

County of Kent Act 1981

CHAPTER xviii

LONDON
HER MAJESTY'S STATIONERY OFFICE

County of Kent Act 1981

CHAPTER xviii

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ELIZABETH II



1981 CHAPTER xviii

An Act to re-enact with amendments and to extend certain local enactments in force within the county of Kent; to make further provision in regard to the improvement, health and local government of that county; to confer further powers upon the local authorities of that county; to empower the Thanet District Council to acquire by agreement the undertaking of the company of proprietors of Margate Pier and Harbour; and for other purposes. [27th July 1981]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter referred to as " the Act of 1972 ") the county of Kent (hereinafter referred to as " the county ") was constituted on 1st April 1974, so as to consist of an area comprising the county borough of Canterbury and the administrative county of Kent as existing immediately before the passing of the Act of 1972: 1972 c. 70.

(2) Numerous local enactments are in force in the county or parts of the county and by section 262 of the Act of 1972 it is provided that, subject to certain modifications, certain of these shall continue to apply to, but only to, the area, things or persons to which or to whom they applied before 1st April 1974:

(3) It is further provided by the said section 262 that certain local statutory provisions shall cease to have effect at the end of 1984:

(4) It is expedient that certain of these should be re-enacted with amendments and applied to the whole of the county or to parts of the county; that certain other local statutory provisions should continue to have effect and that other local statutory provisions in force in or relating to the county should be repealed:

(5) It is expedient to make further provision for the improvement, health and local government of the county and to extend and enlarge in various respects the powers of the local authorities of the county:

(6) It is expedient to empower the Thanet District Council to acquire by agreement the undertaking of the company of proprietors of Margate Pier and Harbour and to confer further powers on that council with regard to that undertaking:

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

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

(9) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

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

PART I

PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the County of Kent Act 1981.

(2) This Act shall come into operation on 1st November 1981.

PART I
—*cont.*

Interpretation. 1936 c. 49. 1955 c. 16 (4 & 5 Eliz. 2). 1961 c. 64. 1971 c. 78. 1972 c. 70. 1976 c. 57. 1980 c. 66.

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

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

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

" the Act of 1961 " means the Public Health Act 1961;

" the Act of 1971 " means the Town and Country Planning Act 1971;

" the Act of 1972 " means the Local Government Act 1972;

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

" the Act of 1980 " means the Highways Act 1980;

" the appointed day " has the meaning given by section 3 of this Act;

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

" the county " means the county of Kent;

" the county council " means the Kent County Council;

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

" district " means a district in the county;

" district council " means the council of a district;

" the electricity board " means the London Electricity Board and the South Eastern Electricity Board or either of them as the case may require;

" functions " includes powers and duties;

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

" local authority " means the county council or a district council;

" officer " includes servant;

" open space " means any park, pleasure ground or open space within the meaning given by section 290 of the Act of 1971 under the management or control of a local authority;

" owner " has the meaning given by section 343 of the Act of 1936;

" parish council " means the parish council of a parish in the county or, where there is no parish council, the parish meeting of such parish;

PART I —*cont.*

1981 c. 14.

" public service vehicle " has the meaning given by section 1 of the Public Passenger Vehicles Act 1981;

" statutory undertakers " means the British Gas Corporation, the generating board, the electricity board, the Post Office, the East Surrey Water Company, the Folkestone and District Water Company, the Mid Kent Water Company, the West Kent Water Company and the water authority or any of them, as the case may be;

" street " has the meaning given by section 329 of the Act of 1980;

" the water authority " means the Southern Water Authority or the Thames Water Authority, or both those authorities as the case may require.

(2) Any reference in this Act to a proper officer shall, in relation to any purpose and any local authority or area, be construed as a reference to an officer appointed for that purpose by that authority, or, as the case may be, for that area.

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

Appointed day.

3.—(1) In this Act " the appointed day ", in relation to any provision, means such day (not earlier than 1st November 1981) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council, or, as the case may be, a district council.

(2) The local authority shall publish in a newspaper circulating in their area notice—

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

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

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

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

PART II
LAND AND OPEN SPACES

Extension of section 126 of Housing Act 1974.

4. Section 126 of the Housing Act 1974 shall have effect in the county as if—

(*a*) for subsection (1) (which applies that section to the case where a principal council and a person having an interest in land in their area become parties to an instrument under seal executed for the purpose of securing the carrying out of works on that land or of facilitating the development of that land or of other land in which that person has an interest) there were substituted the following subsection:— 1974 c. 44.

"(1) The provisions of this section shall apply if a principal council (in the exercise of their powers under section 111 of the Local Government Act 1972 or otherwise) and a person having an interest in land in their area become parties to an instrument under seal which— 1972 c. 70.

(*a*) is executed for the purpose of securing the carrying out of works on, or facilitating the development of, that land or otherwise in connection with that land; or

(*b*) is executed for the purpose of facilitating the development of other land in which that person has an interest; or

(*c*) (whether or not falling within paragraphs (*a*) or (*b*) above) grants any right to that person over other land in that area.";

(*b*) in paragraph (*a*) of subsection (2) (which deals with the case where the instrument contains a covenant on the part of that person to carry out any works or do any other thing in relation to that land) the words from "being a covenant" to "that land" were omitted;

(*c*) in subsection (3) (breach of covenant) the words from "as a result" to "on or" were omitted and after the word "done" in paragraph (*a*) there were inserted the words "or to remedy anything which the covenant requires not to be done".

Covenants or restrictions affecting school sites. 1946 c. 50.

5. Where in pursuance of the Education Act 1946 land which has been acquired by the county council to provide a site for a voluntary school is conveyed by the county council to the trustees of a voluntary school, any covenants or restrictions affecting the use of that land shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they would have been enforceable against the county

PART II —*cont.*

1944 c. 31.

council before that conveyance if the county council had erected a building on the site and had used it as a county school for the purposes of the Education Act 1944.

Agreements as to parking places.

6.—(1) In connection with any proposed development of land in the county in order to achieve appropriate provision for the parking of vehicles, the local planning authority may at the request of any person interested in that land and after consulting the district council in whose area the land is situated (if not the local planning authority) enter into an agreement with such persons as they consider appropriate providing for a payment to that district council towards the cost to them of the provision of public car-parking spaces reasonably accessible to the development.

(2) Any agreement made under this section may contain such incidental and consequential provisions as appear to the local planning authority to be necessary or expedient for the purposes of the agreement and shall—

(*a*) be binding not only upon the parties to the agreement but also upon their successors in title to the land proposed to be developed and upon any other person claiming through or under any of them;

(*b*) be a local land charge;

(*c*) as regards any payment which is to be made to a district council which is not the local planning authority, enure for the benefit of and be enforceable by that district council;

and any person upon whom such an agreement is binding shall be entitled to require a copy thereof from the local planning authority.

(3) The power conferred by this section shall be additional to and not in derogation of the powers contained in section 52 of the Act of 1971.

(4) In this section—

" appropriate provision " means such provision as would in the opinion of the local planning authority be appropriate having regard to the nature of the proposed development;

" development ", " local planning authority " and " planning permission " have the same meanings as in the Act of 1971.

PART III

HIGHWAYS

Interpretation of Part III.

7. In this Part—

" adjoining " includes abutting on;

PART III —*cont.*

" bridleway ", " carriageway ", " footpath " and " footway " have the meanings given by section 329 of the Act of 1980;

" the private street works code " has the meaning given by section 203 (1) of the Act of 1980;

" street works " has the meaning given by section 203 (3) of the Act of 1980.

Highway amenities.

8.—(1) Subject to the modifications specified in subsection (2) below section 213 of the Act of 1971 (power for local authorities to provide facilities for recreation or refreshment in certain highways) shall in the county apply to—

(*a*) footways so far as designated in accordance with subsections (4) and (5) below;

(*b*) footpaths;

(*c*) subways constructed under section 69 of the Act of 1980;

(*d*) bridges constructed under section 70 of that Act; and

(*e*) roads the use of which by vehicular traffic is prohibited by a traffic regulation order or experimental traffic order made under section 1 or 9 of the Road Traffic Regulation Act 1967; 1967 c. 76.

as it applies to a highway in relation to which an order has been made under section 212 (2) of the Act of 1971.

(2) The modifications referred to in subsection (1) above are—

(*a*) the omission from section 213 (1) of the words " giving effect to the order or of ";

(*b*) the substitution in section 213 (3) (*a*), for the words " the order under section 212 of this Act was made ", of the words " the powers were exercised ";

(*c*) the substitution in section 213 (3) (*d*), for the words from " permitted " to the end, of the words " lawful; or ";

(*d*) the substitution in section 213 (5) for the words " consulted the highway authority (if different) and " of the words " obtained the consent of the highway authority (if different) and consulted ".

(3) For the purpose of subsection (1) (*e*) above, use by vehicular traffic is prohibited where the prohibition applies to the whole width of the road and is so prohibited notwithstanding that the traffic regulation order or experimental traffic order permits certain vehicles or classes of vehicle to use the road or permits vehicles or classes of vehicle to use the road at certain times or on certain days or during certain periods.

PART III —*cont.*

(4) Subject to subsection (5) below, a competent authority, on the application of any person or without receiving such an application, may, for the purposes of subsection (1) (*a*) above, by resolution designate any part of any footway in their area where they are satisfied that the powers in section 213 of the Act of 1971, as they have effect by virtue of this section, may be exercised in relation to that footway without detriment to the safe movement of vehicles on the adjoining carriageway and without material detriment to the movement of pedestrians on the footway.

(5) Before resolving to designate any part of a footway under subsection (4) above, a competent authority shall give notice that they propose to consider the designation of that part of the footway for the purposes of this section by fixing in a conspicuous position on or near that part of the footway, by publishing in a local newspaper circulating in the area in which the footway is situated and by serving on the occupiers of premises adjoining that part of the footway and on the occupier of any other premises appearing, to the competent authority, likely to be affected, a notice containing the following particulars, that is to say:—

(*a*) a brief description of the part of the footway to which the proposed designation relates;

(*b*) a brief statement as to the general effect of the proposed designation; and

(*c*) a statement of the address to which, and the period, not less than six weeks after the latest date on which the notice is given or published, during which representations regarding the proposed designation may be made.

(6) In section 213 (2) of the Act of 1971 as it has effect in the county, the power to provide facilities for recreation or refreshment includes power, subject to subsections (9) and (10) below, to permit their provision by any person on such conditions as the competent authority think fit:

Provided that, except where such facilities are provided on land belonging to the competent authority, the authority shall only make such charge for permission to provide such facilities as will reimburse the authority for their reasonable expenses in connection with granting their permission, but this provision shall not prejudice the right of the authority to require payment in respect of, or indemnities against, claims, liabilities, and obligations arising by reason of—

(*a*) the provision of such facilities, and costs incurred by the authority in connection therewith; and

(*b*) the removal or alteration of such facilities when required by the authority.

PART III —*cont.*

(7) Nothing in this section shall be taken to relieve any person from liability for damage caused by him to any apparatus belonging to, or maintained or used by, statutory undertakers.

(8) A competent authority shall not exercise the powers of section 213 of the Act of 1971 so far as extended by this section in relation to any highway belonging to or repairable by, or any operational land or disused railway belonging to, the British Railways Board except with the consent of that board, which consent shall not be unreasonably withheld and any question whether consent is unreasonably withheld shall be determined by arbitration.

(9) Where a competent authority propose—

(*a*) to exercise the powers of section 213 of the Act of 1971 to provide facilities in any such footway, footpath or road as is mentioned in subsection (1) (*a*), (*b*) or (*e*) above; or

(*b*) to consider an application for permission to provide facilities for recreation or refreshment pursuant to subsection (6) above for more than 28 days in a calendar year;

they shall give notice of their proposal or, as the case may be, the application, specifying the nature of the facilities and the place where it is proposed that they be provided and the period, not less than six weeks after giving the notice, during which representations regarding their proposal or, as the case may be, the application may be made to them:

Provided that notice shall not be required where the application is for renewal of permission previously given.

(10) Notice for the purpose of subsection (9) above shall be given—

(*a*) by fixing the notice in a conspicuous position at or near the place where it is proposed to provide the facilities; and

(*b*) by serving the notice on the occupier of any premises appearing to the competent authority to be likely to be affected by the facilities:

Provided that, where the competent authority are required by subsection (9) above to give notice of their proposal or, as the case may be, an application to provide facilities for recreation or refreshment and intend to consider that proposal or application on the same occasion as they consider the designation, for the purposes of subsection (1)(*a*) above, of any part of any footway on which the said facilities are to be provided, the requirements of this subsection shall be satisfied by the incorporation of the

PART III —*cont.*

notice to be given under subsection (9) above in the particulars of the notice given by the competent authority under subsection (5) above.

(11) A competent authority shall not proceed—

(*a*) with any proposal to designate any part of a footway for the purposes of this section; or

(*b*) with any proposal to exercise any such power, or to grant any such permission, as is mentioned in subsection (9) above;

until they have taken into consideration all representations made in accordance with subsection (5) or, as the case may be, subsection (9) above.

(12) The competent authority shall take such steps as they think necessary for affording to any organisation appearing to them to represent the interests of persons trading in shop premises which may be affected by the provision of facilities under this section an opportunity to make representations to the authority about any such proposal as is mentioned in subsection (11) above.

(13) Notice served on an occupier of premises in accordance with subsection (5) or (10) above shall be addressed to him by name or, if his name is not known, by delivering the notice at the premises addressed to him as " The Occupier ".

Power to provide kiosks, etc.

9.—(1) The appropriate authority may provide in any street in the county and in any subway maintained or provided by the county council kiosks, show cases or other similar structures for the sale of articles, the display of articles for sale or the display of posters, and may let any such structure on such terms and conditions as they think fit.

(2) A power exercisable under subsection (1) above may be so exercised as to restrict the access of the public to any part of a street, but shall not be so exercised as—

(*a*) to prevent persons from entering the street at any place where they could enter it before the power was exercised; or

(*b*) to prevent the passage of the public along the street; or

(*c*) to prevent normal access by pedestrians to premises adjoining the street; or

(*d*) to obstruct any use of vehicles which is lawful; or

(*e*) to prevent statutory undertakers from having access to any works of theirs under, in, on, over, along or across the street.

PART III —*cont.*

(3) The powers exercisable by the appropriate authority under subsection (1) above to provide kiosks, show cases or other structures includes power to permit their provision by any person on such conditions as the appropriate authority think fit.

(4) The appropriate authority shall not by virtue of this section themselves undertake or engage in the business of newspaper vendors or any other business at, or in connection with, any structures provided under this section.

(5) (*a*) Subsection (7) of section 8 (Highway amenities) of this Act shall apply to this section.

(*b*) Subsections (9) to (11) of the said section 8 shall apply to any proposal of the appropriate authority to exercise the powers of subsection (1) or (3) above for the provision of any structure in a street as if that structure were provided in exercise of the powers of section 213 of the Act of 1971 as having effect in accordance with the said section 8.

(6) The appropriate authority shall not exercise the powers of this section in relation to—

(*a*) any street belonging to or repairable by the British Railways Board; or

(*b*) any part of a street which—

(i) is carried over a railway of that board by means of a bridge; or

(ii) abuts on any retaining wall or cutting slope forming part of any such railway; or

(iii) is directly beneath the arch or span of a bridge carrying any such railway over that street; or

(*c*) any part of a subway which is situated over or under or within 15 metres (measured in any direction) from any such railway or any works connected therewith;

except with the consent of that board, which consent shall not be unreasonably withheld, and any question whether consent is unreasonably withheld shall be determined by arbitration.

(7) The appropriate authority for the purposes of this section means, in relation to a street or a subway in a district, the county council or the district council, but neither council shall exercise the powers conferred by this section except after consultation with the other and the said powers shall not be exercised—

(*a*) by the district council in relation to a street which is a highway, without the consent of the highway authority; or

(*b*) by the county council in relation to a street which is a highway for which they are not the highway authority, without the consent of the Secretary of State.

PART III —*cont.*

Street numbers.

10.—(1) A district council may allocate to the buildings in a street in their district such numbers as they think fit.

(2) Where a number has, or numbers have, been allocated to a building under this section or under section 64 of the Towns Improvement Clauses Act 1847, the district council may serve on the owner or occupier of the building a notice requiring him within such period, not being less than three weeks, as may be specified in the notice, to mark the building with that number, or those numbers, in such a way as to make the mark legible from the street.

1847 c. 34.

(3) The owner or occupier of a building shall—

(*a*) maintain the mark in such a way that it remains legible from the street; and

(*b*) keep the view of the mark from the street unobstructed to such extent as is practicable.

(4) A district council may alter the number or numbers allocated to a building, and where they do so subsections (2) and (3) above shall apply to the altered number or numbers.

(5) A district council may, instead of requiring a building or premises within the curtilage of a building to be marked with a number or numbers under this section, require it to be marked with such other means of identification as they may, at the request of the owner or occupier, allow; and subsections (2) and (3) above shall have effect accordingly.

(6) An owner or occupier of a building who without reasonable excuse—

(*a*) fails to comply with a notice served on him under subsection (2) above; or

(*b*) contravenes subsection (3) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(7) The following provisions of the Towns Improvement Clauses Act 1847 shall cease to have effect in the county:—

(*a*) in the words introducing sections 64 and 65, the words " and numbering the houses ";

(*b*) in section 64 the words from " shall from time to time " to " think fit, and " and the words " number or " wherever occurring;

(*c*) section 65.

PART III —*cont.*

Buildings under highways.

11.—(1) Section 179 of the Act of 1980 (control of construction of cellars etc. under street) shall have effect in the county as if—

(*a*) in subsection (1) for the words—

" a vault, arch or cellar under—

(*a*) any street in Greater London, or

(*b*) the carriageway of any street outside Greater London,"

there were substituted the words " a building or part of a building under a highway " and the words after " specified in the notice " were omitted;

(*b*) for the words " vault, arch or cellar " wherever subsequently occurring there were substituted the words " building or part of a building ";

(*c*) for the words " appropriate authority " wherever occurring there were substituted the words " highway authority ";

(*d*) in subsection (5) for the word " street " there were substituted the word " highway "; and

(*e*) after subsection (5) there were inserted the following subsection:—

" (6) Subsection (1) of this section does not apply to the construction of code-regulated works as defined in section 1(5) of the Public Utilities Street Works Act 1950.".

1950 c. 39.

(2) Section 180 of the Act of 1980 (control of openings into cellars etc. under streets, and pavement lights and ventilators) shall have effect in the county as if, in substitution for the words " For the purposes of this section the appropriate authority is the same as for the purposes of section 179 above " in subsection (1) there were inserted—

" For the purposes of this section the appropriate authority, in relation to a street which is a highway, is the highway authority for the street and, in relation to any other street, is the local authority in whose area the street is situated.".

Application of private street works code to parts of public street.

12.—(1) Notwithstanding anything in the private street works code where it appears to the county council that a new street has been formed in the county by reason of additions made to an existing footpath, bridleway or other right of way maintainable at the public expense (not being or comprising a carriageway) otherwise than by the giving up for the purpose by the county council of lands owned by them, the county council may carry out street works under the provisions of the private street works code in respect of such street or any part of such street and apportion the expenses thereof on the premises fronting or adjoining such street or such part thereof as if no part of the said street was so maintainable.

PART III —*cont.*

(2) Notwithstanding anything in the private street works code the county council may carry out street works under the provisions of the private street works code throughout the width of a street notwithstanding that part of the width consists of a highway maintainable at the public expense but save in a case falling within the provisions of subsection (1) above the county council shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so maintainable.

(3) For the purposes of any apportionment under subsection (2) above premises fronting a street shall be deemed to front the portion of the street which is not maintainable at the public expense.

(4) For the purposes of the private street works code, as applied by this section, a railway shall not be deemed to front a footpath, bridleway or other right of way or any additions thereto solely by reason of its being adjacent thereto.

Power to surface access to houses.

13.—(1) The county council may on the application of the owner or occupier of any house on land adjacent to any road in the county and at the expense of such owner or occupier surface any path, entrance, drive or other means of communication leading from such road to the house or any garage on that land when the county council are themselves carrying out any works of repair, maintenance or improvement to such road adjacent to such land and those works include the carrying out of accommodation works for that land.

(2) In this section " surface " means sweeping, tar spraying and gritting.

PART IV

PUBLIC HEALTH

Dust, etc., from building operations.

14.—(1) This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air except that, in any district in which section 29 of the Act of 1961 has effect in accordance with section 27 (Control of demolitions) of this Act, this section does not apply to any demolitions to which subsection (1) of the said section 29 applies.

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

PART IV —*cont.*

(3) In considering what steps are reasonably practicable for the purposes of subsection (2) above, the district council shall have regard, amongst other matters, to the requirements of safety and safe working conditions, any relevant provisions of any code of practice approved under section 16 of the Health and Safety at Work etc. Act 1974 and to the financial implications. 1974 c. 37.

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

(5) (*a*) Subject to any order made on appeal under subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

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

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

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

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

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

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

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

(*d*) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or varying

PART IV —*cont.*

any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions as he thinks fit but shall not so vary any conditions that they are more onerous than those specified by the district council.

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

Power to order alteration of chimneys.

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

(*a*) to cause it to be raised to a height so specified; or

(*b*) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit.

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

(*a*) in the case of a single private dwelling-house £500; and

(*b*) in any other case £1,500;

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

(3) Any person who without reasonable excuse fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

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

1979 c. 46.

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

1961 c. 34.
1906 c. 14.
1974 c. 37.

PART IV —*cont.*

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

Urgent repairs to supply pipes and water fittings.

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

(*a*) which is occupied by persons who do not form a single household; or

(*b*) which is one of two or more houses or other buildings supplied with water by one common supply pipe.

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

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

(4) (*a*) In proceedings to recover expenses under subsection (2) above the court may inquire whether those expenses ought to be borne wholly or in part by some person, being the occupier of the premises in respect of which they were incurred, other than the defendant in the proceedings and, subject as provided in paragraph (*b*) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

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

PART IV —*cont.*

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

(6) Before, or, in case of emergency, as soon as possible after, exercising the powers of subsection (2) above in relation to any premises the district council shall notify the statutory water undertakers within whose limits of supply the premises are situated.

(7) In this section—

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

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

1945 c. 42.

Control of stray dogs. 1906 c. 32.

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

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

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

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

(*b*) in both subsections (2) and (4), the substitution for " the chief officer of police, or any person authorised by him in that behalf," of the words " the chief officer of police or, as the case may be, the district council, or any person authorised by him or them in that behalf ";

(*c*) in subsection (6), the substitution for " of a police area " of the words " and the district council " and for " in that area " of the words " by him or them respectively "; and

(*d*) in subsection (7), the substitution for " The police shall not dispose of any dog seized under this section " of the words " A dog seized under this section shall not be disposed of ", and the insertion after " inspection " of the words " at all reasonable times ".

PART IV —*cont.*

(3) Section 3 of the Dogs Act 1906, as that section has effect in accordance with this section, is set out in Part I of Schedule 1 to this Act. 1906 c. 32.

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

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

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

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

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

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

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

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

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

Hairdressers and barbers.

19.—(1) As from the appointed day in any district, a person shall not in that district carry on the business of a hairdresser or barber unless he is registered by the district council under this section and except as provided under subsection (2) below he shall not carry on that business on premises occupied by him unless the premises are so registered.

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

PART IV —*cont.*

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

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the premises and of any byelaws made by the district council under section 77 of the Act of 1961 displayed in the premises and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

Acupuncture, ear-piercing and tattooing.

20.—(1) (*a*) As from the appointed day in any district a person shall not in that district carry on the practice of acupuncture or the business of ear-piercing or tattooing unless he is registered by the district council under this section in respect of that practice or business and he shall not carry on that practice or business on premises occupied by him unless the premises are so registered.

(*b*) Different appointed days may be fixed for the different kinds of practice or business to which this section applies.

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

(3) The district council may make byelaws for the purpose of securing—

(*a*) the cleanliness of premises required to be 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;

and different provisions may be made by such byelaws as respects different kinds of practice or business to which this section applies.

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) Any person who contravenes any byelaws made under subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and, if he is registered under this section, the court by which he is convicted may, instead of, or in addition to, imposing a fine, order the

PART IV —*cont.*

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 subsection (5) above may suspend the operation of the order until the expiration of the period prescribed under section 14 of the Courts Act 1971 for giving notice of appeal to the Crown Court: 1971 c. 23.

Provided that if notice of appeal is given within the said period 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) above—

(*a*) he shall within 7 days deliver up to the district council the cancelled certificate of registration, and if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5; and

(*b*) he shall not again be registered by the district council under this section in respect of the practice or business in question except in pursuance of a further order of a magistrates' court made on his application.

(8) The occupier of premises registered under this section shall keep a copy of the byelaws made relating to his practice or business of acupuncture, ear-piercing or tattooing as the case may be and of the certificate of registration of the premises issued under this section displayed in the premises and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(9) Nothing in this section shall extend to the practice of acupuncture or the business of ear-piercing or tattooing by or under the supervision of a registered medical practitioner or to the practice of acupuncture by a dentist registered under the Dentists Act 1957 or to premises, on which the practice of acupuncture or the business of ear-piercing or tattooing, as the case may be, is carried on by or under the supervision of such a person. 1957 c. 28.

(10) In this section " premises " includes a stall or vehicle.

Registration of eating houses.

21.—(1) As from the appointed day in any district no premises in that district which were not used as an eating house immediately before the appointed day shall be so used unless such premises are registered with the district council by the occupier thereof.

PART IV —*cont.*

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

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

(4) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

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

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

(*b*) used as railway refreshment rooms; or

(*c*) required to be registered under section 16 of the Act of 1955.

Registration of hawkers of food and their premises.

22.—(1) As from the appointed day in any district—

(*a*) no person shall for private gain sell, offer or expose for sale in the district any food from a stall or container unless he is registered by the district council;

(*b*) no premises in the district shall be used as storage accommodation for any food intended for sale for private gain from a stall or container unless the premises are registered by the district council.

(2) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) (*a*) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(*b*) Any such application shall be accompanied by such particulars as to the applicant or the premises, as the case may be, and otherwise, as the district council may reasonably require, including particulars as to any vehicle, receptacle or stand to be used by the applicant.

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

(4) The district council shall keep a register of the persons and premises registered under this section.

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(5) This section shall not apply to—

(*a*) the sale or offer or exposure for sale of food by a person in an open shop, or to the use by any person in connection with such a shop, of any premises as storage accommodation for food intended for sale;

(*b*) the sale or offer or exposure for sale of food by a dairyman registered under regulations in force under Part II of the Act of 1955, or having effect by virtue of section 136 (2) of and Schedule 12 to that Act as if they had been made under the said Part II, or to any dairy so registered;

(*c*) the sale or offer or exposure for sale of food by any person at any market owned by a district council or at any charter, prescriptive or statutory market not so owned for which such person has paid a toll, stallage or rent, or to the use of any premises in any such market as storage accommodation for food intended for sale by any such person at such market;

(*d*) any premises registered under section 16 of the Act of 1955 or used as a theatre, cinematograph theatre, music hall or concert hall or used as a canteen or refreshment room in or in connection with and for persons employed at a place of work, or to any person in respect of the sale or offer or exposure for sale of any food in any such premises;

(*e*) the sale or offer or exposure for sale from land used for agriculture or horticulture of the produce of that land;

(*f*) the sale or offer or exposure for sale of food contained in containers of such materials and so closed as to exclude all risk of contamination.

(6) In this section—

" container " includes any basket, pail, tray, box or other receptacle of any kind, whether open or closed;

" premises " means a building or part of a building and any forecourt, yard or place of storage used in connection with the building;

" stall " includes any stand, mobile canteen vehicle (whether movable or not) or barrow from which food is sold.

Registration of houseboats.

23.—(1) As from the appointed day in any district in which any of the protected lands are situate it shall not be lawful to keep upon or in such protected lands any houseboat whether or not the same shall have been so kept before the passing of this Act unless the houseboat is registered by the district council.

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(2) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) (*a*) An application for registration shall be made by the owner or occupier or intending owner or occupier of the houseboat and shall be accompanied by such particulars as to the applicant and the houseboat, as the district council may reasonably require including particulars as to the location or intended location of the houseboat.

(*b*) On application for registration under this section the district council shall register the houseboat and shall issue to the applicant a certificate of registration.

(4) The district council shall keep a register of houseboats registered under this section.

(5) In this section—

" houseboat " includes any vessel used or intended for use as a place of habitation or as a place for recreation, entertainment or refreshment or as club premises or offices, but does not include any ship registered under the Merchant Shipping Act 1894 or any vessel bona fide used for navigation;

1894 c. 60.

" protected lands " means any foreshore and any rivers, creeks or watercourses within the area comprising the port health district within which the Rochester upon Medway Borough Council exercise jurisdiction as port health authority under the Rochester Port Orders 1887 and 1938 or within the district of Swale.

Extension of summary power to remedy stopped-up drains.

24. Section 17 of the Act of 1961 shall have effect in the county as if after the word " water-closet " there were inserted the words " waste pipe " and as if after the words " stopped up " there were inserted the words " or otherwise defective ".

Amendment of section 18 of Act of 1961.

25. In its application to a district, section 18 of the Act of 1961 (repair of drains and sewers) shall have effect as if in subsection (1)—

(*a*) for the words " fifty pounds " in both places where they occur there were substituted the words " two hundred and fifty pounds ";

(*b*) for the words " two pounds " there were substituted the words " twenty-five pounds ".

PART V

PUBLIC ORDER AND PUBLIC SAFETY

Enforcement of byelaws.

26. Nothing in section 298 of the Act of 1936 or any other enactment prohibits a constable from taking proceedings in respect of an offence consisting of a breach of byelaws made by a local authority or parish council.

PART V —*cont.*

Control of demolitions.

27.—(1) As from the appointed day in a district, section 29 of the Act of 1961 (requirements on demolition of buildings) shall have effect as if—

(*a*) for the words in subsection (3) preceding the proviso there were substituted the following:—

" No person shall, without the consent of the local authority, undertake a demolition to which subsection (1) of this section applies unless—

(*a*) a notice specifying the building and the works of demolition intended to be carried out has been given to the local authority, and

(*b*) the local authority have served on the person undertaking the demolition a notice under subsection (1) of this section or twenty-eight days have elapsed since the giving of notice under paragraph (*a*) of this subsection,

and a person contravening this subsection shall be liable to a fine not exceeding £500.";

(*b*) after subsection (3) there were inserted the following subsection:—

" (3A) More than one notice may be served under subsection (1) of this section in respect of any demolition but a second or subsequent notice shall not expressly or by implication contain a requirement incompatible with one contained in a previous notice.";

(*c*) at the end of subsection (5) (*b*) there were inserted the words " and to make good any damage to adjacent premises ";

(*d*) for subsection (5) (*d*) and (*e*) there were substituted—

" (*d*) to disconnect and seal at such points as the local authority may reasonably require any sewer, drain or water or gas pipe in or under the building to be demolished,

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

(*e*) at the end of subsection (5) there were added—

" (*g*) to take such precautions as the local authority may after consultation with the fire authority reasonably require with regard to the burning on the site of materials or rubbish or of any structure,

PART V
—cont.

(*h*) to maintain watch on the site at all times during the course of the demolition,

(*i*) to make arrangements with the electricity undertakers for the disconnection of the supply of electricity to the building to be demolished,

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may prescribe the manner in which, and the conditions subject to which, the demolition is to be undertaken and the condition in which the site is to be left on completion.

(5A) A notice served under subsection (1) of this section within twenty-eight days after the giving of notice under paragraph (*a*) of subsection (3) of this section may also require part of the demolition to be deferred, but not beyond the expiry of the period for serving notice specified in subsection (4) of this section.";

(*f*) in subsection (6) after the word " under " there were inserted the words " paragraph (*b*), except so far as it relates to the weatherproofing of surfaces, or ";

(*g*) in subsection (7) after the word " from " there were inserted the letter " (*a*) " and at the end of the subsection there were added—

" or

(*b*) any obligations with respect to the disconnection, removal or other alteration of a gas pipe under any regulations having effect under section 31 of the Gas Act, 1972,

1972 c. 60.

and nothing in this section shall be construed as authorising any person to cut, alter or otherwise interfere with any electric line or apparatus of any statutory undertakers authorised to carry on an electricity undertaking.";

(*h*) after subsection (7) there were inserted the following subsection:—

" (7A) Where the local authority serve notice of a requirement for the disconnection or removal of any sewer or water or gas pipe belonging to, or maintained or used by statutory undertakers, or in respect of the disconnection of the supply of electricity they shall send a copy of the notice, so far as it relates to that requirement, to the statutory undertakers.";

(*i*) in subsection (9) at the beginning there were inserted the words " Subject to subsection (9A) of this section " and

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after that subsection there were inserted the following subsection:—

" (9A) In relation to any requirement of a notice under subsection (1) of this section requiring deferment as provided in subsection (5A) of this section, section 290 of the Public Health Act 1936 shall have effect subject to such modifications as are necessary and to the insertion at the end of subsection (6) of the words " but in any proceedings for an offence under this subsection it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. ";

1936 c. 49.

and

(*j*) in subsection (10) (*b*), after the word " weatherproofed ", there were inserted the words " or any damage to any adjacent premises to be made good,", and at the end there were added the words " or of making good that damage ".

(2) Section 29 of the Act of 1961, (except subsection (12) thereof which is spent) is set out in Part II of Schedule 1 to this Act as that section has effect in accordance with subsection (1) above.

Protection of damaged buildings.

28.—(1) Where it appears to a district council that a building in their district is, by reason of damage to the building, not secured against entry by trespassers the district council may do such things in remedy of the damage as are reasonably required to render the building secure and recover from the owner or occupier the expenses reasonably incurred by them in so doing.

(2) The district council shall not exercise their powers under subsection (1) above without the consent of the owner or occupier of the building unless, having regard to all the circumstances, it is not reasonably practicable to communicate with him within a reasonable time.

(3) Nothing in this section shall apply to premises to which section 8 of the Act of 1976 applies (unoccupied houses subject to closing orders or undertakings against use for human habitation).

Securing unoccupied buildings.

29.—(1) If it appears to a district council that any unoccupied building in the district is derelict and is not effectively secured against unauthorised entry and, by reason thereof, is a cause of annoyance to the inhabitants of any part of the district, the district council may, after giving to each person who is an owner of the building not less than 48 hours' notice that they propose to do so, do such works in connection with the building as may be reason-

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ably necessary for the purpose of preventing unauthorised entry to the building.

(2) This section does not apply to a building in respect of which there is in force such an undertaking or closing order as is mentioned in section 8 of the Act of 1976.

(3) (*a*) Where the district council do any works in connection with any building under subsection (1) above, they may recover the expenses reasonably incurred in so doing from any person on whom notice of the proposal to do those works was served under that subsection.

(*b*) In proceedings to recover expenses under this subsection the court may inquire whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings and, subject as provided in paragraph (*c*) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

(*c*) The court shall not order the expenses or any part of them to be borne—

(i) by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard; or

(ii) by any person for whom the district council are, by any statutory provision, required to provide housing accommodation.

(4) (*a*) When a district council give notice under subsection (1) above they shall at the same time send to the electricity board a copy of the notice.

(*b*) Nothing in this section shall prejudice the rights of statutory undertakers to enter upon a building in exercise of their statutory powers in that behalf but, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, any such undertakers, in exercising their powers of entry in respect of any unoccupied building, shall ensure that it is not left less secure against unauthorised entry by reason of the exercise of those powers.

Closing of flood doors.

30.—(1) The provisions of this section shall have effect for the prevention of tidal flooding through such an opening as is described in subsection (2) below in flood protection works in the county.

(2) The opening referred to in subsection (1) above is one which is furnished with a door or gate or dam boards or any similar structure (hereinafter referred to as " flood doors ") for closure of the opening against flooding.

PART V —*cont.*

(3) The district council may by notice give directions to the occupier of any land or premises in their district on which is situated an opening as aforesaid to close the flood doors, and keep them securely closed throughout such periods, as may be specified in the notice and in particular to keep the flood doors securely closed whenever necessary for preventing the entry of tidal waters:

Provided that in giving any notice under this section to the generating board in respect of any such opening as is maintained by that board for the purposes of the cooling water system of an electricity generating station, the district council shall have proper regard to the need for securing that compliance with the directions given in the notice will cause no unnecessary interference with the generation of electricity at such generating station.

(4) If the flood doors have not been closed and kept securely closed in compliance with directions given under this section, then—

(*a*) without prejudice to any right of entry conferred under any other enactment, any person duly authorised by the district council who gave the directions may enter and close the flood doors or cause them to be closed;

(*b*) the occupier of the said land or premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(5) The district council may from time to time by notice to the occupier of the land or premises alter or revoke any directions given by them under subsection (3) above.

(6) Any person aggrieved by any directions of the district council under subsection (3) above or by any alteration or revocation of such directions may appeal to a magistrates' court on the grounds that the directions are unreasonable in character or extent and on the hearing of any such appeal the court may confirm, vary or amend the directions or alteration or revocation thereof which is the subject of the appeal.

(7) (*a*) The occupier of any land or premises to whom directions have been given by notice under this section shall keep a copy of such directions displayed in a conspicuous position on the land or premises.

(*b*) An occupier who without reasonable excuse fails to comply with the requirements of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(8) Any directions given under this section shall be a local land charge, and shall be binding upon the occupier for the time being of the land or premises.

PART V —*cont.*

Control of fly-posting.

31. A district council may remove or obliterate any bill, placard or poster which has been posted in contravention of any regulations made or having effect as if made under sections 63 and 109 of the Act of 1971.

Trespass on school and sports premises.

32.—(1) This section applies to—

(*a*) premises, including playing fields and premises providing other outdoor recreational facilities, of a county or voluntary school or other school or college including an establishment of further education, being premises maintained in whole or in part by a local education authority in the county but, as respects premises of a voluntary school (other than detached playing fields provided by the local education authority) only with the written consent of the governors;

(*b*) premises of a local authority or parish council being a playground, playing field or premises provided by the authority or council under paragraph (*a*), (*b*), (*c*) or (*d*) of section 19 (1) of the Act of 1976 or facilities by way of parking spaces provided under paragraph (*f*) of the said section 19 (1).

(2) It is an offence to remain on premises to which this section applies after being requested to leave them or, without lawful authority to be on such premises within one month after being so requested.

(3) A person does not commit an offence under this section unless there is displayed on the playground, playing field or other premises, a notice setting out the effect of this section.

(4) A person committing an offence under this section—

(*a*) may be removed from the premises concerned;

(*b*) shall be liable on summary conviction to a fine not exceeding £50.

Touting, hawking, photo-graphing, etc.

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

(*a*) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;

(*b*) a street or esplanade, parade, promenade, marine drive or way to which the public commonly have access, whether or not as of right;

(*c*) the seashore:

PART V —*cont.*

Provided that the district council shall not designate—

(i) for the purpose of subsection (2) (*b*) below, any street which is a licensed traders' street or a prohibited street under Part VI (Street trading) of this Act or any highway specified in a control order under section 7 of the Act of 1976; or

(ii) for the purpose of subsection (2) (*c*) (ii) below, any street.

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

(*a*) gives reasonable cause for annoyance to any person by touting for a hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage, public service vehicle or other conveyance or for a ship or boat; or

(*b*) without the consent of the district council or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale any thing; or

(*c*) without the consent of the district council or in breach of any condition subject to which the council's consent is given—

(i) photographs any person by way of trade or business; or

(ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) The conditions of consent referred to in subsection (2) (*b*) and (*c*) above include conditions as to the times or period for which the consent is valid and the payment for the consent of such reasonable fee to cover the expense of the district council in dealing with applications for such consents as the council may by resolution prescribe; and, subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

(4) A person aggrieved by—

(*a*) the withholding by the district council of consent referred to in subsection (2) (*b*) or (*c*) above;

(*b*) the conditions subject to which the council give such consent; or

(*c*) the revocation of such consent under subsection (3) above;

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

PART V —*cont.*

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

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

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

(7) This section shall not prohibit—

(*a*) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;

(*b*) the selling or offering or exposing for sale of any thing to persons on premises fronting on, or adjacent to, a place designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;

(*c*) the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical or carries on a business which consists in, or includes, selling or supplying photographs for such publication;

(*d*) the Wardens and Assistants of Rochester Bridge in the County of Kent, or any person with their consent exercising any rights which they could have exercised if this section had not been enacted;

and the district council shall not withhold their consent under subsection (2) (*b*) above to the selling or offering or exposing for sale by any person of newspapers and periodicals except on the ground that their consent has already been given to a sufficient number of other persons.

PART V —*cont.*

(8) Before giving consent under this section to the hawking, selling or offering or exposing for sale of any thing in a highway, the district council shall consult the highway authority.

(9) Nothing in this section shall apply to any land owned by or vested in the Dover Harbour Board.

PART VI

STREET TRADING

Application, designation of streets and interpretation of Part VI.

34.—(1) This Part shall apply in any district as from the appointed day.

(2) For the purpose of controlling street trading in the district the district council may, by resolution passed in accordance with this Part, designate any street in the district—

(*a*) as a prohibited street, that is to say, a street in which street trading is unlawful; or

(*b*) as a licensed traders' street, that is to say, a street in which street trading is unlawful except by a person holding a street trader's licence granted to him under this Part.

(3) A designation made under subsection (2) above may be varied or rescinded by resolution and the provisions of this Part shall apply to any such resolution to vary or rescind the designation of a prohibited street or licensed traders' street as they apply to the resolution for the original designation.

(4) In this Part—

" container " includes anything other than a stall used for the display of any thing;

" licensee " means the holder of a street trader's licence;

" stall " includes a barrow or other vehicle;

" street trading " means selling or offering or exposing for sale any thing in a street.

(5) References in this Part to application for, or grant of, a street trader's licence include references to application for, or grant of, the renewal of a street trader's licence.

Resolution to prohibit or control street trading.

35.—(1) Where the district council propose to pass a resolution under this section to designate any street in the district as a prohibited street or licensed traders' street they shall publish notice of their proposal containing a draft of the resolution—

(*a*) by sending it to the highway authority and the chief officer of police;

PART VI —*cont.*

(*b*) by advertisement in a newspaper circulating in the district; and

(*c*) by posting it in a conspicuous position at each end of every street referred to in the draft.

(2) The notice shall state that objections to the proposed resolution may be made in writing to the district council before such day, not earlier than 28 days after the council have complied with subsection (1) above, as may be specified in the notice.

(3) The district council shall, after taking into consideration objections made as provided in subsection (2) above—

(*a*) pass a resolution in terms of the draft; or

(*b*) pass a resolution in terms of the draft with modifications, but not so as to add any street to those referred to in the draft nor so as to designate as a prohibited street any street which in the draft was to be designated as a licensed traders' street; or

(*c*) proceed no further on the draft resolution:

Provided that—

(i) they shall not include in the resolution any street belonging to, or maintainable by, the British Railways Board without the consent of that board; and

(ii) they shall not designate any other street as a licensed traders' street without the consent of the highway authority.

(4) Where the district council have passed a resolution under subsection (3) above they shall publish notice of it in the manner required by subsection (1) above for notice of the draft.

(5) A notice published under subsection (4) above shall state the day, not less than 28 days after the district council have complied with that subsection, on which the designations made by the resolution are to take effect; and different days may be stated for different streets.

Application for licence.

36.—(1) The applicant for a street trader's licence shall—

(*a*) state his name and address, the place or places in which, and the days on which and the times at which, he applies to trade and what he applies to sell;

(*b*) describe the stall or container that he proposes to use in his trade;

(*c*) give the district council such other information as they may reasonably require; and

PART VI —*cont.*

(*d*) except on application for the grant of the renewal of a street trader's licence, supply two identical photographs of the applicant.

(2) (*a*) The applicant shall with his application pay such reasonable fee to cover the expense of the district council in dealing with such applications as the council may by resolution prescribe.

(*b*) The district council may dispense with, or reduce, a fee payable under this subsection.

(3) The district council may grant the application, or refuse it, or grant it with modifications relating to the place, the days on and the times at which he may trade, the nature of the trade, or the use of a stall or container.

(4) The grounds upon which the district council may refuse the application or grant it with modifications are that—

(*a*) the applicant is unsuitable by reason of misconduct or incapacity;

(*b*) there is not enough space for street trading as specified in the application without undue inconvenience to persons using the street;

(*c*) in the case of renewal, the applicant has failed to avail himself, or avail himself to a reasonable extent, of the rights conferred by the licence that he holds.

(5) Before exercising the powers conferred by subsection (3) above to refuse the application or grant it with modifications, the district council shall serve on the applicant not less than 14 days' notice of their proposal to exercise them and of their grounds for doing so; and if they propose to exercise those powers on the ground specified in subsection (4) (*a*) above, the notice shall include particulars of the misconduct or incapacity alleged.

(6) If the applicant, within 7 days of service on him of a notice under subsection (5) above, requires the district council to give him an opportunity to be heard in support of his application, the council shall, before exercising the power conferred by subsection (3) above to refuse the application or grant it with modifications, give him an opportunity to be heard by a committee or sub-committee of the district council.

(7) Unless, within 8 weeks after an application has been duly made under this section, the district council have served notice under subsection (5) above, they shall be deemed to have granted the application.

(8) The district council shall notify the applicant of their decision on his application as soon as may be after the proceedings required by subsections (5) and (6) above have been concluded; and, without prejudice to section 124 (Suspension of proceedings

PART VI —*cont.*

pending appeal) of this Act, until such notification the applicant, in the case of renewal, may continue to trade in accordance with his former licence, notwithstanding that it may have expired.

(9) If the district council refuse the application or grant it with modifications, they shall in the notice under subsection (8) above state the grounds upon which they have done so.

Contents of street trader's licence.

37. A street trader's licence shall specify—

(*a*) the name and address of the licensee;

(*b*) the place on which the trading may take place;

(*c*) what the licensee may sell and the days on which and the times at which he may trade;

(*d*) the limitation, if any, of the size and number of any stalls or containers that he may use for trading and any other limitation of the design of such stalls or containers;

(*e*) what obligations, if any, are imposed on the licensee to keep the place at which he trades and its vicinity free of litter and refuse;

(*f*) the charges, if any, that are leviable under section 43 (Charge for street cleansing) of this Act; and

(*g*) any other reasonable requirements of the council, including a requirement that the stalls or containers allowed by the licence shall display the licensee's name or the number of his licence or both.

Duration, revocation and variation of licences.

38.—(1) Subject to subsection (2) below, a street trader's licence shall be for such period, not exceeding 12 months, specified in the licence as the district council may determine.

(2) The district council may—

(*a*) revoke a licence during its currency on the ground that—

(i) the licensee has become unsuitable by reason of misconduct or incapacity; or

(ii) the licensee has failed to avail himself, or to avail himself to a reasonable extent, of his licence; or

(*b*) modify a licence during its currency, so that it is valid for a place, day or time, or for trade of a nature, or for the use of a stall or container, other than that specified in the licence.

(3) Subsections (5), (6), (8) and (9) of section 36 (Application for licence) of this Act shall apply to the exercise of powers conferred by subsection (2) above as they apply to the power to refuse an application for a street trader's licence or to grant it with modifications, and for that purpose shall have effect as if—

(*a*) for references to the applicant and the refusal of his application or the grant of his application with modifications, there were substituted references to the licensee and the revocation of his licence or the modification of his licence;

PART VI —*cont.*

(*b*) for the references to subsection (3) of the said section 36, there were substituted references to subsection (2) above;

(*c*) for the reference to subsection (4) (*a*) of that section, there were substituted a reference to subsection (2) (*a*) (i) above;

(*d*) in subsection (6) the words " in support of his application " were omitted; and

(*e*) in subsection (8) the words " on his application " and the words from " and, without prejudice " to the end were omitted.

Part VI appeals.

39. A person—

(*a*) who has applied for a street trader's licence and whose application has been refused or has been granted with modifications; or

(*b*) whose street trader's licence has been revoked or has been modified;

may appeal to a magistrates' court; and on any such appeal the court may order directions for giving effect to its decision but shall not direct the granting of a licence with modifications, or the restoring of it with modifications, more onerous than the modifications appealed against.

Disqualification of young persons.

40. A street trader's licence granted by the district council to a person who has not attained the age of 17 shall be of no effect.

Employment of assistants.

41.—(1) A licensee may employ, to assist him at the stall or container used for street trading, any assistant or any other licensee.

(2) Nothing in this section shall affect the operation of section 20 of the Children and Young Persons Act 1933 or of any byelaws made under that section. 1933 c. 12.

Consultation with traders, organisations, etc.

42. A district council shall take such steps as they think necessary for affording to any recognised organisation representative of street traders (and to any street trader or other interested party who is not a member of any such organisation) an opportunity to make representations with regard to the nature of the limitations and obligations or other provisions of street traders' licences and to related matters.

Charge for street cleansing.

43. The district council may charge a licensee such sums to cover the expenses of the district council in collecting refuse, street cleansing and providing other services for the administration of street trading under this Part, as the district council may by resolution prescribe; and such charges may—

(*a*) be incorporated in the fee payable under subsection (2) of section 36 (Application for licence) of this Act; or

PART VI —*cont.*

(*b*) be recoverable from the licensee as a simple contract debt.

Offences under Part VI.

44. A person who—

(*a*) engages in street trading in a prohibited street;

(*b*) without a street trader's licence, or contrary to the provisions of such a licence, engages in street trading in a licensed traders' street;

(*c*) on land within 6 metres of a prohibited street or a licensed traders' street, sells or offers or exposes for sale any thing;

(*d*) in support of, or in opposition to, an application for a street trader's licence, or in opposition to, or in support of, a proposal to revoke or modify such a licence, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular; or

(*e*) engages in street trading and, being requested by any proper officer of the district council producing his authority or a constable to give his name and address fails to do so;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Savings for Part VI.

45.—(1) Nothing in this Part shall—

(*a*) prohibit the sale or offering or exposure for sale of any thing in a market or fair held in pursuance of any statute, royal licence, royal charter or letters patent, or as of right from time immemorial;

(*b*) prohibit a person from acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;

1871 c. 96.

(*c*) prohibit the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (street collections);

1916 c. 31.

(*d*) prohibit the doing of anything on land by the owner or occupier of the land or by any person with the consent of the owner or occupier;

(*e*) prohibit the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;

(*f*) prohibit the selling, or the offering or exposing for sale, of any thing to persons on premises fronting on, or adjacent to a street, whether the trading takes place on those premises or in that part of the street on which the premises front or to which they are adjacent;

PART VI —*cont.*

(*g*) prohibit the provision of facilities for recreation or refreshment under section 213 (2) of the Act of 1971 as amended by section 8 (Highway amenities) or structures under section 9 (Power to provide kiosks, etc.) of this Act;

(*h*) in the case of a highway in respect of which a control order is in force under section 7 of the Act of 1976, regulate the sale of any thing as respects which the control order provides that the order is not to apply to it;

(*i*) prohibit the sale, or the offering or exposure for sale, of newspapers in a street if nothing except newspapers is sold or offered or exposed for sale.

(2) Nothing in this Part shall prohibit the sale, or the offering or exposure for sale, of periodicals either alone or with newspapers in a street if the following conditions are satisfied:—

(*a*) that nothing except periodicals either alone or with newspapers is sold or offered or exposed for sale;

(*b*) that no stall or container is used which—

(i) stands on any part of the carriageway of the street; or

(ii) exceeds 1 metre in its vertical, or any horizontal, dimension or a quarter of a square metre in the area covered by it.

PART VII

MARKETS

Part III of Act of 1955 to apply to markets undertakings.

46. Any market carried on by a district council within their district which was not established or acquired under section 49 of the Act of 1955 or any of the enactments mentioned in sub-section (2) of that section shall be deemed to have been acquired by the district council under the said section 49.

Power to compound payment of tolls.

47. A district council may enter into a composition with any person with respect to the payment of any tolls or charges which they may demand under the Act of 1955.

Power of district council to require information.

48.—(1) Subject to the provisions of this section a district council may, by notice served on any person who, whether as principal or as agent, sells in any market carried on by the district council, require him to furnish to them such information, including information as to the quantity and value of articles, commodities or produce dealt in by him, and as to the places of origin of such articles, commodities or produce, as may be necessary for or incidental to the discharge or exercise by the district council of their duties or powers as a market authority:

PART VII —*cont.*

Provided that nothing in this section shall enable the district council to require any person to furnish information except such information as he may possess relating to articles, commodities or produce dealt in by him in the market.

(2) Section 105 (3) of the Act of 1955 shall apply for the purposes of this section as it applies for the purposes of that Act.

As to public meetings, etc.

49. A district council may permit any market place or any lands used for the purposes of any market, and any open land belonging to them adjoining thereto, to be used for public meetings, public services and speaking and public lectures, or for exhibitions, entertainments or amusements or for dancing, and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto, and may make such charges for such use as they may from time to time determine:

Provided that—

(*a*) nothing in this section shall operate to prevent the holding of any market;

(*b*) the powers of this section shall not be exercised in relation to any land forming part of a highway without the consent of the highway authority.

Market byelaws.

50. In addition to and without prejudice to any other powers conferred on a district council by section 61 of the Act of 1955, the district council may make and enforce byelaws with respect to the market for the purpose of preventing the outbreak and spread of fire in the market and, in particular, for that purpose—

(*a*) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;

(*b*) imposing such prohibitions, restrictions or requirements as appear to the district council requisite for securing that no articles, commodities or produce of any description are stored in such manner as to obstruct the use of fire-fighting equipment.

PART VIII

FIRE PRECAUTIONS

Parking places: safety requirements.

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

(*a*) parking space for more than three motor vehicles, being a space of which any part of the floor is situated more than 1·2 metres below the surface of the ground adjoining any wall of the building; or

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

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

(2) Where—

(*a*) plans of any proposed work are deposited with a district council in accordance with building regulations; and

(*b*) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

the district council shall reject the plans unless they are satisfied after consultation with the fire authority and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act (if not the fire authority) that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions specified in their consent with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life. 1928 c. 32.

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

(*a*) construction of the vehicular approaches;

(*b*) means of access for fire brigade appliances and personnel;

(*c*) means of ingress and egress, including the provision of appropriate signs;

(*d*) means of ventilation;

(*e*) safety of electrical, mechanical and heating equipment;

(*f*) provision of an emergency lighting system;

(*g*) fire protection, fire alarms and fire-fighting equipment and appliances; and

(*h*) prevention of the admission to drains of flammable substances.

(4) If the district council consent to the construction, extension or alteration of a building subject to compliance with conditions with respect to any of the matters specified in subsection (3) above they may impose a requirement that the building shall not be used for the parking of vehicles until the conditions have been complied with.

(5) Section 64 (2) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements), shall apply as if this section were a section of the Act of 1936.

PART VIII —*cont.*

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

(7) If any conditions, subject to compliance with which plans have been passed by them under subsection (2) above in respect of the use of a parking place to which this section applies, are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit its use for the parking of vehicles until those conditions have been complied with.

(8) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district—

(*a*) has been first brought into use after the commencement of this Act as a parking place to which this section applies;

(*b*) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and

(*c*) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the district council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (*b*) to (*h*) of subsection (3) above;

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

(i) such conditions with respect to any of those matters as may be specified in the notice; and

(ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(9) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (8) above as if—

(*a*) references in those provisions to that Act included reference to this subsection;

(*b*) for the reference in section 290 of the Act of 1936 to the court there were substituted reference to the Secretary of State; and

(*c*) in section 290 (6) the words from " and without prejudice " to the end were omitted.

PART VIII —*cont.*

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(11) Any person on whom notice is served under subsection (8) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(12) For the purposes of section 287 (1) (*a*) of the Act of 1936 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the district council to enforce.

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

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

Firemen's switches for luminous tube signs.

52.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts, or other equipment so designed; and references in this section to a cut-off switch are, in the case where a transformer is provided to raise the voltage to operate the apparatus, references to a cut-off switch on the low-voltage side of the transformer.

(2) As from the relevant day in the county—

(*a*) no apparatus to which this section applies shall be installed on or in any premises in the county unless it is provided with a cut-off switch; and

(*b*) the switch shall be so placed, and coloured or marked, as to satisfy such reasonable requirements as the fire authority may impose to secure that it shall be readily recognisable by and accessible to firemen.

(3) Not less than six weeks before work is begun to install apparatus to which this section applies on or in any premises, being work begun after the relevant day, the owner or occupier

PART VIII —*cont.*

of the premises shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or marked.

(4) Where notice has been given to the fire authority as required by subsection (3) above, the proposed position, colouring or marking of the switch shall be deemed to satisfy the requirements of the fire authority unless, within 21 days from the date of the service of the notice, the fire authority have served on the owner or occupier a counter-notice stating that their requirements are not satisfied.

(5) Where apparatus to which this section applies, has been installed before the relevant day, the owner or occupier of the premises where it is installed shall, not more than 21 days after the relevant day, give notice to the fire authority stating whether the apparatus is provided with a cut-off switch and, if so, where the switch is placed and how it is coloured or marked.

(6) Where apparatus to which this section applies has been installed before the relevant day the fire authority may serve on the owner or occupier of the premises where it is installed a notice—

(*a*) in the case of apparatus already provided with a cut-off switch, stating that they are not satisfied with the position, colouring or marking of the switch and requiring him, within such period as may be specified in the notice, to take such steps as will secure that the switch will be so placed and coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority; or

(*b*) in the case of apparatus not provided with a cut-off switch requiring him, within such period as may be specified in the notice, to provide a cut-off switch in such a position and so coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority.

(7) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers for a fireman's emergency switch as to position, colour and marking shall for the purposes of this section be deemed to satisfy the requirements of the fire authority.

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

(*a*) reference therein to a local authority included reference to the fire authority; and

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(*b*) in subsection (6), for the words " five hundred pounds and to a further fine not exceeding forty shillings " there were substituted the words " two hundred pounds and to a further fine not exceeding twenty pounds ".

(9) The foregoing provisions of this section shall not apply to apparatus installed or proposed to be installed on or in premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force but, where any apparatus to which this section applies is proposed to be installed on or in any such premises, the owner or occupier of the premises shall, before the apparatus is installed, give notice to the fire authority informing them of the position in which it is proposed to place the cut-off switch and how it is to be coloured or marked.

(10) The owner and the occupier of premises where apparatus to which this section applies is installed which does not comply with subsection (2) above shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(11) Where notice is not given as required by subsection (3), (5) or (9) above, the owner and the occupier of the premises shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(12) (*a*) In proceedings for an offence under this section where the owner and the occupier of the premises in question are both liable to be prosecuted, it shall be a defence for either of them to show that it would have been equitable for the prosecution to be brought only against the other.

(*b*) A person charged shall not be entitled to rely on the defence set out in paragraph (*a*) above unless within a period ending 7 clear days before the hearing he has served on the prosecutor notice in writing of his intention so to do.

(13) In this section " the relevant day " means the forty-second day after the appointed day.

Access for fire brigade.

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

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

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

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

(3) Section 64 (2) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.

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

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

Oil-burning equipment.

54.—(1) In this section—

" apparatus " and " fittings " include pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters;

" boiler " means a boiler, furnace, heater, oven or similar plant;

" oil-burning equipment " means a boiler designed or adapted for the combustion of oil and includes the burners, the storage tanks and the apparatus, fittings, devices and catch-pits and any other equipment used for, or in connection with, the heating of the boiler, but does not include—

(*a*) any such equipment if the tank storage to supply oil to the boiler has a total capacity not exceeding 3,500 litres; or

(*b*) any such equipment for generating electricity forming part of a generating station of the generating board or equipment provided in accordance with proposals approved under section 6 of the Electricity Act 1957;

1957 c. 48.

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

and references to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(2) (*a*) The county council may make byelaws applicable to any district or part thereof for securing that arrangements are

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made for preventing or reducing danger from fire arising in connection with oil-burning equipment installed or placed in any building, or on any land, in the area to which the byelaws apply.

(*b*) Without prejudice to the generality of paragraph (*a*) above, byelaws made under this subsection may include provisions prescribing the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment, and the mode of arrangement of any such works, apparatus, fittings and appliances.

(*c*) In relation to byelaws made under this subsection section 236 of the Act of 1972 (procedure for making and confirming byelaws) shall have effect as if in subsection (7), after the word " confirm " where it secondly occurs, there were inserted the words " or confirm with modifications ".

(*d*) If the Secretary of State, on considering byelaws submitted under section 236 of the Act of 1972 as having effect in accordance with paragraph (*c*) above proposes to make a modification which appears to him to be substantial he shall inform the county council and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the county council and by other persons who have been informed of it.

(3) As from the appointed day in any district, being a day not earlier than the day on which byelaws made under subsection (2) above come into operation in the district, any person intending to install or place oil-burning equipment in any building or on any land, in the area of the district to which the byelaws apply, shall give to the district council not less than 14 days' notice of his intention to do so.

(4) (*a*) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and approved by, the district council shall, for the purposes only of this section, be deemed to comply with the appropriate specification for such equipment prescribed in the byelaws in respect of all matters shown in the plans and specifications so passed.

(*b*) If the district council do not, within 8 weeks after the submission of plans and specifications of any oil-burning equipment under this subsection, notify the person who submitted the plans and specifications of their disapproval of the said plans and specifications stating the reasons for their disapproval, they shall be deemed to have approved them.

(5) (*a*) If, on an application made by a person proposing to install or place oil-burning equipment in any building, or on

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any land, in their district for waiver of the specification for such equipment prescribed in the byelaws, the district council, after consultation with the fire authority, are satisfied that proper arrangements will be made for preventing or reducing danger from fire arising in connection with the equipment, they may dispense with, or relax, the requirements of the byelaws and approve the installation or the placing of the equimpent notwithstanding that it does not comply with the specification for such equipment prescribed in the byelaws.

(*b*) If the district council do not, within 8 weeks after the making of an application under this subsection or such longer period as the applicant may in writing allow, notify him of their approval of the application, they shall be deemed to have disapproved it.

(6) (*a*) Any person aggrieved by—

(i) the withholding by the district council of their approval to the installation or placing of oil-burning equipment under subsection (4) above; or

(ii) the disapproval by the district council of an application made under subsection (5) above;

may, within 21 days after the receipt of notification of the disapproval or, as the case may be, after the expiration of the period of 8 weeks specified in subsection (5) (*b*) above, appeal to the Secretary of State stating the grounds of his appeal; and the appellant shall at the same time serve on the district council and the fire authority a copy of that statement.

(*b*) Where an appeal is brought under this subsection the Secretary of State shall take into account any representations made by the appellant, the district council and county council within 21 days after the date of the notice of appeal, and may dismiss or allow the appeal or may vary the decision of the district council 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 district council given under subsection (4) (*a*), or, as the case may be, subsection (5) (*a*) above.

(7) Any person who installs oil-burning equipment in any building or on any land in the area to which byelaws made under subsection (2) above apply without giving such notice as may be required under subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(8) (*a*) Any person who contravenes any byelaw made under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200, and to a daily fine not exceeding £20.

PART VIII —*cont.*

(*b*) In any proceedings for an offence under this subsection it shall be a defence to show that the contravention occurred by reason of the installation or placing of equipment in accordance with any approval given by the district council under subsection (4) or (5) above.

(9) Nothing in this section shall apply to the installation of oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force. 1968 c. 54.

Prescription of signs to be used on certain buildings.

55.—(1) This section applies to any substance likely to involve special hazard to persons engaged in operations for the purposes of the extinction of fire and the protection of life and property in case of fire.

(2) The fire authority may prescribe standard uniform signs or symbols or warning notices, in a form approved by the Secretary of State, clearly indicating the nature of any substance to which this section applies and the danger from fire arising therefrom.

(3) The fire authority may, by notice, require the occupier of any part of a building in the county used for the manufacture or storage of any such substance to affix, within such reasonable time as is specified in the notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice prescribed under subsection (2) above.

(4) Any person who fails to comply with the requirements of the fire authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(5) (*a*) Nothing in this section shall authorise the fire authority to require the generating board or the electricity board to affix on any building or part of a building on operational land (as defined in section 222 of the Act of 1971) any sign, symbol or notice without the consent of the board concerned which consent shall not be unreasonably withheld.

(*b*) Any question whether a consent required by this section has been unreasonably withheld shall be determined by the Secretary of State.

PART IX

STORAGE OF FLAMMABLE MATERIAL

Interpretation of Part IX.

56.—(1) For the purposes of this Part—

(*a*) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;

(*b*) two or more stacks shall be treated as one stack if—

(i) the space between them does not allow free passage between them or is at any point less than 1 metre wide; or

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(ii) they are both within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.

(2) For the purposes of this Part access for the fire brigade is inadequate unless—

(*a*) it is unobstructed; and

(*b*) it is 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

Stacks to which Part IX applies.

57.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if—

(*a*) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and

(*b*) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

(2) The materials referred to in subsection (1) (*a*) above are—

(*a*) paper or cardboard;

(*b*) plastics;

(*c*) rags;

(*d*) rubber, whether natural or synthetic, including rubber tyres; and

(*e*) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

(3) The measurements referred to in subsection (1) (*b*) above are—

(*a*) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—

(i) 3 metres in height;

(ii) 50 cubic metres in capacity;

(*b*) for stacks of any materials not being a stack specified in paragraph (*c*) or (*d*) below, if the conditions specified in subsection (4) below are fulfilled—

(i) 5 metres in height;

(ii) 450 cubic metres in capacity;

(iii) 20 metres in any horizontal dimension;

(iv) 235 square metres in any horizontal section;

(*c*) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—

(i) 5 metres in height;

(ii) 750 cubic metres in capacity;

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(iii) 20 metres in any horizontal dimension;
(iv) 235 square metres in any horizontal section;

(*d*) for stacks consisting wholly of wood, if the conditions specified in subsection (4) below are fulfilled—
(i) 10 metres in height;
(ii) 1,370 cubic metres in capacity;
(iii) 20 metres in any horizontal dimension;
(iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) (*a*) to (*d*) above are—

(*a*) there is no other stack to which this Part applies within 4 metres;

(*b*) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;

(*c*) no street is within 5 metres;

(*d*) none of the following is on the same premises and within 6 metres, namely:—
(i) a furnace or incinerator;
(ii) a building;
(iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;
(iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

(5) A stack is not one to which this Part applies if—

(*a*) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or

(*b*) it forms the load or part of the load of a railway wagon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle or is in a container to be carried on such a wagon, vehicle or trailer; or

(*c*) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit of cargoes, has been unloaded from, or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention

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to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock or quay; or

(*d*) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for the purposes of or in connection with their undertaking.

Unlawful stacks.

58.—(1) Subject to subsection (2) of section 62 (Transitional provisions for Part IX) of this Act, as from the appointed day in the county, it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.

(2) A person making application to the county council for a consent under this section shall provide such information for that purpose (including information about the materials to be stacked, the premises and the undertaking, trade or business conducted on the premises) as the county council may, within 28 days from the date on which the application is made, reasonably require.

(3) Where an application has been made to the county council for their consent under this section and the county council have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the county council shall be deemed to have given their consent without conditions except any that have been accepted in the application.

(4) Where the county council have given a consent under this section to the stacking of materials on any premises—

(*a*) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;

give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and

(*b*) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.

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(5) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the county council to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire fighting, including the provision of water for fire-fighting purposes:

Provided that where, on an application for consent under this section to the stacking of materials the county council are satisfied that by reason of those materials the stack does not create fire risks, the county council shall give their consent unconditionally.

Part IX appeals.

59. A person aggrieved by the county council's refusal of consent, or by any condition imposed on such a consent, under section 58 (Unlawful stacks) of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

Powers of entry for Part IX.

60. The power to enter premises conferred upon duly authorised officers of the county council for the purposes of this Part by section 287 (1) (*a*) of the Act of 1936, as applied by this Act, shall include power to take samples for analysis from any stack on the premises.

Offences under Part IX.

61. Where a stack is on any premises in contravention of subsection (1) of section 58 (Unlawful stacks) of this Act, the owner of the stack, and the occupier of the premises, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Transitional provisions for Part IX.

62.—(1) Where under subsection (5) of section 58 (Unlawful stacks) of this Act the county council impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 58 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the county council may postpone the appointed day in respect of those premises to such

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other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

(3) A person aggrieved by a decision under subsection (2) above may appeal to the Secretary of State.

PART X

LICENSING OF PUBLIC ENTERTAINMENTS

Interpretation and application of Part X and repeal.

63.—(1) In this Part—

"boxing or wrestling entertainment" means public boxing or wrestling or other public entertainment of the like kind;

"entertainment licence" means a licence under this Part to keep or use any place for a boxing or wrestling entertainment or, as the case may be, a music or dancing entertainment; and includes such a licence for occasions specified in the licence (in this Part referred to as "occasional entertainment licence");

"music or dancing entertainment" means public dancing, singing, music or other public entertainment of the like kind;

"specified entertainment" means a boxing or wrestling entertainment or a music or dancing entertainment.

1890 c. 59.

(2) Section 51 of the Public Health Acts Amendment Act 1890 shall not be adopted by a district council and if the said section 51 is in operation in any part of a district immediately before the appointed day fixed for the purposes of this Part in any district, it shall cease to have effect therein.

(3) This Part shall not apply within any part of the county within which the Home Counties (Music and Dancing) Licensing Act 1926 applies.

1926 c. 31.

Licensing of entertainments

64.—(1) Subject to the provisions of this Part, as from the appointed day in a district, no place within the district shall be kept or used for a specified entertainment except as authorised by an entertainment licence.

(2) The district council may, on the application of any person, grant or renew to him an entertainment licence for any place specified in the licence on such terms and conditions as may be so specified.

(3) An application for an entertainment licence shall be accompanied by such plans and particulars as the district council may by resolution prescribe.

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(4) An applicant for an entertainment licence shall give notice of the application to the fire authority and to the chief officer of police and shall give public notice of the application (identifying the place) in such form as the district council may by resolution prescribe—

(*a*) by displaying the notice in a conspicuous position on or near the place for 14 days beginning with the date of the application; and

(*b*) except in the case of application for the renewal of a licence by advertisement in a newspaper circulating in the district published not later than 7 days after the date of the application.

(5) An application for the grant or renewal of an entertainment licence shall not be entertained by the district council unless they are satisfied that the applicant has complied with subsection (4) above in respect of the application.

(6) On considering an application for the grant or renewal of an entertainment licence the district council shall take into consideration any objection made against the application of which notice has, not later than 21 days after the date of the application, been sent to the district council and to the applicant, stating in general terms the grounds of the objection.

(7) Before refusing to grant or renew an entertainment licence, the district council shall give to the applicant an opportunity of appearing before and of being heard by a committee or sub-committee of the council and, if so required by him, the council shall within 7 days after their decision give him notice thereof containing a statement of the grounds upon which it was based.

(8) Applications for entertainment licences shall be determined without undue delay.

(9) An entertainment licence is not required—

(*a*) in respect of a specified entertainment carried on at a pleasure fair within the meaning of section 75 of the Act of 1961;

(*b*) by reason only of the use, for the playing of music or singing, of any place of public religious worship (as defined in section 203 (3) of the Act of 1980) or, if so used as an incident to any religious meeting or service, any other place.

Nature and duration of entertainment licences and conditions.

65.—(1) An entertainment licence shall be for such period, not exceeding 12 months, specified in the licence as the district council may determine or for occasions so specified.

(2) (*a*) With his application for an entertainment licence the applicant shall pay such reasonable fee to cover the expense of the district council in dealing with such applications as the

PART X —*cont.*

council may by resolution prescribe; and different fees may be prescribed for applications of different kinds.

(*b*) No fee shall be payable under this subsection where the application relates to an entertainment which is, in the opinion of the district council, of an educational character or is given for a charitable purpose and in any other case the district council may dispense with, or reduce, the fee.

(3) The district council may on the application of the holder of an entertainment licence, other than an occasional entertainment licence, or of any person to whom he wishes to assign the licence, transfer the licence to that person; and subsections (4) to (8) of section 64 (Licensing of entertainments) of this Act and subsection (2) above shall apply to a transfer as they apply to the grant of an entertainment licence.

(4) Where, before the date of expiry of an entertainment licence, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the district council or until the withdrawal of the application.

(5) Where, before the date of expiry of an entertainment licence, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed or that the applicant for such transfer is carrying on at the place in respect of which the licence was granted the functions to which the licence relates, until the determination of the application by the district council or until the withdrawal of the application.

Offences under Part X.

66. A person who—

(*a*) keeps or uses, or permits the use of, a place contrary to subsection (1) of section 64 (Licensing of entertainments) of this Act; or

(*b*) contravenes, or permits the contravention of, a term or condition specified in an entertainment licence;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Revocation of licences.

67. If the holder of an entertainment licence is convicted of contravention of any terms or conditions on which the licence has been granted, the licence may be revoked by the district council.

Part X appeals.

68. A person aggrieved by a refusal to grant, renew or transfer an entertainment licence, or by any terms or conditions specified in such a licence or by the revocation of such a licence may appeal

PART X —*cont.*

to a magistrates' court; and on any such appeal the court may order the grant, renewal or transfer of the licence, or the grant, renewal or transfer of it on such terms or conditions, not more onerous than those imposed by the district council, as the court thinks fit and make directions for giving effect to its decision.

Part X powers of entry, inspection and examination.

69.—(1) An authorised officer of the district council or any officer of the fire authority in either case on producing if so required a duly authenticated document showing his authority, or any constable, may at all reasonable times enter upon, inspect and examine any place which he has reasonable cause to believe is used or intended to be used for a specified entertainment, for the purpose of ascertaining—

(*a*) whether there is, or has been, in or in connection with the place, a contravention of the provisions of this Part or of any term or condition on which an entertainment licence for that place has been granted; or

(*b*) whether or not circumstances exist which would authorise the district council to take action under this Part.

(2) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to any place for the purposes of this section as they apply to entry to any place for the purposes of subsection (1) of that section.

Extension of general enactments. 1952 c. 68. 1955 c. 20. 1964 c. 26. 1968 c. 54. 1971 c. 40.

70.—(1) Section 7 of the Cinematograph Act 1952, section 4 of, and paragraph 1 of Schedule 3 to, the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955, section 182 (1) of the Licensing Act 1964, section 12 (2) of the Theatres Act 1968 and section 31 of the Fire Precautions Act 1971 (all of which exclude the operation of enactments regulating the use of premises for the provision of entertainments) shall have effect as if the enactments or statutory regulations respectively referred to in those provisions included this Part.

(2) For the purposes of section 1 of the Private Places of Entertainment (Licensing) Act 1967 (power to adopt that Act) this Act shall be deemed to be such an enactment as is referred to in subsection (1) (*d*) of that section. 1967 c. 19.

Devolution of licence under this Part or under Cinematograph Act 1909. 1909 c. 30.

71.—(1) In the event of the death of the holder of an entertainment licence or of a licence under the Cinematograph Act 1909 in respect of premises in a district, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at those premises the functions in respect of which the licence was granted, shall be deemed to be the holder of the licence.

(2) Upon the due constitution of a legal personal representative of the deceased holder of any such licence as is mentioned in subsection (1) above the licence shall be deemed to be granted to that personal representative.

PART XI

CIVIL AVIATION

Interpretation of Part XI.

72. In this Part, unless the subject or context otherwise requires—

"aerodrome" means any aerodrome established by a local authority under the Civil Aviation Act 1949 or any other enactment;

1949 c. 67.

"aircraft noise" means noise attributable to aircraft using an aerodrome;

"the councils" means the local authorities for the time being concerned in the management of the aerodrome and "council" means any one of those authorities.

Aerodrome undertaking.

73.—(1) In connection with any aerodrome established by them a local authority may provide services and facilities and may make reasonable charges in respect of the use of any such services and facilities.

(2) Nothing in subsection (1) above shall authorise a local authority to provide outside any such aerodrome any service for the carriage of passengers by road except a stage carriage service as defined in section 82 of the Public Passenger Vehicles Act 1981 licensed in accordance with that Act.

1981 c. 14.

(3) Without prejudice to their power to manage an undertaking comprising any such aerodrome, and any works or buildings or other accommodation, or any services, facilities or businesses provided in connection therewith, a local authority may, subject to section 19 (6) of the Civil Aviation Act 1949, let the undertaking, or any part of it, on such terms and conditions as they think fit.

Grants towards cost of insulating buildings.

74.—(1) A council may, in accordance with a scheme made by them under the next succeeding section, make grants towards the cost of insulating buildings or parts of buildings against aircraft noise.

1977 c. 42.

(2) The following enactments in the Rent Act 1977 shall have effect as if a reference to this section had been included therein, namely:—

(*a*) paragraph (*a*) of section 33 (1);

(*b*) paragraph (*a*) (i) of section 48 (2).

Schemes for grants towards cost of insulating buildings.

75.—(1) A council may, after consulting the other councils, make a scheme or schemes providing for the making of grants under the last foregoing section in respect of buildings in an area or areas within or outside the county; but a scheme under this section need apply only to such classes of buildings as the council think fit.

PART XI —*cont.*

(2) A scheme under this section shall specify by reference to a map the area or areas in which buildings must be situated for the grants to be payable and shall make provision as to the persons to whom, the expenditure in respect of which, and the rate at which, the grants are to be paid, and may make the payment of any grant dependent upon compliance with such conditions as may be specified in the scheme.

(3) A scheme under this section shall specify a date, not being less than two years after the first publication of the notice referred to in subsection (6) below, not later than which an application may be submitted to the council for the making of a grant.

(4) A scheme under this section shall require the council, in any case where an application for a grant is refused, to give to the applicant at his request a written statement of their reasons for the refusal.

(5) A scheme under this section may make different provision with respect to different areas or different circumstances and may be varied or revoked by a subsequent scheme under this section without prejudice to grants already made.

(6) (*a*) As soon as may be after the making of a scheme under this section the council shall publish once at least in each of two successive weeks in one or more newspapers circulating in the area or areas to which the scheme relates a notice stating the general effect of the scheme and specifying a place or places in the area or areas where a copy of the scheme and of the map therein referred to may be inspected by any person free of charge at all reasonable hours.

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

Orders for insulating new buildings.

76.—(1) Where a council have made a scheme under section 75 (Schemes for grants towards cost of insulating buildings) of this Act in respect of any area or areas they may apply to the Secretary of State for an order requiring provision for insulation against aircraft noise to be made in any building of a class to which the scheme applies which is erected after a date specified in the order (or in any extension of or alteration to any such building made after that date) in the area, or areas, defined in the order by reference to a map, which area, or areas, may comprise the whole or part of the area, or areas, to which the scheme relates.

(2) An application for an order under this section shall be accompanied by a draft of the order which the council desire the Secretary of State to make and a map defining the area, or areas, to which the draft order relates.

PART XI —*cont.*

(3) Before making application to the Secretary of State for an order under this section the council shall publish in each of two successive weeks in one or more newspapers circulating in the area, or areas, proposed to be comprised in the order a notice—

(*a*) stating the general effect of the order;

(*b*) specifying a place in the said area, or areas, where a copy of the draft order and of the relevant map may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice;

(*c*) stating that within the said period any person may by notice to the Secretary of State object to the application.

(4) Any person claiming to be affected by the application may object thereto by sending notice of his objection and of the grounds thereof to the Secretary of State within the period specified in the notice and by sending a copy of the objection and of the grounds thereof to the council.

(5) The Secretary of State may make the order in the terms of the draft or in those terms as modified in such manner as he thinks fit:

Provided that if any objection is duly made as aforesaid by any person appearing to the Secretary of State to be affected by the application and is not withdrawn, the Secretary of State shall not make the order unless he has caused a public local inquiry to be held into the proposed order and has considered the report of the person who held the inquiry.

(6) (*a*) If the Secretary of State makes an order under this section the council shall give notice of the making and of the effect of the order by publishing the same in one or more newspapers circulating in the area, or areas, to which the order relates.

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

(7) Where plans for the erection, extension or alteration of a building in an area to which an order made under this section relates are, in accordance with building regulations, deposited with a local authority, the local authority shall, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless it is shown to them—

(*a*) that satisfactory provision will be made for insulating the building (or, as the case may be, the extension or alteration of the building) against aircraft noise; or

(*b*) that in the case of an extension or alteration no such insulation is necessary.

PART XI —*cont.*

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

(9) In this section " local authority " has the meaning assigned to it by section 270 of the Act of 1972.

PART XII

MISCELLANEOUS

Recovery of rates from tenants and lodgers. 1967 c. 9.

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

Approval of plan to be void after certain interval.

78.—(1) In this section " plans " includes sections, specifications and written particulars and the operations to which this section applies are—

(*a*) the erection of any building; or

(*b*) the making of any structural alteration of, or extension to, a building; or

(*c*) the execution of any works or the installation of any fitting in connection with a building; or

(*d*) the making of any material change of use of a building;

in respect of which planning permission is not required.

(2) As from the appointed day in any district any notice given to or plans deposited with the district council in accordance with building regulations in relation to an operation to which this section applies shall be null and void if the carrying out of the operation specified in such notice or plans be not commenced within three years from the date of such notice or deposit, and at the expiration of that period fresh notice and deposit shall unless the district council otherwise determine be requisite.

(3) The district council shall attach notice of the provisions of this section to every approval of plans relating to an operation to which this section applies given subsequent to the coming into operation of this section.

Replanting of trees in woodlands.

79. In its application in the county the Act of 1971 shall have effect as if—

(1) in section 62 (1) there were deleted the words " other than a tree to which the order applies as part of a woodland "

PART XII —*cont.*

and after the words " order or " there were inserted the words " except in the case of a tree to which the order applies as part of a woodland ";

(2) after subsection (1) of section 62 there were inserted the following subsection:—

" (1A) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the same number of trees removed, uprooted or destroyed either on or near the land in which the trees removed, uprooted or destroyed stood or in such other land as may be agreed between the local planning authority and the owner of the land and in such places as may be designated by the local planning authority.".

Control of brown tail moth.

80.—(1) In this section " the moth " means the brown tail moth (Euproctis chrysorrhoea L.) and includes the eggs, caterpillars and webs or nests thereof.

(2) If it appears to a district council that steps should be taken for the destruction of the moth on any land in their district they may serve on the occupier of the land a notice requiring him to take such reasonable steps for the destruction of the moth as may be specified in the notice.

(3) In addition to, or instead of, serving a notice under subsection (2) above, the district council may themselves take steps for the destruction of the moth, or pay, or contribute towards, the expenses of the occupier in taking the steps required by the notice.

(4) Subsections (2), (3) (except paragraphs (*e*) and (*f*)), (4), (6) and (7) of section 290 of the Act of 1936 (appeals against, and the enforcement of, certain notices under that Act) shall apply to any notice served under subsection (2) above as they apply in relation to the notices mentioned in subsection (1) of that section and as if—

(*a*) the execution of works included the taking of steps for the destruction of the moth; and

(*b*) the following paragraphs were inserted at the end of subsection (3):—

" (*g*) that the taking of the steps required by the notice would be ineffective for the purposes of destruction of the moth in the area in which the land in question is situated;

(*h*) that, having regard to the expense of taking any steps required by the notice, the authority have unreasonably refused to assist in taking those steps or to contribute the whole or part of the cost thereof.".

PART XII —*cont.*

Determination of sums for maintenance.

81. In any case in which the county council are empowered to recover the whole or any part of the cost incurred by them—

(1) in respect of the maintenance or treatment or the maintenance and treatment of any person in any premises which are provided or maintained by the county council or to the cost of the provision or maintenance of which the county council contribute;

(2) in respect of the maintenance of any person in any premises which are not provided or maintained by the county council or to the cost of the provision or maintenance of which the county council do not contribute; or

(3) in respect of the maintenance of any child who is boarded out by the county council in any premises;

the county council for the purpose of ascertaining such cost may determine that two or more such premises (being premises used for comparable purposes) shall be regarded as one and that such cost shall be ascertained by reference to the expenses incurred in respect of such premises regarded as one.

Computer evidence for certain offences.

1964 c. 75.

1968 c. 64.

82.—(1) In any proceedings for an offence under a byelaw made under section 19 of the Public Libraries and Museums Act 1964 relating to the return of a book or other article a statement contained in a document produced by a computer shall be admissible as evidence of any fact stated therein of which direct oral evidence would be admissible, if it is shown that the conditions mentioned in subsection (2) of section 5 of the Civil Evidence Act 1968 are satisfied in relation to the statement and computer in question; and the other provisions of the said section 5 and subsections (1), (2), (3) and (5) of section 6 of that Act shall with any necessary modifications, apply in relation to the giving of evidence in pursuance of this section:

Provided that the court may, if there are special reasons in the particular case, require oral evidence to be given of any matter of which evidence could ordinarily be given by means of a certificate by virtue of the said section 5.

(2) In this section—

" computer " has the meaning assigned by section 5 of the said Act of 1968; and

" document " has the meaning assigned by section 10 of that Act.

PART XII —*cont.*

Proceedings for dog licence offences.

1959 c. 55.

83. In its application to a district the Dog Licences Act 1959 shall have effect as if at the end of subsection (1) of section 15 (proceedings for offences) there were added the words " or an authorised officer of the council of a district ".

Driving of hackney carriages for test and examination purposes.

1847 c. 89.

84. In its application to the county section 46 of the Town Police Clauses Act 1847 shall not apply to a person driving a hackney carriage licensed under that Act while the hackney carriage is being driven for the purpose of or in connection with—

(*a*) a test carried out as to—

(i) the mechanical condition or fitness of the hackney carriage or its equipment; or

(ii) the competence to drive of an applicant for a licence to drive a hackney carriage; or

(*b*) an examination under section 43 of the Road Traffic Act 1972.

1972 c. 20.

Extension of section 268 of Act of 1936 to houseboats.

85. Section 268 of the Act of 1936 (nuisances arising from, and byelaws and other matters relating to tents, vans, sheds or similar structures) shall in its application to the county extend to any houseboat which is used for human habitation on any navigable river as if such houseboat were a structure to which that section applies.

Prohibition of vehicles, etc., on grass margins.

86.—(1) Where a local authority maintain in any street any grass verge which is mown or otherwise kept in an ornamental condition or any garden they may by notice prohibit persons causing or permitting horses, cattle or vehicles to enter, or to be left, thereon.

(2) Any such notice as is referred to in subsection (1) above shall be—

(*a*) indicated by a traffic sign as defined in section 54 of the Road Traffic Regulation Act 1967 and subsection (1) of section 55 of the said Act of 1967 shall have effect as respects the erection and display of the notice by the local authority whether or not that authority is the highway authority for that highway; and

1967 c. 76.

(*b*) conspicuously posted on or in proximity to the grass verge or garden to which it relates;

and if any person without reasonable excuse contravenes a notice so posted he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(3) A prohibition under subsection (1) above shall not extend to entering on or in, or to the leaving of, a vehicle by statutory undertakers where reasonably necessary for the exercise of their statutory powers.

PART XIII

MAIDSTONE PROVISIONS

Interpretation of Part XIII.

87. In this Part—

"the Maidstone Council" means the Maidstone Borough Council;

"the transport undertaking" means the public service vehicle undertaking of the Maidstone Council.

Power to run public service vehicles. 1923 c. xxxi. 1930 c. 43.

88. Notwithstanding the repeal by this Act of section 18 (Power to provide and run omnibuses) of the Maidstone Corporation Act 1923 the Maidstone Council shall continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act 1930 (which authorises the running of public service vehicles by local authorities).

Cloakrooms, etc.

89.—(1) The Maidstone Council may provide cloakrooms and rooms or sheds for the storage of bicycles, tricycles and other vehicles at any depot or building used by them in connection with the transport undertaking and at any places on the routes of the public service vehicles of the Maidstone Council and may make charges for the use of such cloakrooms and sheds and for the deposit of articles and things and bicycles, tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the highway authority.

(2) The powers of this section shall be so exercised as not to render less convenient, so far as is reasonably practicable, the access to—

(*a*) any apparatus belonging to or maintained by the British Gas Corporation;

(*b*) any works or apparatus of the Southern Water Authority.

PART XIV

THANET PROVISIONS

Preliminary

Interpretation and application of Part XIV. 1847 c. 27.

90.—(1) In this Part—

"the Act of 1847" means the Harbours Docks and Piers Clauses Act 1847;

PART XIV —*cont.*

" the company " means the Company of Proprietors of Margate Pier and Harbour;

" the date of transfer " means such date as may be agreed between the Thanet Council and the company for the transfer of the transferred undertaking in pursuance of an agreement entered into under section 92 (Transfer of undertaking) of this Act;

" the harbour " means the harbour of Margate the limits whereof are shown within the black line delineated on the signed map and described in Schedule 2 to this Act;

" the harbour master " means the harbour master of the Thanet Council and includes his authorised deputies and assistants and any person authorised by the Thanet Council to act in that capacity;

" the harbour undertaking " means the transferred undertaking as altered, improved or reconstructed by or under this Act and includes any land for the time being held by the Thanet Council for the purposes of the harbour;

" the signed map " means the map signed in quadruplicate by the Right Honourable the Lord Aberdare the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which map has been deposited in each of the following offices:—

(*a*) the office of the Clerk of the Parliaments, House of Lords;

(*b*) the Private Bill Office of the House of Commons;

(*c*) the principal office of the Thanet Council;

(*d*) the office of the Department of Transport;

" the Thanet Council " means the Thanet District Council;

" the transferred undertaking " means the undertaking of the company as existing on the date of transfer, including—

(*a*) all lands, buildings, works, vessels, plant, railways, apparatus, vehicles, stores and chattels;

(*b*) the benefits of, and liabilities under, all agreements (other than contracts for the employment of employees) in force immediately before the date of transfer;

(*c*) all registers, books of account and vouchers relating thereto, maps, plans, specifications, engineering or other reports and documents;

(*d*) all rights, powers, easements, interests, exemptions and privileges; and

PART XIV —*cont.*

(*e*) all other real and personal property, assets and effects then belonging to, or vested in, the Company as part of their said undertaking;

but excluding any operating revenue, bank balances or cash or other balances as on the date of transfer due and payable to, or in the hands of, the company or their bankers, agents or employees.

(2) Section 99 (Jurisdiction and powers of Thanet Council as harbour authority) and section 100 (Power to lease harbour undertaking) of this Act shall apply from the date of transfer.

(3) If there be any difference between the signed map and the description of the harbour in Schedule 2 to this Act the signed map shall prevail.

Incorporation of Act of 1847.

91.—(1) The provisions of the Act of 1847 (except sections 6 to 13, 16 to 19, 23, 25 and 26, 42, 43, 48 to 50, 84 to 90, 95, 97 to 99 and 101), so far as the same are applicable for the purpose of, and are not inconsistent with, the provisions of this Act are hereby incorporated with and form part of this Act.

(2) In construing the provisions so incorporated the expressions " the promoters of the undertaking " and " the undertakers " shall mean the Thanet Council, the expression " the harbour, dock or pier " shall mean the harbour and the expression " the special Act " shall mean this Act.

Transfer of undertaking

Transfer of undertaking.

92.—(1) The Thanet Council and the company may enter into and carry into effect an agreement for and in relation to the transfer by the company to the Thanet Council of the transferred undertaking and as from the date of transfer the transferred undertaking shall by virtue of this Act and without any deed of conveyance or other assurances become and be vested in the Thanet Council.

(2) The receipt in writing of two directors of the company for any money payable by the Thanet Council to the company in pursuance of any such agreement shall effectually discharge the Thanet Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss, misapplication or non-application thereof and if from any cause the Thanet Council are unable to obtain any such receipt they may lodge the money in the Supreme Court in accordance with rules made under section 7 of the Administration of Justice Act 1965 and a certificate given in accordance with those rules stating that the money has been so lodged shall have the same effect as the receipt of two of the directors of the company.

1965 c. 2.

PART XIV —*cont.*

(3) In the event of the Thanet Council acquiring the transferred undertaking in pursuance of this section the following enactments shall cease to have effect as from the date of transfer:—

1812 c. clxxxvi. (*a*) so much of the Act 52 Geo. 3 Cap. clxxxvi intituled " An Act for separating the Management of the Harbour of Margate, in the County of Kent, from the Paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in a joint Stock Company of Proprietors " as relates to the transferred undertaking;

1826 c. xxxi. (*b*) so much of the Act 7 Geo. 4 Cap. xxxi intituled " An Act to amend an Act for separating the Management of the Harbour of Margate, in the County of Kent, from the Paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in a joint Stock Company of Proprietors " as relates to the transferred undertaking;

(*c*) so much of the Provisional Order for the parish of Saint John the Baptist Margate confirmed by the 1851 c. 98. Public Health Supplemental Act 1851, No. 2 as relates to the transferred undertaking;

1871 c. cxx. (*d*) the Margate Pier and Harbour Act 1871;

1878 c. cxiv. (*e*) the Margate Pier and Harbour Order 1878;

1889 c. cxxxii. (*f*) the Margate Coal Dues Act 1889;

1900 c. cxxxvii. (*g*) the Margate Pier and Harbour Act 1900; and

(*h*) the Pier and Harbour Order (Margate) Confirmation 1958 c. xvii. Act 1958.

(4) Forthwith after the date of transfer the Thanet Council shall give notice thereof in the London Gazette and also in a newspaper circulating in the district of Thanet.

(5) (*a*) From and after the date of transfer the company shall subsist only for the purpose of winding up their affairs and carrying into effect the purposes of this Part so far as they relate to the company and the directors of the company who are in office on the date of transfer and the survivor or survivors of those directors shall continue without re-election to hold office and those directors or a majority of them or, if the liquidator of the company be duly appointed, the liquidator shall have power and authority to take with respect to the company all proceedings necessary for carrying into effect the purposes of this section.

(*b*) The company shall, on publication in a newspaper circulating in the district of Thanet of a notice signed by two or more directors of the company or by the liquidator certifying that all the provisions of this section have been complied with, be dissolved.

PART XIV —*cont.*

Recovery of charges due to company.

93. All charges and moneys which immediately before the date of transfer were due or payable to the company in respect of the transferred undertaking may be levied, collected, sued for and recovered by the Thanet Council in the same manner as they might have been levied, collected, sued for, and recovered by, the company if this Act had not been passed.

Saving of agreements, etc.

94. Except as in this Act otherwise provided all conveyances, grants, assurances, deeds, contracts (other than contracts for the employment of the employees of the company), bonds, agreements and other instruments affecting the transferred undertaking and in force immediately before the date of transfer shall, as from that date, be as binding and of as full force and effect in every respect against or in favour of the Thanet Council and may be enforced as fully and effectually as if, instead of the company, the Thanet Council had been a party thereto or been bound thereby or entitled to the benefit thereof but nothing in this Act or done thereunder shall prejudice or affect the right of the Thanet Council to terminate any such contract, agreement or instrument at such time and in such manner as it might have been terminated if this Act had not been passed.

Continuance of proceedings.

95. Except as otherwise provided in this Act, nothing in this Act shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the date of transfer by, or in favour of, or against the company in relation to the transferred undertaking and any such action, arbitration or proceeding, or cause of action, arbitration or proceeding, pending or existing by, or in favour of, or against the company may be maintained, prosecuted or continued by, or in favour of, or against the Thanet Council as fully and effectually as it could have been maintained, prosecuted or continued by, or in favour of, or against the company if this Act had not been passed.

Books, etc., to remain evidence.

96.—(1) All books and documents which, if this Act had not been passed, would have been evidence in respect of any matter for or against the company in respect of the transferred undertaking shall, on and after the date of transfer, be admitted in evidence in respect of the same or like matter for or against the Thanet Council.

(2) All persons who at the date of transfer have in their possession or under their control any books, documents, papers, money or effects forming part of the transferred undertaking or relating exclusively thereto or to which the company would, but for the transfer of the transferred undertaking to the Thanet Council have been entitled, shall be liable to account for, and

PART XIV —*cont.*

deliver them up to, the Thanet Council or to such person as the Thanet Council may appoint to receive them, and shall be subject to the same consequences on refusal or neglect as if they had been appointed by, and become possessed thereof for, the Thanet Council:

Provided that the company may retain, for the purposes of the winding up of the company, the books, documents and papers which relate exclusively to the shareholders and the constitution of the company.

Existing byelaws to remain in force.

97. All byelaws, rules and regulations made by the company in pursuance of any enactment, whether or not repealed by this Act, and in force immediately before the date of transfer shall, until amended or revoked by the Thanet Council, continue in full force and effect within the area to which they apply immediately before the date of transfer, and such byelaws, rules and regulations may be enforced and all fines incurred thereunder may be recovered in the same manner and to the same effect as byelaws made by the company may be enforced and fines incurred thereunder recovered.

Amendment of accounts regulations.

1964 c. 40.

S.I. 1969/1295.

98. Without prejudice to the power of the Secretary of State to rescind, revoke, vary or amend regulations under section 42 of the Harbours Act 1964, as from the date of transfer, the Statutory Harbour Undertakings (Form of Accounts etc.) (General) Regulations 1969 shall have effect as if in Schedule 1 thereof the reference to the company were omitted.

Functions and powers of Thanet Council as harbour authority

Jurisdiction and powers of Thanet Council as harbour authority.

99.—(1) The Thanet Council are authorised to carry on the transferred undertaking and are constituted the harbour authority for the harbour.

(2) The Thanet Council shall have power—

(*a*) to alter, improve or reconstruct the harbour;

(*b*) to make such reasonable charges for services and facilities provided by them in the harbour as they may from time to time determine.

Power to lease harbour undertaking.

100.—(1) The Thanet Council may with the previous consent in writing of and upon such terms, conditions and restrictions and for such period as may be approved by the Secretary of State lease to any person the harbour undertaking or any part thereof.

(2) As from the commencement of any lease made under subsection (1) above the lessee shall have, during the continuance

PART XIV —*cont.*

of and to the extent provided in the lease, and may, in relation to the harbour undertaking or so much thereof as is the subject of the lease, exercise all or any of the powers conferred upon the Thanet Council by or by virtue of this Part of this Act or which the Thanet Council have or might exercise under this Part of this Act or otherwise as harbour authority and shall be subject to all the liabilities and obligations to which the Thanet Council are subject and shall perform all the duties of the Thanet Council under this Part of this Act in respect of the harbour undertaking or so much thereof as is the subject of the lease.

(3) No lease made under subsection (1) above shall be assignable without the previous consent in writing of the Secretary of State and of the Thanet Council and the provisions of this Part of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Thanet Council shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Department of Transport.

Crown rights.

101.—(1) Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Part of this Act authorises the Thanet Council to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

PART XV

TUNBRIDGE WELLS PROVISIONS

Interpretation of Part XV.

102. In this Part and in Schedule 3 to this Act—

" the Act of 1890 " means the Tunbridge Wells Improvement Act 1890; 1890 c. ccxxxv.

" appointing authority " means each of the persons by whom conservators are appointed in accordance with subsection (2) of section 103 (Constitution of conservators) of this Act;

" the commons " means the Tunbridge Wells Commons delineated and coloured red, blue and green on the plan;

PART XV —*cont.*

" the conservators " means the conservators of the commons constituted by the Act of 1890 and this Act;

" the former borough " means the Royal Borough of Tunbridge Wells as it existed immediately before 1st April 1974;

" the freeholders' committee " means the committee appointed to act on behalf of the freehold tenants of the Manor of Rusthall;

" the Grove " means the land in the former borough described in the indenture of 1703 referred to in the scheduled agreement and known as the Grove or Mount Sion Grove;

" the Lord of the Manor " means the Lord of the Manor of Rusthall for the time being;

" the plan " means the plan deposited for the purposes of the Act of 1890;

" the scheduled agreement " means the agreement set out in Schedule 3 to the Act of 1890;

" the Tunbridge Wells Council " means the Tunbridge Wells Borough Council.

The Commons

Constitution of conservators.

103.—(1) Notwithstanding the repeal of the Act of 1890 the conservators in office at the commencement of this Act shall continue in office until 31st December 1982, the management of the commons shall continue vested in the conservators and they shall exercise the functions assigned to them by this Act.

(2) The conservators shall subject to any casual vacancy consist of 12 persons appointed as follows:—

(*a*) four by the Lord of the Manor, who may nominate himself and his steward and bailiff or any other person as he may think fit;

(*b*) four by the freeholders' committee from among persons whose names appear in the register of freehold tenants of Rusthall Manor directed to be kept by the Rusthall Manor Act 1863;

1863 c. lxxi.

(*c*) four by the Tunbridge Wells Council from among the persons who are members of the Tunbridge Wells Council for wards comprised within the former borough.

(3) The incidental provisions set out in Schedule 3 to this Act shall apply in relation to the conservators.

Appointment of conservators.

104.—(1) Each appointing authority shall not later than 1st December 1982 and not later than 1st December in each third

PART XV —*cont.*

year thereafter make their respective appointments in accordance with subsection (2) of section 103 (Constitution of conservators) of this Act:

Provided that the Tunbridge Wells Council shall make their appointments not later than 1st December in each year.

(2) Each conservator so appointed shall (unless he shall previously die, resign or become disqualified) continue in office from 1st January next following his appointment—

(*a*) in the case of a conservator appointed by the Tunbridge Wells Council for a term of one year; and

(*b*) in the case of any other conservator for a term of three years;

and shall be eligible for reappointment:

Provided that an appointing authority may at any time remove any of the conservators appointed by him or them and appoint another person in his stead for the remainder of the term of office.

Casual vacancies.

105.—(1) A person appointed as a conservator may at any time resign his office by written notice delivered to the clerk to the conservators.

(2) Where any person who is a conservator—

(*a*) ceases to be qualified to be a conservator;

(*b*) dies;

(*c*) ceases to be a conservator by reason of resignation;

the conservators shall forthwith declare his office to be vacant and notify the appointing authority.

(3) A casual vacancy occurring in the office of conservator shall be filled by the appointing authority by whom the conservator was appointed by the appointment of another person to fill the vacancy.

(4) A person appointed under subsection (3) above to fill any casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired and he shall then retire.

Conservators to act gratuitously.

106. No conservator shall receive any remuneration nor may any officer of the Tunbridge Wells Council act as a conservator:

Provided that nothing in this section shall operate to prevent the steward or bailiff of the Lord of the Manor from receiving remuneration or holding any office of profit other than under this Part.

PART XV —*cont.*

Validity of acts done by unqualified persons.

107. The acts and proceedings of any person nominated to the office of conservator and acting in that office shall notwithstanding his disqualification or want of qualification be as valid and effectual as if he had been qualified.

Power to conservators to execute works.

108.—(1) The conservators shall have a duty to maintain and preserve the commons.

(2) The conservators may for the purpose of this Part—

(*a*) execute works of drainage and improvement of the commons;

(*b*) plant trees and enclose such trees with fences of a character as not to be likely to injure animals turned out on the commons;

(*c*) maintain footpaths and provide seats for the public on the commons.

Access to commons.

109. The inhabitants of the borough of Tunbridge Wells shall have free access to and a privilege at all times of playing and attending at games and of enjoying recreation upon the commons without payment but subject to such byelaws and regulations as are hereinafter mentioned and with power for the conservators as they consider expedient—

(1) to set apart any part of the commons for cricket, football, or other games;

(2) to form any cricket, football or other ground and to enclose the same with posts and chains or with open fences so as to prevent cattle straying thereon; and

(3) to prescribe as to the persons who shall use the same for cricket, football or other games and the times when the particular persons may exclusively use the same for cricket, football or other games as aforesaid.

Commons to be preserved from encroachments.

110.—(1) The conservators shall maintain the commons free from all encroachments except as herein provided and also except that they shall have power to permit temporary enclosures to be made and tents or booths to be erected on such occasions as they shall think fit.

(2) It shall not be lawful for any persons other than the conservators without the consent of the conservators in writing to make any temporary or other enclosure of any part of the commons or to put any tents, removable lodges, fences, posts, rails or other matters or things thereon or to make any road or footpath except over such portions of the commons as are coloured red on the plan or to lay any sewer, drain, pipe, waterway or other work of a like nature in or through any part of the commons.

(3) Nothing in this section shall interfere with any right of the water authority to make and maintain such sewers as may be necessary for effectually draining the borough for the purpose of the Public Health Acts or the Water Act 1973.

1973 c. 37.

PART XV —*cont.*

(4) Nothing in this section shall prejudice or affect the rights of the British Gas Corporation under paragraphs 1 and 2 of Schedule 4 to the Gas Act 1972 in respect of the land coloured red on the plan. 1972 c. 60.

Power to make byelaws.

111.—(1) The conservators may make byelaws under this Part for all or any of the following purposes:—

(*a*) for the improvement and management of the commons and the preservation of good order and conduct among persons frequenting them;

(*b*) for the protection of property, trees, shrubs, ferns and other plants and for the protection of paths;

(*c*) for the prevention of nuisances, annoyances, obstructions and encroachments;

(*d*) for the prevention of the deposit of road sand or rubbish or other matter;

(*e*) for the regulation of sports and games played thereon;

(*f*) for the regulation of the use of animals let out for hire thereon and of persons letting out for hire or using animals thereon and in general the regulation of riding on the commons;

(*g*) for the prevention of vehicles, including bicycles, being parked or driven or horses being exercised on any part of the commons not set apart by the conservators for the purpose;

(*h*) for the prohibition and prevention of the fouling of any ornamental or other lakes, ponds or waters, the regulation of skating and sliding thereon, the prevention of the destruction or injury of aquatic or other birds or of other animals or of fish therein;

(*i*) for the prevention of the posting of bills or placards on any wall, railing, fence, tree, lamp-post, walk, pavement or seat or elsewhere and the prevention of the removal of any such wall, railing, fence, tree, lamp-post, walk, pavement or seat;

(*j*) for the regulation and if need be the prohibition of placing, drying or bleaching of clothes, household linen or other materials or things and the beating and cleansing of carpets or like articles;

(*k*) for the temporary enclosure except on Christmas Day, Good Friday and Sundays of portions of the commons not exceeding six days at a time for the protection and renewal of the herbage thereon;

(*l*) for the prevention of all acts and things tending to the injury or disfigurement of the commons or the interference with the use thereof by the public for purposes of exercise and recreation.

PART XV —*cont.*

(2) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding £50.

(3) Subsections (3) to (9) and (11) of section 236 and section 238 of the Act of 1972 shall apply and have effect with respect to byelaws made by the conservators under this section as they apply to byelaws made by a district council, as if references—

(*a*) to the authority by whom the byelaws are made, to a district council or to the local authority were in each case to the conservators;

(*b*) to the area to which the byelaws are to apply were to the commons;

(*c*) to the proper officer of a district council were to the clerk to the conservators.

Power to appoint officers.

112. The conservators may appoint officers for securing the observance of this Part and of the byelaws made thereunder.

Rights of Lord of the Manor.

113.—(1) If any tree on the commons falls or is felled by the conservators the tree shall thereupon become the property of the Lord of the Manor.

(2) The Lord of the Manor may trim or brush up the branches of any tree which may obstruct the access of light to or overhang or be otherwise prejudicial to any house of his on the commons.

Savings.

114. Nothing in this Part shall—

(1) be construed as placing under the care of the conservators any highway on or across the commons;

(2) affect the land delineated and coloured brown on the plan and such land shall not in any way be subject to the jurisdiction of the conservators nor be under their control or management;

(3) prejudicially affect any estate, interest or right of a profitable or beneficial nature, in, over or affecting the commons or any part thereof as subsisting at the commencement of this Act or which could or might have been enjoyed if this Act had not been passed.

Expenses of conservators.

115.—(1) The Tunbridge Wells Council shall pay yearly to the conservators the requisite sum to enable the conservators to defray the expense of discharging their functions under this Part.

(2) Before 1st January in each year the conservators shall issue to the Tunbridge Wells Council a precept for the requisite sum required for the financial year beginning 1st April next following.

PART XV —*cont.*

(3) The requisite sum shall be payable half-yearly by equal instalments on 1st July and 1st January in each financial year.

(4) In this section—

" financial year " means a period of 12 months ending on 31st March;

" the requisite sum " means the sum estimated by the conservators to be the sum required to meet their expenditure under this Part in the financial year following the issue of a precept made under subsection (2) above after taking into consideration any money in the hands of the conservators or likely to come into the hands of the conservators during that financial year but shall not in any financial year exceed the product of a rate of 0·3p in the pound, or such greater sum as the Tunbridge Wells Council may by resolution approve, as estimated or calculated for the purposes of section 12 of the General Rate Act 1967. 1967 c. 9.

Accounts and audit.

116.—(1) The conservators shall cause to be kept proper accounts of all sums received or paid by them and proper records in relation to those accounts.

(2) The provisions of sections 154 to 167 of the Act of 1972 except subsections (1) and (2) of section 154 shall with all necessary modifications extend and apply to the conservators as if—

(*a*) the conservators were a parish council;

(*b*) the provisions of this section were provisions of section 154 of the Act of 1972;

(*c*) references in section 159 (2) and (3) of the Act of 1972 to " any area to which those accounts relate ", in section 165 (1) (*a*) to " the area of any body whose accounts are required to be audited in accordance with this Part of this Act " and in section 166 (1) (*c*) of that Act to " the area of that body " were references to " the borough of Tunbridge Wells "; and

(*d*) references in section 165 of the Act of 1972 to " any such body " and " that body " were references to " the conservators ".

The Grove

As to the Grove.

117.—(1) Notwithstanding the repeal of Part XIII of the Act of 1890 and of the scheduled agreement the Grove shall continue to be deemed to be a public pleasure ground within the meaning of section 164 of the Public Health Act 1875 subject to the trusts mentioned in subsection (2) below being the trusts expressed and declared in the indenture of 1703 referred to in the scheduled agreement as varied by the scheduled agreement. 1875 c. 55.

PART XV —*cont.*

(2) The trusts referred to in subsection (1) above, subject to which the Grove is vested in the Tunbridge Wells Council are—

(*a*) to hold and maintain the Grove as a place of public resort and recreation for the benefit of the inhabitants of the town of Royal Tunbridge Wells and the public generally;

(*b*) not to cut down the trees growing or to grow on the Grove nor to convert the Grove or the said trees for any private use, but to preserve the same as a grove and shady walk for the use of the inhabitants of the town of Royal Tunbridge Wells and the public generally;

(*c*) to preserve the Grove and to prevent and remedy all trespasses, encroachments and nuisances thereon.

(3) No building or structure of any description other than a caretaker's lodge with the necessary fences thereto shall be erected on the Grove.

PART XVI
GENERAL

Disputes about compensation.

118.—(1) Any dispute arising on a claim for compensation under this Act, being a dispute for the determination of which no other provision is made by or under this or any other Act, shall be determined, if the parties so agree, by arbitration, or, in default of agreement, by a county court.

(2) A county court shall have jurisdiction to deal with any dispute which by virtue of subsection (1) above is to be determined by such a court notwithstanding that, by reason of the amount of the claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

1959 c. 22.

(3) Nothing in this section shall prejudice the operation of section 115 of the County Courts Act 1959 (removal into the High Court of proceedings commenced in a county court).

Local inquiries.

119. A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Saving for conduct of business, practice or use of premises.

120. Where under any provision of this Act the licence or consent of a local authority for the carrying on of any business or practice or the use of premises for any purpose is required as from an appointed day, it shall be lawful for any person who—

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

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

to continue to carry on that business or practice or, as the case may be, to use those premises for that purpose, until he is notified

of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 124 (Suspension of proceedings pending appeal) of this Act.

Arbitration.

121. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed on the application of either party to the dispute after notice in writing to the other by the President of the Institution of Civil Engineers.

Appeals to magistrates' court.

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

Appeals to Secretary of State.

123.—(1) On an appeal to the Secretary of State under any provision of this Act mentioned in subsection (2) below, the Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

In section 51 (Parking places: safety requirements), subsection (6);

Section 59 (Part IX appeals);

In section 62 (Transitional provisions for Part IX), subsection (3).

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and, in the case of any appeal under the said section 59 may give directions for the granting of a consent unconditionally or subject to such conditions as the county council would have been entitled to impose under section 58 (Unlawful stacks) of this Act.

(4) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the local authority may appeal to the High Court against the decision on a point of law.

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act 1925 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

1925 c. 49.

PART XVI —*cont.*

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

Suspension of proceedings pending appeal.

124. Where a requirement, refusal or other decision of a local authority against which a right of appeal is conferred by this Act—

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

(*b*) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

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

(i) no proceedings shall be taken in respect of any failure to execute the work or to take the action, nor shall the local authority themselves execute the work or take the action; and

(ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

Restriction on right to prosecute.

125. The written consent of the Attorney-General is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, a parish council or a constable.

Liability of directors, etc.

126.—(1) Where an offence under this Act, or against any byelaw made under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

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

Penalty for obstruction.

127. Any person who intentionally obstructs any officer of a local authority or a parish council acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

PART XVI —*cont.*

Defence of due diligence.

128.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

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

Section 14 (Dust, etc., from building operations);
Section 20 (Acupuncture, ear-piercing and tattooing);
Section 21 (Registration of eating houses);
Paragraph (*a*) of subsection (1) of section 22 (Registration of hawkers of food and their premises);
Section 23 (Registration of houseboats);
Section 30 (Closing of flood doors);
Section 33 (Touting, hawking, photographing, etc.);
Paragraphs (*a*) to (*c*) of section 44 (Offences under Part VI);
Part VIII (Fire precautions);
Section 58 (Unlawful stacks);
Section 66 (Offences under Part X);
Section 132 (Tidal works).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

Application of general provisions of Act of 1936

129.—(1) The sections of the Act of 1936 mentioned in Schedule 4 to this Act shall have effect as if references therein to that Act included references to this Act.

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

Section 14 (Dust, etc., from building operations);
Section 15 (Power to order alteration of chimneys);
Section 16 (Urgent repairs to supply pipes and water fittings);
Section 19 (Hairdressers and barbers);
Section 20 (Acupuncture, ear-piercing and tattooing);
Section 21 (Registration of eating houses);
Section 22 (Registration of hawkers of food and their premises);
Section 28 (Protection of damaged buildings);
Section 29 (Securing unoccupied buildings);

PART XVI —*cont.*

Section 30 (Closing of flood doors);
Section 31 (Control of fly-posting);
Section 51 (Parking places: safety requirements);
Section 52 (Firemen's switches for luminous tube signs);
Section 54 (Oil-burning equipment);
Part IX (Storage of flammable material);
Section 80 (Control of brown tail moth):

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

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

130.—(1) In the Health and Safety at Work etc. Act 1974—

(*a*) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;

(*b*) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

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

Section 14 (Dust, etc., from building operations);
Section 27 (Control of demolitions);
Section 54 (Oil-burning equipment).

Saving for Fire Precautions Act 1971. 1971 c. 40.

131. Subsection (2) of section 30 of the Fire Precautions Act 1971 (avoidance of duplication by local Act provisions) shall apply to this Act as if passed before the coming into operation of that subsection.

Tidal works.

132.—(1) The following provisions in this section shall apply to tidal works, that is to say, works on, under or over tidal waters or tidal lands below the level of mean high-water springs, authorised by the following enactments:—

1871 c. cxx. (*a*) Margate Pier and Harbour Act 1871;

1877 c. cxiii. (*b*) Dover Corporation (Sea Defences) Act 1877;

1877 c. ccvii. (*c*) Margate Extension and Improvement Act 1877;

PART XVI —*cont.*

(*d*) Margate Pier and Harbour Order 1878; 1878 c. cxiv.
(*e*) Margate Pier and Harbour Act 1900; 1900 c. cxxxvii.
(*f*) Margate Corporation Act 1900; 1900 c. ccl.
(*g*) Margate Corporation Act 1926; 1926 c. lxxxi.

in substitution for statutory provisions repealed by this Act relating to the lighting, survey, abandonment or decay of, and injury to, those works, each of which is in this section referred to as " tidal work " and in respect of tidal works authorised by the enactments mentioned in paragraphs (*a*), (*d*) and (*e*), the following provisions of this Act shall have effect from the date of transfer as defined in section 90 (Interpretation and application of Part XIV) of this Act.

(2) (*a*) In case of injury to or destruction or decay of a tidal work, or any part thereof, the owners of the work shall forthwith notify the Corporation of Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the said corporation shall from time to time direct.

(*b*) If the owners fail to notify the Corporation of Trinity House as required by this subsection or to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) (*a*) This subsection does not apply to the tidal works authorised by the Dover Corporation (Sea Defences) Act 1877. 1877 c. cxiii.

(*b*) The owners of a tidal work to which this subsection applies shall at the outer extremity of that work exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House shall from time to time direct.

(*c*) If the owners fail to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(4) (*a*) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the owners of the work at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(*b*) Where a work consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water

PART XVI —*cont.*

springs is in such condition as to interfere, or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work or any portion thereof in any notice under this subsection.

(*c*) If, on the expiration of 30 days after the date when a notice under this subsection is served upon the owners, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the owners as a simple contract debt.

(5) The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the owners of the work as a simple contract debt.

(6) In this section " the statutory maximum " means the prescribed sum as defined in section 32 (9) of the Magistrates' Courts Act 1980.

1980 c. 43.

Transitional provisions, savings and repeals.

133.—(1) The transitional provisions and savings in Schedule 5 to this Act shall have effect.

(2) (*a*) Subject to the provisions of the said Schedule 5—

(i) the enactments specified in column (1) of Schedule 6 to this Act shall continue to have effect to the extent specified in column (2) of that Schedule and to that extent section 262 (9) of the Act of 1972 shall not apply to those enactments;

(ii) the Acts specified in column (1) of Part I of Schedule 7 to this Act and the confirmation Acts and Orders specified in column (1) of Part II of that Schedule are hereby repealed to the extent mentioned in column (2) of that Schedule;

(iii) the Acts specified in column (1) of Part I of Schedule 8 to this Act and the confirmation Acts and Orders specified in column (1) of Part II of that Schedule are as from the date of transfer hereby repealed to the extent mentioned in column (2) of that Schedule.

(*b*) In this subsection " the date of transfer " has the meaning given by section 90 (Interpretation and application of Part XIV) of this Act.

(3) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.

(4) The inclusion in this Act of any express transitional provision, saving or amendment shall not be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (effect of repeals).

1978 c. 30.

SCHEDULES

SCHEDULE 1

PART I

Section 17.

SECTION 3 OF THE DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 17 (CONTROL OF STRAY DOGS) OF THIS ACT

1906 c. 32.

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

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

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

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or

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

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

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

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

SCH. 1 —*cont.*

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

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

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

Section 27.

PART II

SECTION 29 OF THE ACT OF 1961 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 27 (CONTROL OF DEMOLITIONS) OF THIS ACT

29.—(1) Subject to the provisions of this section, a local authority may serve a notice under this section on any person who undertakes the demolition of the whole or of part of a building.

(2) Subsection (1) of this section shall not apply to the demolition—

(*a*) of an internal part of a building where the building is occupied, and it is intended that it should continue to be occupied, or

(*b*) of a building which has a cubic content (as ascertained by external measurement) of not more than one thousand seven hundred and fifty cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building, of that greenhouse, conservatory, shed or prefabricated garage, or

(*c*) without prejudice to the last foregoing paragraph, of an agricultural building (as defined in section two of the Rating and Valuation (Apportionment) Act, 1928) unless it is contiguous to another building which is not itself of a kind mentioned in this or the last foregoing paragraph.

1928 c. 44.

(3) No person shall, without the consent of the local authority undertake a demolition to which subsection (1) of this section applies unless—

(*a*) a notice specifying the building and the works of demolition intended to be carried out has been given to the local authority, and

(*b*) the local authority have served on the person undertaking the demolition a notice under subsection (1) of this section or twenty-eight days have elapsed since the giving of notice under paragraph (*a*) of this subsection,

and a person contravening this subsection shall be liable to a fine not exceeding £500,

SCH. 1 —*cont.*

Provided that notice need not be given under this subsection of a demolition undertaken to comply with any requirement contained in—

(*a*) a notice, order or other instrument issued by, or on the application of, the local authority in pursuance of any power conferred by or under an Act of Parliament, or

(*b*) an injunction or other direction given in legal proceedings brought by the local authority,

except where compliance with the requirement is effected, at the election of the person complying with it, either by undertaking the demolition or by taking some other steps.

(3A) More than one notice may be served under subsection (1) of this section in respect of any demolition but a second or subsequent notice shall not expressly or by implication contain a requirement incompatible with one contained in a previous notice.

(4) The time within which a notice may be served under subsection (1) of this section shall be—

(*a*) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and

(*b*) in the case of a demolition undertaken to comply with a requirement contained in a demolition order under the Housing Act, 1957, at any time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and 1957 c. 56.

(*c*) in any other case, within six weeks from the beginning of the demolition.

(5) A notice under subsection (1) of this section may require the person undertaking the demolition to take action under all or any of the following paragraphs, that is to say:—

(*a*) to shore up adjacent buildings,

(*b*) to weatherproof any surfaces of an adjacent building which are exposed by the demolition and to make good any damage to adjacent premises,

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

(*d*) to disconnect and seal at such points as the local authority may reasonably require any sewer, drain or water or gas pipe in or under the building to be demolished,

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

(*f*) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (*d*) or paragraph (*e*) of this subsection,

SCH. 1 —*cont.*

(*g*) to take such precautions as the local authority may after consultation with the fire authority reasonably require with regard to the burning on the site of materials or rubbish or of any structure,

(*h*) to maintain watch on the site at all times during the course of the demolition,

(*i*) to make arrangements with the electricity undertakers for the disconnection of the supply of electricity to the building to be demolished,

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may prescribe the manner in which, and the conditions subject to which, the demolition is to be undertaken and the condition in which the site is to be left on completion.

(5A) A notice served under subsection (1) of this section within twenty-eight days after the giving of notice under paragraph (*a*) of subsection (3) of this section may also require part of the demolition to be deferred, but not beyond the expiry of the period for serving notice specified in subsection (4) of this section.

(6) No one shall be required under paragraph (*b*), except so far as it relates to the weatherproofing of surfaces, or paragraph (*d*) or paragraph (*e*) of subsection (5) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

1936 c. 49.

(7) Nothing in subsection (5) of this section shall be construed as exempting any person from—

(*a*) the obligation to obtain any consent required under section sixty-eight of the Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus), or under any similar enactment, or

1945 c. 42.

(*b*) any obligations with respect to the disconnection, removal or other alteration of a gas pipe under any regulations having effect under section 31 of the Gas Act, 1972,

1972 c. 60.

and nothing in this section shall be construed as authorising any person to cut, alter or otherwise interfere with any electric line or apparatus of any statutory undertakers authorised to carry on an electricity undertaking.

(7A) Where the local authority serve notice of a requirement for the disconnection or removal of any sewer or water or gas pipe belonging to, or maintained or used by statutory undertakers, or in respect of the disconnection of the supply of electricity they shall send a copy of the notice, so far as it relates to that requirement, to the statutory undertakers.

(8) Before a person complies with any requirement under paragraph (*d*) or paragraph (*e*) of subsection (5) of this section he shall give at least forty-eight hours' notice to the local authority, and before

he complies with paragraph (*f*) of that subsection, he shall give at least twenty-four hours' notice to the local authority; and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds. SCH. 1 —*cont.*

(9) Subject to subsection (9A) of this section the provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under subsection (1) of this section. 1936 c. 49.

(9A) In relation to any requirement of a notice under subsection (1) of this section requiring deferment as provided in subsection (5A) of this section, section 290 of the Public Health Act, 1936 shall have effect subject to such modifications as are necessary and to the insertion at the end of subsection (6) of the words " but in any proceedings for an offence under this subsection it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence ".

(10) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under subsection (1) of this section shall be—

(*a*) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up; and

(*b*) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, or any damage to any adjacent premises to be made good, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces or of making good that damage.

(11) Where the grounds on which an appeal under the said section two hundred and ninety is brought include any ground specified in the last foregoing subsection, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne as between the appellant and any such other person.

SCHEDULE 2

Section 90.

LIMITS OF THE HARBOUR OF MARGATE

1. All that area enclosed by a line commencing at The Rendezvous Promenade, Margate, at reference point 635390 171280 then travelling west-south-west in a direct line to reference point 635290 171247 then along a line drawn 5 metres away from but parallel to the seaward

SCH. 2 —*cont.*

north face of the Stone Pier to a point opposite the western face of the lighthouse at reference point 635112 171176 then west-south-west for 65 metres to reference point 635050 171163 then westwards for 43 metres to reference point 635005 171165 then southwards for 65 metres to reference point 635014 171100 then circumscribe a segment of a circle with its centre at reference point 635300 171094 with a radius of 285 metres to reference point 635189 170833 then along the coping nose line to the sea wall bounding the highways known as Marine Drive, Margate and The Parade, Margate, directly across the head of the Margate Harbour Slipway and along the harbour wall coping nose line to reference point 635333 171202 then north-eastwards to reference point 635349 171218 then north-eastwards along the seaward face of Coldharbour Slipway crossing it at the level of mean high-water springs to the coping nose line of The Rendezvous, Margate sea wall returning to the point of commencement together with the complete site of the Margate Iron Jetty.

2. References in this Schedule to reference points shall be construed as references to National Grid reference points.

Sections 102 and 103.

SCHEDULE 3

PROVISIONS APPLYING TO THE CONSERVATORS

1. The conservators shall in every year hold not less than four business meetings; they may in every year hold in addition such other meetings as they may determine.

2.—(*a*) At the first meeting of the conservators held on or after 1st January 1983 and on or after 1st January in each year thereafter the conservators present at the meeting shall appoint one of their number to act as chairman and the chairman shall, unless he shall die, resign or become disqualified, continue in office until the next annual appointment of a chairman.

(*b*) The chairman shall preside at all meetings at which he is present but in case he shall be absent from any meeting at the time appointed for holding the same, the meeting shall appoint one of the conservators then present to be chairman of such meeting.

3. No business shall be transacted at any meeting unless five conservators at least are present thereat.

4. All questions shall be decided by a majority of the conservators present and voting and in case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

5. Until the contrary be proved a copy of a resolution of the conservators signed and certified by the clerk to the conservators to be a true copy shall be sufficient evidence of the passing of such resolution without further or other proof of the signature of the said clerk or of the said resolution having been duly passed.

6. The conservators shall have power to appoint a committee or committees for any purpose and may delegate to such committee or committees any of their powers and duties.

SCH. 3 —*cont.*

7.—(1) Minutes of the proceedings of a meeting of the conservators shall be drawn up and entered in a book kept for that purpose and if approved by a majority of the conservators present and voting shall be signed at the same or next following meeting of the conservators by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

(2) Until the contrary is proved, a meeting of the conservators, a minute of whose proceedings has been made and signed in accordance with this paragraph, shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.

(3) Sub-paragraphs (1) and (2) above shall apply in relation to a committee of the conservators as they apply in relation to the conservators.

(4) Until the contrary is proved, where a minute of any meeting of any such committee has been made and signed in accordance with sub-paragraphs (1) and (2) above the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

8. Subject to the provisions of this Schedule the procedure and business of the conservators shall be regulated in such manner as the conservators may from time to time determine.

9.—(1) The conservators shall appoint—

(*a*) a clerk who may if they think fit be the chief executive of the Tunbridge Wells Council;

(*b*) a treasurer; and

(*c*) such common keepers and other officers as they may think necessary for the proper discharge of their functions.

(2) A clerk, treasurer, common keeper or other officer or servant appointed under sub-paragraph (1) above shall hold office on such reasonable terms and conditions including conditions as to remuneration as the conservators think fit.

10. The conservators may provide and maintain such offices as may be necessary for transacting their business and that of their officers.

Section 129.

SCHEDULE 4

SECTIONS OF ACT OF 1936 APPLIED

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

Section 133.

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

1. In so far as anything done under a statutory provision, in force in any area, which is repealed by this Act could have been done under any provision of this Act, or any public general Act, relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned provision.

2. Where an instrument or document refers, either expressly or by implication, to a statutory provision, in force in any area, which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any provision of this Act or any public general Act relating to the same matter in the same area.

S.I. 1965/531.
S.I. 1965/540.
1958 c. vi (7 & 8 Eliz. 2).

3. References in the Local Law (South East London Boroughs) Order 1965 or in the Local Law (Greater London Council and Inner London Boroughs) Order 1965 to any of the provisions of the Kent County Council Act 1958 specified in column (1) of the following table shall be construed as references to the provisions of this Act specified in relation thereto in column (2) of that table:—

SCH. 5
—cont.

(1)	(2)
Section 93 (Determination of sums for maintenance)	Section 81 (Determination of sums for maintenance)
Section 117 (Closing of flood doors)	Section 30 (Closing of flood doors) and section 128 (Defence of due diligence)
Section 135 (Compensation how to be determined)	Section 118 (Disputes about compensation)
Section 136 (Local inquiries)	Section 119 (Local inquiries)
Section 137 (Arbitration)	Section 121 (Arbitration)
Section 139 (Appeals)	Section 122 (Appeals to magistrates' court); and section 124 (Suspension of proceedings pending appeal)
Section 141 (Application of general provisions of Act of 1936)	Section 129 (Application of general provisions of Act of 1936)
Schedule 4	Schedule 4

4.—(1) Anything begun under a statutory provision repealed by this Act may be continued under any provision of this Act or any public general Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, a statutory provision repealed by this Act is current at the date of the coming into operation under this Act of any provision thereof relating to the same matter, that provision of this Act shall have effect as if it were in force when that period began to run.

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

5. Where land of a local authority is held for any of the purposes specified in an enactment repealed by this Act or where any such land is stated to be capable of being appropriated or disposed of under any such enactment such land shall be deemed to be held for purposes specified in section 120 (1) (*b*) of the Act of 1972 (land held for the benefit, improvement or development of the area of a local authority).

6. For the purpose of any provision of this Act specifying penalties for a second or subsequent offence, a previous conviction under a statutory provision repealed by this Act creating the like offence shall be taken as an offence under that provision of this Act.

7. Where an Act or Order is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from the repeal, the repeal shall not affect the interpretation of the excepted provision.

Section 133 (2).

SCHEDULE 6

ENACTMENTS CONTINUED

	Enactment (1)	Extent of provisions saved (2)
1711 c. 43.	An Act for compleating a Chapel of Ease in the Lower Town of Deal, in the County of Kent by a Duty on Waterborn Coals to be brought into the said Town	So much as provides for the choosing of the Chappell Wardens.
1845 c. cxliv.	An Act to make Provision for Payment of the debts of the Mayor, Jurats, Bailiffs, and Burgesses of the Borough of Quinborowe in the County of Kent; and for other Purposes	The whole Act.
1874 c. lxvi.	Hythe Improvement and Waterworks Act 1874	Section 68.

Section 133 (2).

SCHEDULE 7

ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT

PART I

LOCAL ACTS

	Title or short title (1)	Extent of repeal (2)
1514 c. 17.	Acte concernying the Ryver in Caunterbury	The whole Act.
1542 c. 18.	For Caunterburye concerning the Privileges of the same	The whole Act.
1778 c. 76.	An Act for better paving, cleansing, lighting, and watching, the Streets and Lanes in the Town of Dover in the County of Kent, and in the several Parishes of Saint Mary the Virgin and Saint James the Apostle in the said Town and County; and for removing and preventing Nuisances and Annoyances therein	The whole Act except so far as it relates to the charging, paying, collecting and recovering of duties on coal brought into the port of Dover.

SCH. 7 —*cont.*

Title or short title (1)	Extent of repeal (2)	
An Act for paving, cleansing, lighting and watching, the Streets, Lanes, and other Publick Passages and Places, within the Walls of the City of Canterbury, and the Liberties thereof; and also several Streets and other Places near or adjoining to the said City; and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein	The whole Act.	1787 c. 14.
An Act for rebuilding the Pier of Margate in the Isle of Thanet, in the County of Kent; for ascertaining, establishing, and recovering certain Duties in lieu of the ancient and customary Droits, for the Support and Maintenance of the said Pier; for Widening, Paving, Repairing, Cleansing, Lighting and Watching the Streets, Lanes, Highways and Publick Passages in the Town of Margate, and Parish of St. John the Baptist, in the said Isle of Thanet; for settling the Rates of Porters, Chairmen, Carters, and Carmen within the said Town; and for preventing Encroachments, Nuisances, and Annoyances therein	The whole Act.	1787 c. 45.
An Act for the better repairing, paving, cleansing, lighting, and watching the Highways, Streets, and Lanes of and in the Town and Port of Sandwich, in the County of Kent, and in the several Parishes of St. Peter the Apostle, St. Mary the Virgin, and St. Clement, in the said Town, Port, and County; and for removing and preventing Incroachments, Nuisances, Obstructions, and Annoyances in the said Highways, Streets, and Lanes, and on the Common Quay belonging to the said Town and Port, and in the Haven adjoining to the said Quay, and the Bridge built over the said Haven; and for regulating the Berths and Mooring Places of Vessels at the said Quay, and the proper Time, for Vessels to pass through the said Bridge	The whole Act.	1787 c. 67.
An Act to amend and render more effectual an Act, passed in the Twenty-seventh Year of the Reign of His present Majesty, for rebuilding the Pier of Margate in the Isle of Thanet in the County of Kent; and for other Purposes mentioned in the said Act	The whole Act.	1799 c. ii.
An Act for enlarging, improving, and regulating the Cattle Market, within the City and County of the City of Canterbury	The whole Act.	1801 c. vii.

SCH. 7 —*cont.*

Title or short title (1)	Extent of repeal (2)
1802 c. lvi. An Act for enlarging the present or providing an additional Workhouse, for the Parish of Chatham, in the County of Kent; for raising Money for that Purpose; for the better ascertaining and collecting the Poor Rates; and for the better Relief, Government, and Employment of the Poor of the said Parish	The whole Act.
1803 c. lviii. An Act for repealing so much of an Act, made in the Ninth Year of the Reign of King George the Second, intituled, *An Act to enable the Justices of the Peace, acting for the Western Division of the County of Kent, to purchase a convenient Piece of Ground for building a Gaol for the said County, and for empowering the said Justices to apply Part of the County Stock of the said Division towards the same*, as requires that the said Gaol should be repaired exclusively at the Expense of the said Western Division; and for the better Regulation and Payment of the publick Expenses of the said County	The whole Act.
1807 c. xxxiv (47 Geo. 3. Sess. 2). An Act for empowering the Justices of the Peace for the County of Kent to make a fair and equal County Rate for the said County; and provide convenient Court Houses for holding the Assizes and General Quarter Sessions of the Peace and other public Meetings with the said County	The whole Act.
1809 c. xl. An Act for better assessing and collecting the Poor and other Rates in the Parish of Saint Nicholas, in the City of Rochester, in the County of Kent, and regulating the Poor thereof	The whole Act.
1809 c. cxi. An Act for repealing such Part of an Act, passed in the Forty-third Year of His present Majesty, as imposes a certain Proportion of the County Rate for the County of Kent upon the Eastern Division of the said County, and certain Proportions upon the Western Division of the said County; and also so much of an Act passed in the Forty-seventh Year of His present Majesty, for empowering the Justices of the Peace for the County of Kent, to make a fair and equal County Rate for the said County, as directs the Churchwardens and Overseers therein mentioned to make certain Returns of the Rental or Value of Estates within their Parishes, at the Periods and in the	The whole Act.

SCH. 7 —*cont.*

Title or short title (1)	Extent of repeal (2)	
Manner herein mentioned, and imposed a certain Penalty upon such Churchwardens and Overseers for making Default therein, and for amending the Powers and Provisions of the said Acts		
An Act to amend and render more effectual Two Acts for the Maintenance and Support of the Pier and Harbour, and paving and lighting the Town of Margate, in the County of Kent	The whole Act.	1809 c. cxvii.
An Act to amend an Act made in the Eighteenth Year of His present Majesty, for paving, cleansing, lighting and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein	The whole Act except section LXX.	1810 c. xxvi.
An Act for enlarging the present or providing a new Workhouse for the use of the Parish of Strood in the County of Kent; for better governing, maintaining, and employing the Poor of the said Parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto	The whole Act.	1812 c. xxxvii.
An Act for more effectually paving, cleansing, lighting, and watching the Highways, Streets and, Lanes within the Town and Borough of Deal, in the County of Kent, and for removing and preventing Encroachments, Nuisances, and Annoyances therein	The whole Act.	1812 c. lxxiii.
An Act for separating the Management of the Harbour of Margate, in the County of Kent, from the Paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in a joint Stock Company of Proprietors	The whole Act except so far as it relates to the transferred undertaking.	1812 c. clxxxvi.
An Act for more effectually paving, lighting, watching, and improving the Town of Margate, in the County of Kent	The whole Act.	1813 c. lxxxii.
An Act for enabling the Justices of the Peace for the County of Kent to hold a General Sessions annually, or oftener, for levying and applying the Rates and Expenditure of the said County; and to alter and amend an Act made in the Forty-ninth Year of His present Majesty, for regulating the Rates of the said County	The whole Act.	1814 c. civ.
An Act for lighting, watching, and improving the Town of Dartford, in the County of Kent	The whole Act.	1814 c. cviii.

SCH. 7 —*cont.*

Title or short title (1)	Extent of repeal (2)
1817 c. xlii. An Act to repeal an Act made in the last Session of Parliament, for preventing Frauds in the Admeasurement and Delivery of Coals within the several Parishes lying contiguous to the Water-side in the County of Kent	The whole Act.
1819 c. xvi. An Act to enlarge the Powers of Three Acts of His present Majesty, for paving, cleansing, and lighting the Streets and other public Places within the King's Town of Maidstone, in the County of Kent, and better supplying the Inhabitants with water, and for watching the said Town, and making public Wharfs therein	The whole Act.
1824 c. liii. An Act for lighting, watching, and otherwise improving the Town of Ashford in the County of Kent	The whole Act.
1824 c. cix. An Act for erecting new Market Places within the Town of Maidstone in the County of Kent, and for the better regulating and maintaining the said Markets	The whole Act.
1824 c. cxxxiv. An Act for erecting a Market House for the Sale of Corn, Hops and other Agricultural Produce in the City of Canterbury and County of the same City, for improving and enlarging the Market Places for the Sale of Provisions in the said City and County, and for regulating and maintaining the said Markets	The whole Act.
1825 c. xx. An Act to amend and render more effectual several Acts relative to the paving, lighting, watching, and improving the Town of Margate in the Parish of Saint John the Baptist in the County of Kent; for erecting certain Defences against the Sea for the Protection of the said Town; and for making further Improvements in and about the said Town and Parish	The whole Act.
1826 c. v. An Act for enlarging the present Market, and establishing Fish Markets, in the Town and Port of Dovor in the County of Kent; and for removing the Elections of Members and of Mayors of the said Town from the Church of Saint Mary the Virgin in Dovor	The whole Act.
1829 c. cv. An Act for vesting the Appointment to the Office of Bailiff or Verger of the Town and Port of Sandwich in the Mayor and Jurats of the said Town and Port; and for transferring the Common Gaol to the said Mayor and	The whole Act.

SCH. 7 —*cont.*

Title or short title (1)	Extent of repeal (2)	
Jurats; and for the building and maintaining a new Gaol for the said Town and Port and its Liberties		
An Act for paving, lighting, watching, cleansing, and improving certain Streets and public Passages and Places at Sheerness in the Parish of Minster in the Isle of Sheppy in the County of Kent	The whole Act.	1829 c. cxxi.
An Act to amend Two Acts of His late Majesty, for paving, cleansing, lighting, and watching the Town of Dovor and for removing and preventing Nuisances and Annoyances therein	The whole Act.	1830 c. cxvii.
An Act to alter and amend Three several Acts for paving, cleansing, and improving the Town of Dovor, and for making further Improvements in the said Town	The whole Act except sections XV to XX.	1835 c. xlvii.
An Act for lighting, watching, cleansing, regulating, and otherwise improving the Town of Tunbridge Wells in the Counties of Kent and Sussex, and for regulating the Supply of Water and establishing a Market within the said Town	The whole Act.	1835 c. lxxii.
An Act for better paving, cleansing, lighting, watching, and otherwise improving the Town of Milton-next-Sittingbourne in the County of Kent	The whole Act.	1838 c. ii.
Ramsgate Improvement Act 1838 ...	The whole Act.	1838 c. lxx.
An Act to amend an Act for enlarging the present or providing a new Workhouse for the Use of the Parish of Strood in the County of Kent; for better governing, maintaining, and employing the Poor of the said Parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto	The whole Act.	1840 c. xci.
Tunbridge Wells Improvement Act 1846	The whole Act.	1846 c. cccxlix.
Folkestone Improvement Act 1855 ...	The whole Act except the sections referred to in Part III of this Schedule.	1855 c. cxlvii.
Gravesend Improvement Act 1856 ...	The whole Act.	1856 c. xxvi.
Hythe Improvement and Waterworks Act 1874	The whole Act except so much as relates to water and section 68.	1874 c. lxvi.
Dover Corporation (Sea Defences) Act 1877	The whole Act.	1877 c. cxiii.
Ramsgate Local Board Act 1877 ...	The whole Act.	1877 c. cxix.
Maidstone Bridge Act 1877	The whole Act.	1877 c. cxxxviii.
Margate Extension and Improvement Act 1877	The whole Act.	1877 c. ccvii.
Ramsgate Improvement Act 1878 ...	The whole Act.	1878 c. cxciii.
Rochester City Improvement Act 1880	The whole Act except the sections referred to in Part III of this Schedule.	1880 c. cxix.

SCH. 7 —*cont.*

	Short title (1)	Extent of repeal (2)
1890 c. ccxxxv.	Tunbridge Wells Improvement Act 1890	The whole Act.
1900 c. clvii.	Ramsgate Corporation Act 1900 ...	The whole Act.
1900 c. ccl.	Margate Corporation Act 1900 ...	The whole Act.
1901 c. vi.	Folkestone Corporation Act 1901 ...	The whole Act.
1901 c. ccx.	Broadstairs and St. Peter's Water and Improvement Act 1901	The whole Act.
1901 c. ccxliii.	Dover Corporation Act 1901	The whole Act except the section referred to in Part III of this Schedule.
1902 c. liv.	Dartford Improvement Act 1902 ...	The whole Act.
1902 c. ccxxxix.	Whitstable Water and Improvement Act 1902	The whole Act except so much as relates to water.
1903 c. ccxlvii.	Dover Corporation Act 1903	The whole Act.
1903 c. cc.	Rochester Corporation Tramways and Improvements Act 1903	The whole Act except the section referred to in Part III of this Schedule.
1905 c. xcvi.	Hythe Corporation Act 1905	The whole Act except sections 34 and 41 and the Schedule.
1906 c. lxxii.	Dover Corporation Act 1906	The whole Act.
1908 c. lxxxvii.	Margate Corporation Act 1908 ...	The whole Act.
1911 c. xxi.	Dover Corporation Act 1911	The whole Act.
1912 c. lxxii.	Dover Corporation Act 1912	The whole Act except the provisions referred to in Part III of this Schedule.
1913 c. lxiii.	Broadstairs and St. Peter's Urban District Council Act 1913	The whole Act except section 1 and Part II and Schedule 3 and so far as they are relevant to them sections 3 and 4 and Part XI.
1920 c. lix.	Folkestone Corporation Act 1920 ...	The whole Act.
1922 c. lxxxv.	Ramsgate Corporation Act 1922 ...	The whole Act.
1923 c. xxxi.	Maidstone Corporation Act 1923 ...	The whole Act except the provision referred to in Part III of this Schedule.
1923 c. xc.	Broadstairs and St. Peter's Urban District Council Act 1923	The whole Act.
1923 c. civ.	Chatham Corporation Act 1923 ...	The whole Act.
1926 c. lxxxi.	Margate Corporation Act 1926 ...	The whole Act except the section referred to in Part III of this Schedule.
1929 c. xci.	Tunbridge Wells Corporation Act 1929	The whole Act except section 6.
1931 c. xvii.	Gillingham Corporation Act 1931 ...	The whole Act.
1933 c. lxxxi.	Canterbury Extension Act 1933 ...	The whole Act.
1934 c. xcii.	Ramsgate Corporation Act 1934 ...	Part III except section 59.
1935 c. lxxxix.	Maidstone Corporation Act 1935 ...	The whole Act.
1936 c. lxxv.	Rochester Corporation Act 1936 ...	The whole Act except the section referred to in Part III of this Schedule.
1936 c. cxix.	Dover Corporation Act 1936	The whole Act.
1944 c. xiii.	Gillingham Corporation Act 1944 ...	The whole Act.
1948 c. l.	Whitstable Urban District Council Act 1948	The whole Act except Part VII and sections 103 and 104 as applied by sections 12 and 30 of the Whitstable Harbour Act 1957 and except so much as relates to water.
1957 c. xli.		

SCH. 7 —*cont.*

Short title (1)	Extent of repeal (2)	
Dover Corporation Act 1950	The whole Act.	1950 c. xxxvii.
Canterbury Extension Act 1951 ...	The whole Act.	1951 c. xvi.
Rochester Corporation Act 1952 ...	The whole Act.	1952 c. liv.
Maidstone Corporation Act 1955 ...	The whole Act.	1955 c. xviii.
Dover Corporation Act 1956	The whole Act.	1956 c. lix.
Kent County Council Act 1958 ...	The whole Act except the provisions referred to in Part IV of this Schedule so far as they apply to the London Boroughs of Bexley and Bromley by virtue of section 87(1) of the London Government Act 1963 and the Local Law (South-East London Boroughs) Order 1965 and the Local Law (Greater London Council and Inner London Boroughs) Order 1965.	1958 c. vi (7 & 8 Eliz. 2). 1963 c. 33. S.I. 1965/531. S.I. 1965/540.
Kent Quarter Sessions Act 1962 ...	The whole Act.	1962 c. xii.
Kent Quarter Sessions Act 1966 ...	The whole Act.	1966 c. vi.
Kent County Council Act 1970 ...	The whole Act.	1970 c. xliii.
Thames Barrier and Flood Prevention Act 1972	Section 68 (10).	1972 c. xlv.

PART II

CONFIRMATION ACTS AND ORDERS

Short title (1)	Extent of repeal (2)	
Public Health Supplemental Act 1849 ...	Sections IV and V and the Orders relating to Chatham and Sheerness.	1849 c. 94.
Public Health Supplemental Act 1850 ...	Section III and the Order relating to Dartford.	1850 c. 32.
Public Health Supplemental Act 1851, No. 2	The Order relating to Margate except so far as it relates to the transferred undertaking.	1851 c. 98.
Local Government Supplemental Act 1860 (No. 2)	The Orders relating to Chatham, Sheerness and Tunbridge Wells.	1860 c. 118.
Local Government Supplemental Act 1864	The Order relating to Ashford.	1864 c. 26.
Local Government Supplemental Act 1864 (No. 2)	The Order relating to Tunbridge Wells.	1864 c. 83.
Local Government Supplemental Act 1866	The Order relating to Canterbury.	1866 c. 24.
Local Government Supplemental Act 1866 (No. 4)	The Orders relating to Maidstone and Tunbridge Wells.	1866 c. 107.
Local Government Supplemental Act 1867 (No. 4)	Sections 1 to 4.	1867 c. 67.

SCH. 7 —*cont.*

	Short title (1)	Extent of repeal (2)
1868 c. clii.	Local Government Supplemental Act 1868 (No. 3)	The Order relating to Tunbridge Wells.
1874 c. lxxxix.	Local Government Board's Provisional Orders Confirmation Act 1874 (No. 3)	The Orders relating to Gravesend and Sittingbourne.
1875 c. ccxi.	Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) Act 1875	The Order relating to Deal.
1876 c. cxcviii.	Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act 1876	The Orders relating to Chatham and Gillingham.
1876 c. xiii.	Local Government Board's Provisional Orders Confirmation (Arundel, &c.) Act 1876	The Order relating to Milton-next-Sittingbourne.
1876 c. cci.	Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act 1876	The Order relating to Rochester.
1876 c. clxi.	Local Government Board's Provisional Orders Confirmation (Carnarvon, &c.) Act 1876	The Order relating to Tunbridge Wells.
1877 c. cxxv.	Local Government Board's Provisional Orders Confirmation (Bridlington, &c.) Act 1877	The Order relating to Tunbridge Wells.
1879 c. xliii.	Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne, &c.) Act 1879	The Order relating to Maidstone.
1879 c. lxxxvi.	Local Government Board's Provisional Orders Confirmation (Castleton-by-Rochdale, &c.) Act 1879	The Order relating to Sittingbourne and Milton Joint Hospital District.
1880 c. lx.	Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1880	The Order relating to Canterbury.
1880 c. lxii.	Local Government Board's Provisional Orders Confirmation (Ashford, &c.) Act 1880	The Orders relating to Ashford and Folkestone.
1880 c. lxxxvi.	Local Government Board's Provisional Orders Confirmation (Aberavon, &c.) Act 1880	The Order relating to Canterbury.
1880 c. clxxviii.	Local Government Board's Provisional Orders Confirmation (Bethesda, &c.) Act 1880	The Order relating to Rochester and Chatham Joint Hospital District.
1880 c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (Kingston-upon-Hull, &c.) Act 1880	The Order relating to Ramsgate.
1880 c. cxxxii.	Local Government Board's Provisional Orders Confirmation (Eastbourne, &c.) Act 1880	The Orders relating to Herne Bay and Ramsgate.
1881 c. lxi.	Local Government Board's Provisional Orders Confirmation (Berwick-upon-Tweed, &c.) Act 1881	The Order relating to Folkestone.
1883 c. lxxxix.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1883	The Orders relating to Faversham and Sandwich.
1884 c. ccxii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1884	The Orders relating to Hythe, Margate and Milton-next-Sittingbourne.

SCH. 7 —*cont.*

Short title (1)	Extent of repeal (2)	
Local Government Board's Provisional Orders Confirmation (No. 7) Act 1886	Section 5 and the Order relating to Tunbridge Wells and Southborough.	1886 c. xv (50 Vict.).
Local Government Board's Provisional Orders Confirmation (No. 11) Act 1886	The Order relating to Rochester and Chatham Joint Hospital District.	1886 c. xvii (50 Vict.).
Local Government Board's Provisional Orders Confirmation (No. 2) Act 1886	The Order relating to Ramsgate.	1886 c. xviii (49 & 50 Vict.).
Local Government Board's Provisional Order Confirmation (Poor Law) (No. 3) Act 1887	The whole Act.	1887 c. lxxxii.
Local Government Board's Provisional Orders Confirmation (No. 2) Act 1887	The Order relating to Ramsgate.	1887 c. lxxxiv.
Local Government Board's Provisional Orders Confirmation (No. 8) Act 1887	The Order relating to Folkestone.	1887 c. cxii.
Local Government Board's Provisional Orders Confirmation (No. 6) Act 1888	The Order relating to Herne Bay.	1888 c. ci.
Local Government Board's Provisional Orders Confirmation (No. 5) Act 1888	So much of sections 3 and 4 as relates to Ramsgate and Sandwich and the Orders relating to Ramsgate and Sandwich.	1888 c. cxx.
Local Government Board's Provisional Orders Confirmation (No. 7) Act 1889	The Order relating to Faversham.	1889 c. cvii.
Local Government Board's Provisional Orders Confirmation (No. 12) Act 1889	The Order relating to Ramsgate.	1889 c. cxiv.
Local Government Board's Provisional Orders Confirmation (No. 13) Act 1889	The Order relating to Dover.	1889 c. cxv.
Local Government Board's Provisional Orders Confirmation (No. 14) Act 1889	The Borough of Faversham Order 1889.	1889 c. clxxii.
Local Government Board's Provisional Orders Confirmation Act 1890	The Orders relating to Dover and Folkestone.	1890 c. xliv.
Local Government Board's Provisional Orders Confirmation (No. 9) Act 1890	The City of Canterbury Order 1890.	1890 c. clxxviii.
Local Government Board's Provisional Orders Confirmation (No. 3) Act 1891	The Order relating to Ramsgate.	1891 c. xxv.
Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891	The Rochester Order 1891.	1891 c. lxix.
Local Government Board's Provisional Orders Confirmation (No. 4) Act 1892	The Order relating to Tenterden.	1892 c. lxxi.
Local Government Board's Provisional Orders Confirmation (No. 5) Act 1892	The Order relating to Dover.	1892 c. lxxii.
Local Government Board's Provisional Orders Confirmation (No. 3) Act 1893	So much as relates to Sheerness.	1893 c. cx.
Local Government Board's Provisional Orders Confirmation (No. 8) Act 1893	The Order relating to Folkestone.	1893 c. cxxix.
Local Government Board's Provisional Orders Confirmation (No. 14) Act 1893	The Orders relating to Broadstairs, Margate and Ramsgate.	1893 c. cxxxi.
Local Government Board's Provisional Orders Confirmation (No. 3) Act 1894	The Dover Order 1894 and the Tunbridge Wells Order 1894.	1894 c. xxi.
Local Government Board's Provisional Orders Confirmation (No. 12) Act 1894	The Borough of Margate Order (No. 2) 1894 and the Borough of Tunbridge Wells Order 1894.	1894 c. cxxiv.

SCH. 7 —*cont.*	Short title (1)	Extent of repeal (2)
	Local Government Board's Provisional Orders Confirmation (No. 13) Act	The Isle of Thanet Joint Hospital Order 1894.
1894 c. cxxv.	1894	
	Local Government Board's Provisional Orders (No. 5) Act 1895	The County of Kent (Lamberhurst and Horsemonden) Order 1895.
1895 c. lxxxvi (58 & 59 Vict.).		
	Local Government Board's Provisional Orders Confirmation (No. 15) Act	The Dover Order 1895.
1895 c. ix (59 Vict. Sess. 2).	1895 Session 2	
	Local Government Board's Provisional Orders Confirmation (No. 16) Act	The Borough of Dover (Extension) Order 1895.
1895 c. x (59 Vict. Sess. 2).	1895 Session 2	
	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1896	The Sittingbourne and Milton Joint Hospital Order 1896.
1896 c. xxx.		
	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1896	The Rochester and Chatham Joint Hospital Order 1896.
1896 c. civ.		
	Tramways Orders Confirmation (No. 1) Act 1896	The Dover Corporation Tramways Order 1896.
1896 c. cxx.		
	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1897	The Ramsgate Order 1896 and the Ramsgate Order (No. 1) 1897.
1897 c. lxviii.		
	Local Government Board's Provisional Orders Confirmation (No. 12) Act	The Margate Order 1897.
1897 c. cxxxix.	1897	
	Local Government Board's Provisional Orders Confirmation (No. 14) Act	The Dover Order 1897 and article XI of the Tunbridge Wells Order 1897.
1897 c. cxli.	1897	
	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1899	The Margate Order 1899.
1899 c. cxii.		
	Local Government Board's Provisional Orders Confirmation (No. 11) Act	The Ramsgate Order (No. 1) 1899.
1899 c. cxiii.	1899	
	Local Government Board's Provisional Orders Confirmation (No. 14) Act	The Isle of Thanet Rural Order 1899 and the Ramsgate Order (No. 3) 1899.
1899 c. cclxxii.	1899	
	Local Government Board's Provisional Orders Confirmation (No. 10) Act	The Tunbridge Wells Extension Order 1900.
1900 c. clxxix.	1900	
	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1901	The Dover Order 1901.
1901 c. cl.		
	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1902	The Ramsgate Order 1902.
1902 c. lxx.		
	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1902	The Sevenoaks Rural (Penshurst) Order 1902.
1902 c. lxxxi.		
	Local Government Board's Provisional Orders Confirmation (No. 14) Act	The Tunbridge Wells Tonbridge and Southborough Joint Hospital Order 1902.
1902 c. lxxxvi.	1902	
	Local Government Board's Provisional Orders Confirmation (No. 13) Act	The Dover (Extension) Order 1903.
1903 c. cxxxvii.	1903	
	The Maidstone Corporation Light Railways Order 1903	The whole Order except the section referred to in Part III of this Schedule.
—		
	London Government Act Adjustment Schemes Confirmation Act 1906	The London and Kent (Adjustment) Scheme 1906.
1906 c. cxxv.		

SCH. 7 —*cont.*

Short title (1)	Extent of repeal (2)	
The Maidstone Corporation Light Railways (Extensions) Order 1907	The whole Order except the provision referred to in Part III of this Schedule.	—
The Maidstone Corporation Light Railways (Extensions No. 2) Order 1907	The whole Order except the provision referred to in Part III of this Schedule.	—
Local Government Board's Provisional Orders Confirmation (No. 10) Act 1910	The North-East Kent United Districts (Medical Officer of Health) Order 1910.	1910 c. lxxxvii.
Education Board Provisional Orders Confirmation (Kent &c.) Act 1912	The Order relating to Kent.	1912 c. cxx.
Local Government Board's Provisional Orders Confirmation (No. 2) Act 1912	The Margate Order 1912.	1912 c. cxxviii.
Local Government Board's Provisional Orders Confirmation (No. 7) Act 1912	The Queensborough (Extension) Order 1912.	1912 c. cxxxiii.
Local Government Board's Provisional Orders Confirmation (No. 3) Act 1913	The Sittingbourne and Milton Joint Hospital Order 1913.	1913 c. xxv.
Education Board Provisional Orders Confirmation (Cardigan &c.) Act 1913	The Order relating to Kent.	1913 c. cxvii.
Local Government Board's Provisional Order Confirmation (No. 20) Act 1913	The Margate (Extension) Order 1913.	1913 c. cxliv.
Local Government Board's Provisional Orders Confirmation (No. 6) Act 1914	The Gravesend Order 1914.	1914 c. xlviii.
Local Government Board's Provisional Orders Confirmation (No. 17) Act 1914	The Chatham Order 1914 and the Rochester and Chatham Joint Sewerage Order 1914.	1914 c. cxxxvii.
Local Government Board's Provisional Orders Confirmation (No. 2) Act 1916	The Margate Order 1916.	1916 c. xxviii.
Local Government Board's Provisional Orders Confirmation (No. 4) Act 1916	The Dover Order 1916.	1916 c. xxix.
Local Government Board's Provisional Orders Confirmation (No. 5) Act 1916	The Maidstone Order 1916.	1916 c. xxxv.
Ministry of Health Provisional Orders Confirmation (No. 2) Act 1920	The Tunbridge Wells Order 1920.	1920 c. xlvi.
Ministry of Health Provisional Orders Confirmation (No. 5) Act 1920	The Rochester and Chatham Order 1920.	1920 c. cxii.
Ministry of Health Provisional Orders Confirmation (No. 6) Act 1920	The Gravesend Order 1920.	1920 c. cxiii.
Ministry of Health Provisional Orders Confirmation (No. 1) Act 1921	The Ashford Order 1921, the Gillingham Order 1921 and the Ramsgate Order 1921.	1921 c. xvii.
Ministry of Health Provisional Order Confirmation (Dover Extension) Act 1921	The whole Act.	1921 c. lvii.
Ministry of Health Provisional Orders Confirmation (No. 5) Act 1921	The Cranbrook and Tenterden Joint Hospital Order 1921 and the North-East Kent United Districts (Medical Officer of Health) Order 1921.	1921 c. lxi.
Ministry of Health Provisional Orders Confirmation (No. 9) Act 1921	The Gravesend Order 1921.	1921 c. lxiii.
Ministry of Health Provisional Orders Confirmation (No. 6) Act 1922	The Gravesend Order 1922.	1922 c. xlii.
Ministry of Health Provisional Orders Confirmation (No. 7) Act 1922	The Margate Order 1922.	1922 c. xcv.

SCH. 7 —*cont.*

	Short title (1)	Extent of repeal (2)
1922 c. xcvii.	Ministry of Health Provisional Orders Confirmation (No. 9) Act 1922	The Whitstable Order 1922 except so much as relates to water.
1923 c. xxxviii.	Ministry of Health Provisional Orders Confirmation (No. 5) Act 1923	The Rochester and Chatham Joint Sewerage Order 1923.
1924 c. xiii.	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1924	Article 4 of the Whitstable Order 1924.
1924 c. xvi.	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1924	The Folkestone Order 1924.
1926 c. xix.	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1926	The Maidstone Order 1926 and the Rochester and Chatham Joint Sewerage Order 1926.
1926 c. lv.	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1926	The Hythe Order 1926.
1927 c. xxxiii.	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1927	The Canterbury Order 1927.
1927 c. xxxviii.	Ministry of Health Provisional Orders Confirmation (No. 9) Act 1927	The Gillingham Order 1927 and the Margate Order 1927.
1927 c. lviii.	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1927	The whole Act except the provision referred to in Part III of this Schedule.
1928 c. lx.	Ministry of Health Provisional Order Confirmation (Gillingham Extension) Act 1928	The whole Act.
1929 c. ii.	Ministry of Health Provisional Orders Confirmation (No. 7) Act 1929	The Gillingham Order 1929.
1929 c. v.	Ministry of Health Provisional Orders Confirmation (No. 10) Act 1929	The Maidstone Order 1929.
1930 c. ci.	Ministry of Health Provisional Orders Confirmation (Brentford and Chiswick and Ramsgate) Act 1930	The Ramsgate Order 1930.
1930 c. cvi.	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1930	The whole Act except the provision referred to in Part III of this Schedule.
1932 c. iii.	Ministry of Health Provisional Order Confirmation (Maidstone Extension) Act 1932	The whole Act.
1932 c. ix.	Ministry of Health Provisional Orders Confirmation (Margate and Yeovil) Act 1932	The Margate Order 1932.
1933 c. lx.	Ministry of Health Provisional Orders Confirmation (Maidstone and Stockton-on-Tees) Act 1933	The Maidstone Order 1933.
1934 c. xii.	Ministry of Health Provisional Order Confirmation (Rochester Chatham and Gillingham Joint Sewerage District) Act 1934	The whole Act.
1940 c. iv.	Ministry of Health Provisional Order Confirmation (Canterbury) Act 1940	The whole Act.
1946 c. xlvii.	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1946	The whole Act except the provision referred to in Part III of this Schedule.
1947 c. xxii.	Ministry of Health Provisional Order Confirmation (Tunbridge Wells) Act 1947	The whole Act.
S.I. 1954/375.	Maidstone (Extension) Order 1954	The whole Order.
S.I. 1954/1538.	Maidstone Extension (Amendment) Order 1954	The whole Order.

SCH. 7 —*cont.*

Short title (1)	Extent of repeal (2)	
Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1958	The whole Act except the provision referred to in Part III of this Schedule.	1958 c. xxx.
Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1962	The whole Act except the provision referred to in Part III of this Schedule.	1962 c. xxxv.
Maidstone Corporation (Trolley Vehicles) Order 1964	The whole Order.	S.I. 1964/892.
County of Kent (Borough of Queenborough in Sheppey) Confirmation Order 1968	The whole Order.	—

PART III

ENACTMENTS FOR THE BENEFIT OF THE BRITISH RAILWAYS BOARD EXCLUDED FROM REPEAL

Short title (1)	Extent of exclusion (2)	
Folkestone Improvement Act 1855 ...	Sections LXIII and LXIV.	1855 c. cxlvii.
Rochester City Improvement Act 1880	Sections 44 and 45.	1880 c. cxix.
Dover Corporation Act 1901	Section 17.	1901 c. ccxliii.
Rochester Corporation Tramways and Improvements Act 1903	Section 6.	1903 c. cc.
Maidstone Corporation Light Railways Order 1903 (" the Order of 1903 ")	Section 33.	—
Maidstone Corporation Light Railways (Extensions) Order 1907	Section 4 (1) (in so far as it applies section 33 of the Order of 1903).	—
Maidstone Corporation Light Railways (Extension No. 2) Order 1907	Section 4 (1) (in so far as it applies section 33 of the Order of 1903).	—
Dover Corporation Act 1912	Section 12 and Schedule 2.	1912 c. lxxii.
Maidstone Corporation Act 1923 ...	Section 16 (1) (in so far as it applies section 33 of the Order of 1903).	1923 c. xxxi.
Margate Corporation Act 1926 ...	Section 28.	1926 c. lxxxi.
Maidstone Corporation (Trolley Vehicles) Order 1927	Section 7 (in so far as it applies section 33 of the Order of 1903).	1927 c. lviii.
Maidstone Corporation (Trolley Vehicles) Order 1930	Section 6 (in so far as it applies section 33 of the Order of 1903).	1930 c. cvi.
Rochester Corporation Act 1936 ...	Section 218.	1936 c. lxxv.
Maidstone Corporation (Trolley Vehicles) Order 1946	Section 6 (in so far as it applies section 33 of the Order of 1903).	1946 c. xlvii.
Maidstone Corporation (Trolley Vehicles) Order 1958	Section 6 (in so far as it applies section 33 of the Order of 1903).	1958 c. xxx.
Maidstone Corporation (Trolley Vehicles) Order 1962	Section 6 (in so far as it applies section 33 of the Order of 1903).	1962 c. xxxv.

SCH. 7 —*cont.*

1958 c. vi (7 & 8 Eliz. 2).

PART IV

PROVISIONS OF THE KENT COUNTY COUNCIL ACT 1958 WHICH APPLY IN THE LONDON BOROUGHS OF BEXLEY AND BROMLEY SAVED FROM REPEAL AS SO APPLIED

Section 1	(Short title).
Section 4	(Interpretation).
Section 5	(The appointed day).
Section 18	(Trees grass verges and gardens).
Section 33	(Pavement lights ventilators pipes etc.).
Section 50	(Sale of food and articles on verges etc.).
Section 57	(Prohibition on solicitation of school children to sell or exchange articles etc. at schools).
Section 61	(Fire hydrants and alarms).
Section 62	(Firemen's switches for luminous tube signs).
Section 63	(Prescription of signs etc. to be used on certain buildings).
Section 64	(Fire appliances at camping grounds).
Section 96	(Recovery of rates etc. from persons removing).
Section 109	(Return of library books etc.).
Section 111	(Supply of goods by Council to other authorities).
Section 114	(False statements to obtain benefits).
Section 126	(For protection of certain statutory undertakers).
Section 132	(Breach of conditions of consent).
Section 133	(Apportionment of expenses in case of joint owners).
Section 134	(Damages and charges to be settled by court).
Section 138	(Restriction on right to prosecute).
Section 142	(Power to charge in respect of establishment expenses).

SCHEDULE 8

ENACTMENTS REPEALED FROM DATE OF TRANSFER

Section 133 (2).

PART I

LOCAL ACTS

	Title or short title (1)	Extent of repeal (2)
1812 c. clxxxvi.	An Act for separating the Management of the Harbour of Margate, in the County of Kent, from the Paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in a joint Stock Company of Proprietors	The unrepealed provisions.
1826 c. xxxi.	An Act to amend an Act for separating the Management of the Harbour of Margate, in the County of Kent, from the Paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in a joint Stock Company of Proprietors	The unrepealed provisions.
1871 c. cxx.	Margate Pier and Harbour Act 1871 ...	The whole Act.
1889 c. cxxxii.	Margate Coal Dues Act 1889	The whole Act.
1900 c. cxxxvii.	Margate Pier and Harbour Act 1900 ...	The whole Act.

SCH. 8
—cont.

PART II

CONFIRMATION ACTS AND ORDERS

Short title (1)	Extent of repeal (2)	
Public Health Supplemental Act 1851 (No. 2)	The unrepealed provisions of the Order relating to the parish of St. John the Baptist, Margate.	1851 c. 98.
Pier and Harbour Orders Confirmation Act 1878 (No. 1)	The Margate Pier and Harbour Order 1878.	1878 c. cxiv.
Pier and Harbour Order (Margate) Confirmation Act 1958	The whole Act.	1958 c. xvii.

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