made under this section shall not come into force before the appointed day.

Power to licensees under Part X of Act to employ other persons.

65. Subject to the provisions of any byelaws relating to street trading made by the Corporation under the Children and Young Persons Act 1933 and for the time being in force a person holding a street trading licence may employ any other person to assist him in the conduct of his business without any further street trading licence being required.

Offences penalties etc. under Part X of Act.

66.—(1) Every person who or whose assistant without the authority of a street trading licence or contrary to any prescription of a street trading licence engages on or after the appointed day in street trading in any street to which this Part of this Act applies shall be guilty of an offence:

Provided that where any person has appealed under section 62 (Appeal against refusal of licence etc. under Part X of Act) of this Act against the refusal of the Corporation to renew a street trading licence or against the revocation or variation of a street trading licence or against any variation of a prescription in a street trading licence which has been renewed such licence shall until such appeal has been heard and determined or has been abandoned be deemed for the purposes of this subsection (as the case may be) to have been renewed or not to have been revoked or varied or to have been renewed without any variation of the prescription therein.

(2) Any person who wilfully makes a false statement in or in connection with an application for a street trading licence or for the renewal of a street trading licence shall be guilty of an offence.

(3) Any person engaging on or after the appointed day in street trading in a street to which this Part of this Act applies shall on being required to do so by an officer of the Corporation duly authorised in writing and (if so required) producing his authority or by an officer of the city police furnish to such officer his name and address and in default of compliance with such requirement he shall be guilty of an offence.

(4) Any person who lets or assigns or grants the use of or purports to let or assign or grant the use of his rights under a street trading licence shall be guilty of an offence.

PART X —*cont.*

(5) Every person guilty of an offence under this section shall be liable to a fine not exceeding in the case of an offence under subsection (4) of this section twenty pounds or in any other case ten pounds.

Saving for pedlars hawkers newsvendors etc.

67.—(1) Nothing in this Part of this Act shall—

(*a*) restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence;

(*b*) apply to the sale or exposure or offer for sale of newspapers or periodicals by any person who—

(i) (in the case of the sale or exposure or offer for sale of daily or Sunday newspapers or local newspapers circulating in any part of the city) does not use in connection with such sale or exposure or offer for sale a receptacle which occupies a stationary position in a street other than an exempt receptacle; or

(ii) (in any other case) does not use in connection with such sale or exposure or offer for sale any receptacle which occupies a stationary position in a street;

(*c*) in the case of a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street apply to that trader in respect of any street trading conducted by him in the course of that business unless he permits any vehicle stall or other receptacle used by him to occupy a stationary position in the street for an unreasonable time.

(2) In paragraph (*b*) of subsection (1) of this section—

the expression " receptacle " means a vehicle or stall or any basket bag box vessel stand easel board tray or other structure or thing which is used as a container for or for the display of newspapers or periodicals; and

the expression " exempt receptacle " means a receptacle which—

(i) is exclusively used for the sale or exposure or offer for sale of daily or Sunday newspapers or local newspapers circulating in any part of the city; and

(ii) occupies a position wholly in the footway of the street; and

(iii) does not exceed three feet in height or occupy or extend over a portion of the footway measuring more than two feet six inches in any direction or exceeding three square feet in area.

Saving for sales in legal markets or fairs.

68. In the case of any market or fair held in pursuance of any statute royal licence royal charter or letters patent or as of right from time immemorial nothing in this Part of this Act shall affect the sale or exposure or offer for sale of goods in any such market or fair by any person who has paid a toll to or is acting under the written authority of a person holding or entitled to hold such market or fair or to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

Notice to be given of provisions of Part X of Act.

69.—(1) As soon as may be after the passing of this Act the Corporation shall cause to be published in a local newspaper circulating in the city notice of the general effect of the provisions of this Part of this Act.

(2) 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 publication.

PART XI

FINANCE SUPERANNUATION AND RATING

Power to borrow.

70.—(1) The Corporation may borrow—

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

(*b*) without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sum specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed under paragraph (*b*) of the foregoing subsection shall not exceed the period specified in relation thereto in the third column of the said table.

(3) 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 and as if the following table were in the Eighth Schedule to that Act.

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section (other than the power of borrowing to pay the costs charges and expenses of this Act) except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

PART XI —*cont.*

(1) Purposes for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
The construction of Work No. 1 authorised by this Act and the acquisition and reclamation of land	£79,000	thirty years
The construction of Work No. 2 authorised by this Act	£20,000	thirty years
The costs charges and expenses of this Act	The sum requisite	five years

Power to issue bonds.

71.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called Cardiff Corporation Bonds (in this Act referred to as " bonds ") in accordance with the provisions of this Act.

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

Section 209 (Notice of trusts);

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

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

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

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

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

PART XI —*cont.*

72.—(1) The Corporation may upon such terms and conditions as they think fit advance money to— Loans to voluntary organisations for acquisition construction or improvement of buildings.

(*a*) any voluntary organisation to which they are for the time being authorised to make a grant without the approval or consent of any Minister of the Crown or government department; or

(*b*) with the consent of the Minister to any other voluntary organisation;

for the purpose of enabling or assisting it within the city—

(i) to acquire land or buildings; or

(ii) to construct buildings; or

(iii) to alter enlarge repair or improve buildings:

Provided that the amount of the principal of any advance made under this section shall not exceed ninety per centum of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the property after the purpose for which the advance is made 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 property in respect of which the advance is to be made or of the interest of the borrower therein.

(3) No advance shall be made under this section unless a valuation of the building or the proposed building or the building as proposed to be altered enlarged repaired or improved (as the case may be) has been made on behalf of the Corporation by a competent valuer.

(4) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the terms and conditions upon which the advance was made are being complied with.

Power to borrow etc. for reconstruction of corporate land.

73. 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.

Reserve funds.

74.—(1) (*a*) The Corporation may (if they think fit) provide a reserve fund in respect of any undertaking department or service of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time

PART XI *cont.*

think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in manner prescribed by section 78 (Investment of other funds of Corporation) of this Act until the fund so provided amounts to the maximum for the time being prescribed by the Corporation.

(*b*) Any income arising from the investment of the moneys in the reserve fund in manner provided by this subsection shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

(2) The reserve fund provided under this section may in respect of the undertaking department or service to which it relates be applied—

(*a*) in making good any deficiency at any time happening in the income of the Corporation from the undertaking department or service; or

(*b*) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking department or service; or

(*c*) in repaying any capital moneys borrowed for the purposes of the undertaking department or service (but not in making the annual payments required to be made therefor); or

(*d*) in or towards the payment of the cost of renewing improving or extending any works buildings machinery plant or conveniences forming part of the undertaking department or service or otherwise for the benefit thereof;

and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to the reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) If and when the Corporation establish a reserve fund under this section in respect of any such undertaking department or service as aforesaid any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking department or service and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking department or service.

PART XI —*cont.*

(5) As from the establishment of a reserve fund under this section in respect of any such undertaking department or service as aforesaid section 60 (Reserves) of the Cardiff Corporation Act 1934 shall cease to have effect in relation to that undertaking department or service.

Expenses of public entertainment etc.

75.—(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*) 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 city hall or otherwise under the auspices of the Corporation;

(*d*) the presentation of the freedom of the city 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.

Modification of mortgages by endorsement under hand.

76. 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 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.

Investment of superannuation fund.

77.—(1) In its application to the council subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being

PART XI —*cont.*

required to meet payments out of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

(*a*) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso to 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

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

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

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

(*e*) in or upon the bonds debentures debenture stock mortgages obligations or securities of any company incorporated under any general or special Act of the United Kingdom Parliament or by royal charter; or

(*f*) in or upon the preferred or deferred or ordinary or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or by royal charter being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or

(*g*) 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 has at the time of making the investment at least sixty years to run; or

(*h*) 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 thereof;

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 (*f*) of this subsection—

(i) unless the company have paid a dividend of at least five per centum per annum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or (if the company have been incorporated or have been trading for less than four years before that date) unless—

(A) the company have paid such dividend for each of the years since the incorporation or the commencement of trading as the case may be; or

(B) in the case of a company which have not been incorporated or trading for at least one year before the date of investment but which have been formed by the amalgamation of other companies each of such other companies has paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of amalgamation;

(ii) at any time when the value of all the investments made under the said paragraph (*f*) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund.

(2) For the purposes of paragraph (ii) of the proviso to subsection (1) of this section 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.

Investment of other funds of Corporation.

78. Notwithstanding anything in any other enactment the moneys standing to the credit of any capital reserve repairs renewal insurance contingencies or other similar fund established by the Corporation in pursuance of any enactment whether public or private other than any fund established by the Corporation for the repayment of moneys borrowed by them under any statutory borrowing power may be invested by them in like manner and subject to the like restrictions as the moneys forming part of the superannuation fund maintained by them are by the last foregoing section required to be invested.

Exclusion of certain remuneration and service for superannuation purposes.

79.—(1) In this section words and expressions to which meanings are assigned in the Local Government Superannuation Acts 1937 to 1953 shall have the same respective meanings and the expression " local authority " shall include any voluntary organisation undertakers or body approved by the Minister the employees of which participate in the benefits of the superannuation fund maintained by the Corporation by virtue of an agreement made or continued in force as if made under section 15 of the Local Government Superannuation Act 1953.

PART XI —*cont.*

(2) The salary wages fees and other payments paid or made to a contributory employee or local Act contributor employed whole time by the Corporation or any other local authority in respect of any part-time employment by the Corporation (additional to his ordinary whole-time employment)—

(*a*) as an instructor or other employee performing duties at or for the purposes of an evening institute or for evening classes; or

(*b*) as a warden of or other employee performing duties at a youth centre; or

(*c*) as a civil defence instructor; or

(*d*) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment by the Corporation;

shall not be remuneration within the meaning of the Local Government Superannuation Acts 1937 to 1953 or of any other enactment affecting the superannuation fund maintained by the Corporation under those Acts and the service of any such contributory employee or local Act contributor in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

Recovery of rates from persons removing.

80. If a justice of the peace is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate due from him to the Corporation and intends to evade payment of the same the justice of the peace may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from tenants and lodgers.

81. 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 city 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.

PART XII
MISCELLANEOUS

Power to erect weighbridges etc.

82.—(1) The Corporation may erect and maintain on any lands for the time being belonging to them or on any open space or public place on or adjoining any highway in the city such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

PART XII —*cont.*

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any weighbridge or weighing-machine erected by the Corporation under the provisions of this section.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use such weighbridge or weighing-machine as aforesaid.

(4) The powers of this section shall not be exercised in such a manner 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 passenger road transport or road haulage undertakers.

(5) The Corporation shall not exercise their powers under this section in relation to a trunk road without the consent of the Minister of Transport.

Extension of power to maintain burial grounds.

83.—(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 lower the kerbs of any such tombstone or memorial and cover the same with soil;

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

(2) Before exercising a power conferred by paragraph (*b*) (*c*) (*d*) or (*e*) 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 city 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 proposals of the Corporation 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 XII —*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 whichever is the latest; 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 is or they 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 and if so required by any relative of the deceased person whose remains are interred in the grave shall erect at their own expense to an amount not exceeding twenty-five pounds some suitable means of identifying the location of the grave and the name of the deceased person whose remains are interred therein.

(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 the place to which it has been taken;

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 is obtained.

PART XII —*cont.*

(9) In this section—

" burial ground " includes a cemetery;

" grave " includes a grave space ;

" tombstone " includes a kerb.

Extension of powers to provide pleasure boats.

84. The powers of the Corporation under subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 other than the power to license other persons to let pleasure boats for hire shall be extended so as to be exercisable with respect to the rivers Ely and Taff and for the purposes of or in connection with the exercise of those powers as extended by this section the Corporation may on any land in the city for the time being belonging to them and abutting on or situate near the river Ely or the river Taff provide such buildings or structures and execute such works as may be necessary or convenient:

Provided that the powers conferred by this section shall not be so exercised as to affect or interfere with the abstraction by the commission of water from the river Taff for the purposes of their undertaking or any works constructed or maintained by the commission in connection therewith.

Supply of refreshments at swimming baths etc.

85.—(1) Subject to the provisions of this section the Corporation may—

(*a*) 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 such refreshments;

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

(i) any swimming bath maintained by them whether the swimming bath is for the time being used for the purpose of swimming or for any other purpose;

(ii) any buildings or lands provided by them under section 4 of the Physical Training and Recreation Act 1937 for the purpose of the practising or playing of any game or the performance of any exercise of an athletic nature;

(iii) any parking place for public service vehicles provided by them under section 81 of the Road Traffic Act 1960;

and may provide and maintain any such building stalls or other accommodation as may be requisite or convenient for the purposes of this section.

PART XII —*cont.*

(2) Notwithstanding that on an application made under subsection (1) of this section an on-licence has been granted for the sale of intoxicating liquor at any such premises as are referred to in paragraph (i) or paragraph (ii) of the said subsection intoxicating liquor shall not be sold at the premises in respect of which the licence is granted except while those premises are open and being used and to persons bona fide using the said premises in connection with any concerts displays exhibitions amusements dances or entertainments or the playing of games or the performance of athletic exercises (as the case may be) which may be arranged to take place on the premises.

(3) No intoxicating liquor shall be sold under the powers of this section at any such parking place as is referred to in paragraph (iii) of the said subsection.

Further powers as to libraries.

86.—(1) The powers of the Corporation under the Public Libraries Acts 1892 to 1919 shall extend so as to enable them to provide and lend or permit the use of gramophone records and other recordings of sound pictures films film strips lantern slides prints engravings and photographs.

(2) Notwithstanding anything contained in the said Acts of 1892 to 1919 the powers of the Corporation under those Acts in relation to any library provided by them thereunder shall include—

(*a*) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article;

(*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 require a deposit to be made by any person intending to borrow any article other than a book;

(*f*) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

PART XII
—*cont.*

Provided that the sum—

(i) prescribed by the Corporation for the purposes of paragraph (*c*) of this subsection in respect of any book; or

(ii) required to be deposited by the Corporation under paragraph (*e*) of this subsection;

shall not exceed in the case referred to in the foregoing paragraph (i) sixpence or in the case referred to in the foregoing paragraph (ii) two pounds or in either case such greater sum as may from time to time be approved by the Minister of Education.

(3) In subsection (2) of this section the expression "article" includes a book gramophone record or other recording of sound picture film film strip lantern slide map plan print engraving or photograph.

Use of libraries etc.

87.—(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—

(*a*) 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; or

(*b*) affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films or for public music or dancing.

(4) Any byelaws relating to a public library museum or art gallery of the Corporation shall not apply to any part thereof which is used or let for any purpose other than as a public library

PART XII —*cont.*

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.

Provision of catering facilities in certain premises.

88.—(1) The Corporation may in any of the premises or on any of the lands mentioned in subsection (2) of this section so long as they remain in the occupation of the Corporation sell and supply or enter into any agreement or arrangement with any person for the sale and supply of or let any rights (exclusive or otherwise) of selling and supplying refreshments of all kinds subject to the provisions of all enactments relating thereto:

Provided that nothing in this subsection shall override the terms or conditions of any lease or agreement relating to lands occupied by the Corporation but not owned by them:

Provided also that if the Corporation let hire or grant the use of any of the said lands or premises to any person for any purpose they shall not as a term of any such letting hiring or grant impose a condition that any refreshments to be provided in or on the premises or lands for or in connection with that purpose shall be provided by the Corporation.

(2) The premises and lands in or on which the Corporation may exercise the powers of subsection (1) of this section are the following:—

(*a*) the City Hall;
(*b*) Cardiff Castle;
(*c*) the Cardiff Castle Grounds;
(*d*) the Law Courts;
(*e*) the office buildings erected by the Corporation and abutting on the northern side of Greyfriars Road;
(*f*) the Welsh College of Advanced Technology;
(*g*) the Central Library;
(*h*) the Sophia Gardens Pavilion;

and any other premises in the city for the time being occupied by the Corporation and used for purposes similar to the purposes for which any of the premises referred to respectively in the foregoing paragraphs (*a*) (*d*) (*e*) (*f*) and (*g*) were used at the date of the passing of this Act.

(3) The Corporation or any person appointed by them in that behalf may apply for and hold licences for the sale of intoxicating liquors or of tobacco for the purposes of this section.

Robes of office.

89. The Corporation may provide and maintain robes of office for the use of the lord mayor aldermen and councillors of the city:

Provided that the robes provided by the Corporation under the powers of this section shall remain the property of the Corporation.

PART XII —*cont.*

Power to publish bulletins etc.

90. 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 leaflets postcards 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.

Power to advertise advantages of city.

91.—(1) For the purpose of promoting and fostering the commercial and industrial development of the city the Corporation may incur expenditure in advertising and making known the advantages facilities and amenities afforded by the city in any manner which the Corporation may think fit and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

(*a*) combine with any other organisation company or person; and

(*b*) employ such persons firms or companies as they think fit.

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

Welfare of aged and handicapped persons.

92.—(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.

(2) The Corporation may recover from persons availing themselves of any service or facility provided under this section such charges (if any) as having regard to the cost of the service or facility 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 city.

Personation of police constables.

93. Any person not being a member of the city police who—

(1) falsely and deceitfully personates or pretends to be a member of the city police; or

PART XII —*cont.*

(2) without lawful authority assumes the name designation character or function of a member of the city police; or

(3) without lawful authority wears or has in his possession any article being part of the clothing accoutrements or appointments supplied to members of the city police or any articles having the appearance or bearing the distinctive marks thereof and who is not able satisfactorily to account for his possession of the same;

shall be liable to a fine not exceeding ten pounds:

Provided that this section shall not be deemed to prevent persons from wearing any uniform or dress in the course of a stage play or music hall or circus performance.

Notice of variation of rent etc.

94. The rent for the time being recoverable by the Corporation under a tenancy of any premises forming part of any housing accommodation belonging to the Corporation may be increased or reduced or the terms and conditions of that tenancy may be varied amended or added to by the service by the Corporation on the tenant of a notice specifying the amount of the increase or reduction of rent or the variation or amendment of or addition to the terms and conditions whether or not such notice is accompanied by a notice to quit but such increase reduction variation amendment or addition shall not take effect until such date as may be specified in the notice not being earlier than four weeks after the service thereof:

Provided that if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Corporation requiring them to treat the notice as a notice to quit the notice shall be deemed to be a notice to quit the premises on the said date.

PART XIII
GENERAL

Confirming authority for byelaws.

95. 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)
38. Oil-fired boilers	Secretary of State.
42. Byelaws with regard to certain temporary structures	Secretary of State.
46. Byelaws as to sale etc. of animal feeding meat	Minister of Agriculture Fisheries and Food.
64. Byelaws as to trading under street trading licences	Secretary of State.

PART XIII —*cont.*

Local inquiries.

96.—(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.

The appointed day.

97.—(1) For the purposes of this Act the expression " the appointed day " means except where otherwise expressly provided 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 city 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 licensing or registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

(*a*) immediately before that day was carrying on that business or using any premises for that purpose; and

(*b*) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business or to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further

PART XIII —*cont.*

time as is provided under subsection (2) of section 99 (Appeals) of this Act.

Restriction on right to prosecute.

98. Proceedings in respect of an offence created by or under this Act except the following Parts and section thereof (namely):—

Part VIII (Premises used for sales by auction);

Part IX (Window cleaners);

Part X (Regulation of street trading); and

Section 93 (Personation of police constables);

shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

99.—(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 a business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use premises for any purpose for which they were lawfully used up to that time;

then until the time for appealing has expired or 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.

100. 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.

Authentication of documents and service of notices.

101.—(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.

Application of general provisions of Act of 1936.

102.—(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 V (Public health);

Part VI (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 section 63 (Charges to holders of street trading licences) and section 92 (Welfare of aged and handicapped persons) of this Act.

(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 provisions of the Parts of this Act mentioned in subsection (2) of this section (other than section 30 (Entry on premises in case of notifiable disease)) and also to the following Parts of this Act (that is to say):—

Part VII (Food);

Part VIII (Premises used for sales by auction).

For protection of certain statutory undertakers.

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

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

" apparatus " means—

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

PART XIII —*cont.*

(*b*) mains pipes or other apparatus belonging to or maintained by the Wales Gas Board;

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

" the undertakers " means—

the South Wales Electricity Board; or

the Central Electricity Generating Board; or

the Wales Gas Board;

as the case may require and in relation to any apparatus means the undertakers to whom the apparatus belongs or by whom the apparatus is maintained:

(2) Nothing in section 22 (Decorations in streets) 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 render unreasonably inconvenient the access to any apparatus:

(3) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to a single arbitrator to be appointed by agreement between the Corporation and the undertakers or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other party.

Saving for town and country planning.

104. 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.

Repeal.

105. The enactments mentioned in the Fourth Schedule to this Act are hereby repealed.

Costs of Act.

106. All the costs charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

Sections 25 26 and 27.

1. The sum apportionable shall not exceed the sum certified by the surveyor of the city to be at the relevant date the average cost per lineal yard of providing in a private street in the city a public sewer having an internal diameter of nine inches 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 proper officer of the Corporation shall register a local land charge in his register against the premises on which sums are apportioned under this schedule and—

(*a*) upon the whole of the sum so charged (in this paragraph

referred to as "the provisional charge") becoming actually charged the proper officer shall within fourteen days from the date of the service of the demand referred to in sub-paragraph (*b*) of the proviso to paragraph 6 of this schedule cancel the registration of the provisional charge and register the actual charge under section 15 of the Land Charges Act 1925;

(*b*) upon part only of the provisional charge becoming actually charged the proper officer shall within fourteen days from the date of the service of the said demand cancel the registration of the provisional charge and—

(i) register the actual charge under section 15 of the Land Charges Act 1925; and

(ii) register against the premises so far as they are not charged with the actual charge a provisional charge proportionate to the frontage of the premises not charged with the actual charge.

(2) An actual charge registered under the last foregoing sub-paragraph shall be registered as from the date on which the appropriate provisional charge was registered.

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 25 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 26 of this Act in respect of land becoming a street the date on which the street was laid out.

SECOND SCHEDULE

PROVISIONS AS TO BONDS

Section 71.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods as the Corporation may determine.

2. (*a*) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

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

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

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

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

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

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

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

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

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

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

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

(4) An entry of the issue of a substituted certificate shall be made in the register. 2ND SCH. —*cont.*

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

No.

Date

CITY OF CARDIFF

CARDIFF CORPORATION BONDS

per centum Cardiff Corporation Bond repayable at par on the nineteen at the

This is to certify that of is the registered holder of a bond for pounds (£) issued by the lord mayor aldermen and citizens of the city of Cardiff under the Cardiff Corporation Act 1961 at

The common seal of the lord mayor aldermen and citizens of the city of Cardiff was hereunto affixed in the presence of

.....

Town Clerk.

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

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

FORM OF DEED OF TRANSFER

CARDIFF CORPORATION BONDS

I

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

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

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

As witness our hands and seals this day of nineteen hundred and

2ND SCH. —*cont.*

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

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

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

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

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

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

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

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

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

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

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

THIRD SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section 102.

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

PART II

SECTIONS APPLIED TO PARTS V AND VI OF THIS ACT

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

PART III

SECTIONS APPLIED TO PARTS V AND VI AND SECTIONS 63 AND 92 OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint &c.

PART IV

SECTION APPLIED TO PARTS V (OTHER THAN SECTION 30) VI VII AND VIII OF THIS ACT

Section	Marginal note.
287	Power to enter premises.

FOURTH SCHEDULE

ENACTMENTS REPEALED

Section 105.	The Cardiff Improvement Act 1871—
	Section 17 (Quantity of air for lodgers);
	Section 18 (Regulations as to lodging houses).
	The Cardiff Corporation Act 1930—
	Section 82 (Means of ingress to and egress from large shops departmental stores and clubs);
	Section 103 (Removal of infirm and diseased persons in certain cases).

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 18.
Cardiff Improvement Act 1871	34 & 35 Vict. c. clxi.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Cardiff Corporation Act 1884	47 & 48 Vict. c. ccxxii.
Public Health Acts Amendment Act 1890 ..	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Finance Act 1899	62 & 63 Vict. c. 9.
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 & 16 Geo. 5. c. 19.
Land Charges Act 1925	15 & 16 Geo. 5. c. 22.
Rating and Valuation Act 1925	15 & 16 Geo. 5. c. 90.
Cardiff Corporation Act 1930	20 & 21 Geo. 5. c. clxxiv.
Local Authorities (Publicity) Act 1931 ..	21 & 22 Geo. 5. c. 17.
Children and Young Persons Act 1933 ..	23 & 24 Geo. 5. c. 12.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Cardiff Corporation Act 1934	24 & 25 Geo. 5. c. xcv.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Physical Training and Recreation Act 1937 ..	1 Edw. 8 & 1 Geo. 6. c. 46.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6. c. 68.
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.
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.
Lands Tribunal Act 1949	12, 13 & 14 Geo. 6. c. 42.
Diseases of Animals Act 1950	14 Geo. 6. c. 36.
Magistrates' Courts Act 1952	15 & 16 Geo. & 1 Eliz. 2. c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 68.
Local Government Superannuation Act 1953	1 & 2 Eliz. 2. c. 25.
Food and Drugs Act 1955	3 & 4 Eliz. 2. c. 16.
Local Authorities (Expenses) Act 1956 ..	4 & 5 Eliz. 2. c. 36.
Rent Act 1957	5 & 6 Eliz. 2. c. 25.
Housing Act 1957	5 & 6 Eliz. 2. c. 56.
Housing (Financial Provisions) Act 1958 ..	6 & 7 Eliz. 2. c. 42.
Highways Act 1959	7 & 8 Eliz. 2. c. 25.
Road Traffic Act 1960	8 & 9 Eliz. 2. c. 16.

PRINTED BY WALTER AND WHITEHEAD LTD. FOR
SIR JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 4*s* 0*d* net

PRINTED IN GREAT BRITAIN

Cardiff Corporation Act, 1961

9 & 10 ELIZ. 2 **Ch. v**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Lands Clauses Acts.

PART II

LANDS

5. Power to acquire lands.
6. Correction of errors in deposited plan and book of reference.
7. Disregard of recent improvements and interests.
8. Extinction of private rights of way.
9. Grant of easements.
10. Reservation of easements etc. by Corporation.
11. Development of land.
12. Loans for erection etc. of buildings.
13. Recovery of deposits under Lands Clauses Acts.
14. Suspension of restrictive covenants.

PART III

WORKS

15. Power to construct works.
16. Limits of deviation.
17. Reclamation of sea bed etc.
18. Works below high-water mark to be subject to approval of Minister of Transport.
19. Provision against danger to navigation.
20. Abatement of work abandoned or decayed.
21. Survey of works by Minister of Transport.

PART IV

STREETS

Section
22. Decorations in streets.
23. Mixing of mortar etc. in streets.
24. Street cleansing.

PART V

PUBLIC HEALTH

Sewers drains and sanitary conveniences

25. Recovery of expenses of sewering public highway.
26. Recovery of expenses of sewering prospective street.
27. Prevention of evasion of liabilities under last two foregoing sections.
28. Provision of sanitary conveniences at places of exhibition.

Nuisances

29. Silencers for internal combustion engines.

Infectious diseases

30. Entry on premises in case of notifiable disease.
31. Prohibition of tuberculous persons from handling food.

Dustbins

32. Restriction on use of dustbins.

Miscellaneous

33. Hairdressers and barbers.

PART VI

PUBLIC SAFETY

34. Provision of means of escape from fire in certain existing buildings.
35. Provision of means of escape from fire in certain new buildings.
36. Means of ingress to and egress from certain buildings.
37. Precautions against fire in buildings.
38. Oil-fired boilers.
39. Further precautions against fire in certain high or large buildings.
40. Application of section 41 of Act to buildings used for storage of inflammable substances.
41. Conditions as to storage of inflammable substances.
42. Byelaws with regard to certain temporary structures.
43. Safety of stands.

PART VII

FOOD

Section
44. Definition of expressions in Part VII of Act.
45. Registration of premises used in connection with sale etc. of animal feeding meat.
46. Byelaws as to sale etc. of animal feeding meat.
47. Exemption for knacker's yard and slaughterhouses from sections 45 and 46 of Act.

PART VIII

PREMISES USED FOR SALES BY AUCTION

48. Definition of expressions in Part VIII of Act.
49. Registration of premises used for sales by auction.
50. Exemptions.
51. Offences by bodies corporate.
52. As to powers of entry.

PART IX

WINDOW CLEANERS

53. Window cleaners to be licensed.
54. Applications for and provisions as to window cleaning licences.
55. Grant of window cleaning licences.
56. Penalties under Part IX of Act.

PART X

REGULATION OF STREET TRADING

57. Definition of expressions in and application of Part X of Act.
58. Specification of streets to which Part X of Act applies.
59. Licensing of street traders.
60. Street trading licences.
61. Fees on street trading licences.
62. Appeal against refusal of licence etc. under Part X of Act.
63. Charges to holders of street trading licences.
64. Byelaws as to trading under street trading licences.
65. Power to licensees under Part X of Act to employ other persons.
66. Offences penalties etc. under Part X of Act.
67. Saving for pedlars hawkers newsvendors etc.
68. Saving for sales in legal markets or fairs.
69. Notice to be given of provisions of Part X of Act.

PART XI

FINANCE SUPERANNUATION AND RATING

Section
70. Power to borrow.
71. Power to issue bonds.
72. Loans to voluntary organisations for acquisition construction or improvement of buildings.
73. Power to borrow etc. for reconstruction of corporate land.
74. Reserve funds.
75. Expenses of public entertainment etc.
76. Modification of mortgages by endorsement under hand.
77. Investment of superannuation fund.
78. Investment of other funds of Corporation.
79. Exclusion of certain remuneration and service for superannuation purposes.
80. Recovery of rates from persons removing.
81. Recovery of rates from tenants and lodgers.

PART XII

MISCELLANEOUS

82. Power to erect weighbridges etc.
83. Extension of power to maintain burial grounds.
84. Extension of powers to provide pleasure boats.
85. Supply of refreshments at swimming baths etc.
86. Further powers as to libraries.
87. Use of libraries etc.
88. Provision of catering facilities in certain premises.
89. Robes of office.
90. Power to publish bulletins etc.
91. Power to advertise advantages of city.
92. Welfare of aged and handicapped persons.
93. Personation of police constables.
94. Notice of variation of rent etc.

PART XIII

GENERAL

95. Confirming authority for byelaws.
96. Local inquiries.
97. The appointed day.
98. Restriction on right to prosecute.
99. Appeals.
100. Protection of members and officers of Corporation from personal liability.
101. Authentication of documents and service of notices.

Section
102. Application of general provisions of Act of 1936.
103. For protection of certain statutory undertakers.
104. Saving for town and country planning.
105. Repeal.
106. Costs of Act.

SCHEDULES:

First Schedule—Apportionment and recovery of expenses of constructing sewers.

Second Schedule—Provisions as to bonds.

Third Schedule—Sections of Act of 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts V and VI of this Act.

Part III—Sections applied to Parts V and VI and sections 63 and 92 of this Act.

Part IV—Section applied to Parts V (other than section 30) VI VII and VIII of this Act.

Fourth Schedule—Enactments repealed.