

County of Merseyside Act 1980

CHAPTER x

LONDON
HER MAJESTY'S STATIONERY OFFICE

County of Merseyside Act 1980

CHAPTER x

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ELIZABETH II



1980 CHAPTER x

An Act to re-enact with amendments and to extend certain local statutory provisions in force within the county of Merseyside; to confer further powers on the Merseyside County Council, the Liverpool City Council and the councils of the boroughs of Knowsley, St. Helens, Sefton and Wirral; to make further provision with respect to the local government, improvement and finances of the county and those local authorities; and for other purposes.

[20th March 1980]

WHEREAS—

(1) The county of Merseyside (hereinafter referred to as " the county ") is a metropolitan county comprising the following areas, described by reference to administrative areas existing immediately before the passing of the Local Government Act 1972:— 1972 c. 70.

The county boroughs of Birkenhead, Bootle, Liverpool, St. Helens, Southport and Wallasey;

In the administrative county of Cheshire—

the borough of Bebington;

the urban districts of Hoylake and Wirral;

In the administrative county of Lancashire—

the borough of Crosby;

the urban districts of Formby, Haydock, Huyton-with-Roby, Kirkby, Litherland, Newton-le-Willows, Prescot and Rainford and parts of the urban districts of Ashton-in-Makerfield and Billinge-and-Winstanley;

in the rural district of West Lancashire—

the parishes of Aintree, Ince Blundell, Maghull, Melling, Netherton, Sefton, Simonswood and Thornton and parts of the parishes of Altcar and Lydiate;

in the rural district of Whiston—

the parishes of Cronton, Eccleston, Halewood, Knowsley, Rainhill, Tarbock, Whiston and Windle and part of the parish of Bold:

(2) Section 262 of the said Act of 1972 provides that, subject to modifications and exceptions, local statutory provisions in force in the area of any metropolitan counties shall continue in force until the end of 1979, and other local statutory provisions in force in other areas shall continue in force until the end of 1984, and that such provisions shall then cease to have effect:

(3) There are numerous local statutory provisions so applicable in the county and elsewhere under the local enactments relating to the local authorities for the former administrative areas comprising the county, and it is expedient that certain of those provisions should be re-enacted with amendments, or otherwise continued in force, and applied to the whole county or to parts of the county, and that other such provisions should be repealed:

(4) It is further expedient that new provision should be made for the improvement and local government of the county and to confer further powers on the Merseyside County Council and the Liverpool City Council and the councils of the boroughs of Knowsley, St. Helens, Sefton and Wirral within the county:

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

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

(7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the said 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 Merseyside Act 1980.

(2) This Act shall come into operation on the expiration of three months after the passing of this Act.

Interpretation.

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

" the Act of 1936 " means the Public Health Act 1936; 1936 c. 49.

" the Act of 1971 " means the Town and Country Planning Act 1971; 1971 c. 78.

" the Act of 1972 " means the Local Government Act 1972; 1972 c. 70.

" the Act of 1976 " means the Local Government (Miscellaneous Provisions) Act 1976; 1976 c. 57.

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

" the chief constable " means the chief constable for the county and includes the deputy chief constable acting by virtue of section 6 (1) of the Police Act 1964; 1964 c. 48.

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

" the county " means the county of Merseyside;

" the county council " means the Merseyside 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 Docks Company " means The Mersey Docks and Harbour Company;

" the electricity board " means the Merseyside and North Wales Electricity Board and the North Western Electricity Board, or either of those boards;

PART I —*cont.*

" functions " includes powers and duties;

" industrial " shall be construed in accordance with the Industry Act 1975;

1975 c. 68.

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

" open space " has the meaning given by section 290 of the Act of 1971;

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

" premises " includes messuages, buildings, lands, easements and hereditaments of any tenure;

" public service vehicle " has the meaning given by section 117 of the Road Traffic Act 1960;

1960 c. 16.

" statutory undertakers " means the electricity board, the British Gas Corporation, the Central Electricity Generating Board, the water authority and the Post Office, or any of them as the case may be, and " statutory undertaker " shall be construed accordingly;

" street " has the meaning given by section 295 of the Highways Act 1959;

1959 c. 25.

" traffic sign " has the meaning given by section 54 of the Road Traffic Regulation Act 1967;

1967 c. 76.

" water authority " means the North West Water Authority and the Welsh Water Authority or either of those authorities.

(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 the commencement of this Act) 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.

PART I —*cont.*

(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

EMPLOYMENT OPPORTUNITIES

Advances for land acquisition or building work. 1963 c. 29.

4. The Local Authorities (Land) Act 1963 shall have effect in the county as if in section 3 (power for local authority to make advances on mortgage for the erection of buildings on land sold or let by them not exceeding three-quarters of the estimated value of the mortgaged security)—

(1) for subsection (1) there were substituted the following:—

"(1) Subject to the provisions of this section a local authority may advance money to any person for the purpose of enabling him—

(*a*) to purchase or take on lease any land; or

(*b*) to erect a building or carry out any other work on any land;

being in either case land situated inside or outside their area.";

(2) for subsection (3) there were substituted the following:—

"(3) The amount of the principal of an advance made under this section shall not exceed nine-tenths of the value which it is estimated the mortgaged security will bear on completion of the building or other work, if any, for which the advance is made.".

PART II —*cont.*

Grants for industrial purposes.

5.—(1) A local authority may make grants to any person in respect of the cost of preparing the site of an industrial building (including any extension of such a building) on any land owned or leased by a small firm.

(2) In this section " small firm " means an industrial undertaking which has no more than 100 whole-time employees.

Further power to assist industry.

6.—(1) A local authority may carry out any work required—

(*a*) for the preparation or improvement of the site of an industrial building; or

(*b*) for the provision or alteration of facilities or services required in connection with such a building.

(2) Nothing in this section shall be construed as authorising the carrying out of works by a local authority for the provision or alteration of services which it is the function of statutory undertakers or of the British Railways Board to provide or alter.

Guarantee of rents, etc., of industrial buildings.

7. A local authority may guarantee the payment of—

(*a*) any rent or other sum payable in respect of any industrial building; or

(*b*) any sum payable to any statutory undertakers in respect of the provision or maintenance of any works or services in connection with any industrial building.

Interpretation of Part II.

8. In this Part " industrial building " has the meaning given by section 66 of the Act of 1971 and " industrial undertaking " has a corresponding meaning.

Duration of Part II.

9. This Part shall cease to have effect at the end of 1984.

PART III

OPEN SPACES AND MUNICIPAL PROPERTY

Provision of parking places in parks, etc.

10.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and control a local authority may set apart an area of the park, pleasure ground or open space for use for the parking of vehicles and provide parking places and facilities in connection therewith:

Provided that a local authority shall not under this section set apart an area of any park, pleasure ground or open space exceeding one-half hectare or one-eighth, whichever is the less, of that park, pleasure ground or open space.

PART III —*cont.*

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

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

PART IV

HIGHWAYS AND ROAD TRAFFIC

Highway amenities.

11.—(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*) footpaths within the meaning of the Highways Act 1959; 1959 c. 25.

(*b*) subways constructed under section 69 of that Act;

(*c*) bridges constructed under section 69A of that Act;

(*d*) a city walkway provided under Part II of the Liverpool Corporation Act 1969; and 1969 c. lv.

(*e*) roads the use of which by vehicular traffic is prohibited by a traffic regulation order made under section 1 (3) 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 ";

and, in the application of section 213 to a city walkway only, the substitution for any reference therein to the highway authority of reference to the county council.

(3) For the purpose of subsection (1) (*e*) above, use by vehicular traffic is prohibited where the prohibition applies to the whole

PART IV —*cont.*

width of the road and is so prohibited notwithstanding that the traffic regulation 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.

(4) 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 (7) and (8) 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.

(5) 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.

(6) 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.

(7) Where a competent authority propose—

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

(*b*) to consider an application for permission to provide facilities for recreation or refreshment pursuant to subsection (4) 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

PART IV —*cont.*

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.

(8) Notice for the purpose of subsection (7) 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, 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 ".

(9) The competent authority shall not proceed with any proposal to exercise any such powers, or to grant any such permission, as are mentioned in subsection (7) above until they have taken into consideration all representations made in accordance with that subsection.

(10) 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 (7) above.

Power to provide kiosks, etc.

12.—(1) A district council may provide in any street in their district kiosks, showcases 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

PART IV —*cont.*

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

(3) The power exercisable by a district council under subsection (1) above to provide kiosks, showcases or other structures includes power to permit their provision by any person on such conditions as the district council think fit.

(4) A district council shall not 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 district council shall not exercise the powers conferred by this section in any street which is a highway without the consent of the highway authority.

(6) (*a*) The county council may, with the consent of the district council and, where the county council are not the highway authority, of that authority, provide in any street in a district such structures as are mentioned in subsection (1) above.

(*b*) For the purposes of this subsection, subsections (2) and (4) above shall apply and for that purpose shall have effect as if for the reference in subsection (2) to subsection (1) there were substituted reference to this subsection and for the reference in subsection (4) to a district council there were substituted reference to the county council.

(7) For the purposes of this section the following provisions of section 11 (Highway amenities) of this Act shall apply subject to the following modifications:—

(*a*) subsection (5), as if the reference therein to that section were a reference to this section;

(*b*) subsections (7) to (9), as if any proposal of a district council or the county council to exercise the powers of subsection (1) above, or of a district council to exercise the powers of subsection (3) above, for the provision of any structure in a street were a proposal for that provision of the structure in exercise of the powers of section 213 of the Act of 1971 as having effect in accordance with the said section 11.

(8) A district council or the county council shall not exercise the powers of this section in relation to any street belonging to or repairable by 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.

Street numbers.

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

PART IV —*cont.*

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

Buildings under highways. 1959 c. 25.

14.—(1) Section 153 of the Highways Act 1959 (prohibition of construction of vaults, arches or cellars under the carriageway of a street without consent) shall have effect in the county as if—

(*a*) for the words " a vault, arch or cellar under the carriageway of a street " there were substituted the words " under a highway any part of a building on land adjoining the highway or a vault, arch or cellar ";

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

PART IV —*cont.*

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

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

(*e*) after subsection (5) there were inserted—

" (5A) 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."; and

1950 c. 39.

(*f*) subsection (6) were omitted.

1959 c. 25.

(2) Section 153 of the Highways Act 1959, as that section has effect in accordance with subsection (1) above, is set out in Part I of Schedule 1 to this Act.

(3) Section 154 of the Highways Act 1959 (openings to cellars or vaults under footways) shall have effect in the county as if, in substitution for the definition of " appropriate authority " in that section provided by section 153 (6), there were inserted at the end of section 154—

" (6A) In this section ' appropriate authority ' means, in relation to any street which is a highway, the highway authority for the street, and, in relation to any other street, the local authority in whose area the street is situated.".

Affixing of traffic signs to walls.

15.—(1) The appropriate authority shall have power to affix to any building or structure in, or having a frontage to, or constructed over, any road in the county in accordance with this section—

(*a*) any traffic sign which they have power to place on or near any road in pursuance of section 55 (functions of highway authorities as to placing of traffic signs) or, as the case may be, section 56A (functions of certain traffic authorities in respect of traffic signs) of the Road Traffic Regulation Act 1967; or

1967 c. 76.

(*b*) any apparatus required for illumination forming part of any such sign.

1961 c. 64.

(2) In their application in the county subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing of apparatus to buildings for street lighting) shall have effect, with the necessary modifications, as if the attachments therein specified included any such sign or apparatus and the street lighting authority therein referred to included the appropriate authority.

PART IV —*cont.*

(3) Nothing in this section shall derogate from the power of the appropriate authority to enter on land for the placing of traffic signs in pursuance of section 63 of the Road Traffic Regulation Act 1967, or to carry out any work for the improvement of a highway in pursuance of section 64 of the Highways Act 1959. 1967 c. 76. 1959 c. 25.

(4) In exercising their powers under this section the appropriate authority shall be bound by the duties imposed on them by section 84 (1) (general duties with respect to road traffic) of the Road Traffic Regulation Act 1967 as if this section were included in that Act.

(5) The appropriate authorities for the purposes of this section are, in relation to a road in a district, the highway authority and the district council.

PART V

PUBLIC HEALTH

Dust, etc., from building operations.

16.—(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 Public Health Act 1961 has effect in accordance with section 17 (Control of demolitions) of this Act, this section does not apply to any demolition to which subsection (1) of the said section 29 applies. 1961 c. 64.

(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.

(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

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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 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.

Control of demolitions. 1961 c. 64.

17.—(1) As from the appointed day in any district, section 29 of the Public Health Act 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:—

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" 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 served on 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 service of notice under paragraph (*a*) of this subsection,

and a person contravening this subsection shall be liable to a fine not exceeding five hundred pounds.";

(*b*) in the proviso to subsection (3), for the words " given under this subsection " there were substituted the words " served under paragraph (*a*) of this subsection ";

(*c*) 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.";

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

(*e*) 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 and to render any electric line or apparatus in or under the building electrically dead,

(*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*) 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,

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

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may

PART V
—cont.

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 service of notice under subsection (3) (*a*) 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.

(5B) A person contravening such a notice requiring the deferment of part of the demolition shall be liable to a fine not exceeding five hundred pounds, 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.";

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

(*h*) 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 thirty-one 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. ";

(*i*) 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 for the rendering of any electric line or apparatus electrically dead, they shall send a copy of the notice, so far as it relates to that requirement, to the statutory undertakers. "; and

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

PART V —*cont.*

(2) Section 29 of the Public Health Act 1961, as that section has effect in accordance with subsection (1) above, is set out in Part II of Schedule 1 to this Act. 1961 c. 64.

Securing unoccupied buildings.

18.—(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 reasonably 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) 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.

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(5) Before entry on any operational railway line of the British Railways Board under this section not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to the said board; and any person entering upon any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of the said board for the protection of their undertaking.

Disposal of dangerous containers.

19.—(1) No person shall within a district dispose of as waste any container (including a container attached to a vehicle or machine) which has been used for the storage of petroleum spirit without first rendering the container safe from danger of fire or explosion.

(2) If any person knowingly contravenes subsection (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200; and the district council may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing.

(3) In any proceedings for an offence under this section it shall be a defence to show that all such steps as may be reasonably necessary were taken to prevent danger from the container.

(4) No proceedings shall be instituted for an offence under this section if the disposal of the container contravenes section 2 of the Refuse Disposal (Amenity) Act 1978.

1978 c. 3.

(5) In this section " petroleum spirit " has the meaning given by section 23 of the Petroleum (Consolidation) Act 1928.

1928 c. 32.

Safety of stands.

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

(*a*) comprising a work constructed in accordance with building regulations or a work of which plans, sections, specifications or written particulars must, in the opinion of the local authority, be deposited in accordance with those regulations; or

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

1961 c. 64.

(2) As from the appointed day in any district no person shall in the district make available, or permit the use of, a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

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

(*a*) give to the district council notice of his intention, stating the period for which the stand is intended to remain erected; and

(*b*) submit for approval by the district council such particulars of the intended stand as the council may require.

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

(5) The particulars required under subsection (3) (*b*) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the district council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.

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

(*a*) such modifications of any plan, sections and particulars submitted to them as they may require; and

(*b*) such conditions as to maintenance and removal of the stand as they may require;

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

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

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the district council under this section may appeal to a magistrates' court which may dismiss or allow the appeal, or may vary any requirement of the district council, and may make directions for giving effect to its decisions.

PART V —*cont.*

(9) If any person—

(*a*) contravenes subsection (2) above; or

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

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

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

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

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

(*c*) to dismantle the stand;

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

Maintenance of gutters.

21.—(1) Where any gutter, channel or other work is provided for the purpose of preventing water from premises adjoining a highway flowing on to, or over, the footway of the highway for compliance with section 7 (Water from buildings &c. to be conveyed to sewers) of the Birkenhead Corporation Act 1932 or section 142 of the Highways Act 1959, and the gutter, channel or other work needs maintenance or repair, the highway authority may, by notice to the owner or, as the case may be, the occupier of the premises, require him to execute such works as may be necessary to remedy the condition.

1932 c. lxxxi.
1959 c. 25.

(2) 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 (1) above as if—

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

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

Power to order alteration of chimneys.

22.—(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 is 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— PART V —*cont.*

(*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, £300; and

(*b*) in any other case, £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) Except with the consent of the Secretary of State, no complaint shall be made to a magistrates' court under this section in respect of a building which is included in—

(*a*) a list published by the Secretary of State under any enactment in force with respect to ancient monuments; or

(*b*) a list of buildings of special architectural or historic interest compiled by the Secretary of State under section 54 of the Act of 1971.

(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.

(6) In this section " chimney of a building " has the meaning given by section 34 of the Clean Air Act 1956. 1956 c. 52.

23.—(1) A district council may make byelaws for preventing the fouling by dogs of such grass verges managed by any local authority, and maintained in an ornamental condition or mown, as may be specified in the byelaws. Control of dogs in certain areas.

(2) A byelaw under this section prohibiting the fouling by a dog of any such grass verge may provide for the imposition on the owner or keeper of the dog, on summary conviction, of a

PART V —*cont.*

fine not exceeding £50 for contravention of the byelaw; but in any proceedings for an offence under the byelaw it shall be a defence to show that all reasonable steps were taken by the defendant to prevent the commission of the offence.

Control of stray dogs. 1906 c. 32.

24.—(1) A district council may exercise the powers of section 3 of the Dogs Act 1906 with respect to the seizure, detention and disposal of stray dogs in their district, and for that purpose the said section 3 shall have effect in a district subject to the modifications specified in subsection (2) below.

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

(*a*) in subsection (1), the insertion after " a police officer " of the words " or a duly authorised officer of the district council " and after " public resort " of the words " in a district ";

(*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 ".

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

Control of rats and mice.

25.—(1) A district council may with the consent of the owner or occupier of land take any steps for the destruction of rats or mice on the land, or otherwise for keeping it free from rats or mice, and recover from him any expenses reasonably incurred by them in doing so.

1949 c. 55.

(2) Expressions used in subsection (1) above and in the Prevention of Damage by Pests Act 1949 have the same meaning as in that Act.

(3) Section 294 of the Act of 1936 (limitation of liability of owners receiving rent as agent or trustee) shall apply to expenses incurred under this section as if they were expenses incurred under section 5 of the said Act of 1949.

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

26. 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 the following subsections:—

" (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.".

Urgent repairs to supply pipes and water fittings.

27.—(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 in the district to which this section applies, 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

PART V —*cont.*

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 that other person has, at the instance of the defendant, had due notice of the proceedings and an opportunity of being heard.

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

1945 c. 42.

Hairdressers and barbers.

28.—(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 in subsection (2) below, he shall not carry on that business on premises occupied by him unless the premises are so registered.

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

(3) On application for registration under this section the 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 Public Health Act 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. 1961 c. 64.

PART VI

PUBLIC ORDER

Enforcement of byelaws.

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

Byelaws as to street processions.

30.—(1) The county council may make byelaws—

(*a*) for regulating the conduct of processions assembling in, or passing through, any street within the county and all persons taking part in, or being present at, any such procession; and

(*b*) for prohibiting at any such procession conduct, including the use or display of any thing not otherwise prohibited, likely to cause a breach of the peace.

(2) Byelaws under this section may specify the processions to which—

(*a*) the byelaws, or any of them; and

(*b*) section 31 (Notice of street processions) of this Act;

shall or shall not apply and may make provision for the reduction of the period of notice required by the said section 31 in such circumstances as may be prescribed.

(3) Before making byelaws under this section applicable in any district the county council shall consult the district council.

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(4) Any person who contravenes any byelaws made under this section, or any prescription of the county council made under any such byelaw, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) Nothing in the said section 31 or in any byelaw made under this section shall apply to—

(*a*) processions organised or conducted by the Salvation Army; or

(*b*) a procession organised or conducted for the purpose of a funeral by a person acting in the normal course of his business where his business is that of a funeral director.

Notice of street processions.

31.—(1) As from the appointed day in any district, being a day not earlier than the day on which byelaws under section 30 (Byelaws as to street processions) of this Act come into operation in the district, except as may be otherwise provided in the byelaws, no person shall organise or conduct a procession through any street in the district unless, at least three days before the procession starts to pass through any street, there has been served on the chief constable by delivering it to a police constable at any police station in the district, a notice stating—

(*a*) the route by which, and the date and time on and at which, it is intended that it should pass;

(*b*) the nature of the procession to which the notice relates; and

(*c*) the name of a person responsible for organising the procession.

(2) If any procession passes through any street in a district by a route or at a time which has not been stated in a notice relating to that procession delivered in accordance with subsection (1) above, except in accordance with directions given by the chief constable under section 3 of the Public Order Act 1936 or other directions given by the senior police officer, if any, attending the procession, any person organising or conducting the procession shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

1936 c. 6 (1 Edw. 8 & 1 Geo. 6).

Application of section 21 of Town Police Clauses Act 1847 in Liverpool.

1847 c. 89.

32. Section 21 of the Town Police Clauses Act 1847 (prevention of obstruction during public processions) shall have effect in the city of Liverpool as if for the word " commissioners " there were substituted " lord mayor ".

Powers of search.

33.—(1) A police constable may within the county—

(*a*) search any person who may be reasonably suspected of having in his possession or conveying in any manner any thing stolen or unlawfully obtained; and

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(*b*) if there are reasonable grounds to suspect that any thing stolen or unlawfully obtained may be found in or on any vehicle or vessel, enter upon and search the vehicle or vessel.

(2) This section shall cease to have effect on 31st December 1984.

Dealers in second-hand goods.

34.—(1) As from the appointed day in any district, a person shall not in the district carry on the business of a dealer in second-hand goods unless he is registered by the district council under this section or exempted from registration by, or by virtue of, subsection (7) below.

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

(3) Every person registered under this section shall, as respects every transaction under which he acquires any articles in the course of his business, enter, in a book kept by him for that purpose, the date of the transaction, the quantity and description of the articles and the name and address of the person from whom the articles were acquired.

(4) If any person contravenes subsection (1) or (3) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) The occupier of any premises used by a person registered under this section for the purposes of the business in respect of which he is so registered shall keep a copy of the certificate of registration displayed in the premises, and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(6) A police constable may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are used for or in connection with the business of a dealer in second-hand goods and any book kept in accordance with subsection (3) above, and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this section.

(7) This section shall not apply to—

(*a*) any person engaged in a business carried on by a group, organisation or body which is registered as a charity

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under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section; or

1960 c. 58.

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

1964 c. 69.

(*c*) a person engaged in business as a dealer in waste paper, cardboard, textiles or plastics in bulk in respect of his business as such; or

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

1974 c. 39.

(*e*) a person engaged in the business either of financing the acquisition of goods by means of hire purchase agreements, conditional sale agreements or credit sale agreements (as defined in section 189 (1) of the said Act of 1974) or of financing the use of goods by means of bailment agreements, in respect of any such business or any transaction incidental thereto; or

(*f*) a person engaged in a business of which the primary purpose is the supply of new unused goods and to which the supply of second-hand or used goods is merely incidental;

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

Touting, hawking, photographing, etc.

35.—(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:

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 VII (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*) importunes 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 VI —*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 it 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 owner or operator of a public service vehicle from touting for passengers for that vehicle at any bus station;

(*d*) 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;

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.

(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.

PART VII

STREET TRADING

Application, designation of streets and interpretation of Part VII.

36.—(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—

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

" stall " includes a barrow or other vehicle;

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

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

(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.

37.—(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 constable;

(*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.

PART VII —*cont.*

(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.

38.—(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

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

PART VII —*cont.*

(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, or 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 133 (Suspension of proceedings 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.

PART VII —*cont.*

(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.

39. 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 45 (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.

40.—(1) Subject to subsection (2) below, a street trader's licence shall be for such period, not exceeding twelve 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, 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 38 (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 trading 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 VII —*cont.*

(*b*) for the references to subsection (3) of the said section 38, there were substituted reference 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 VII appeals.

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

(*b*) a person 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.

42. 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.

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

1933 c. 12.

(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.

Consultation with traders, organisations, etc.

44. 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 trading licences and to related matters.

Charge for street cleansing.

45. 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 section 38 (2) of this Act; or

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

PART VII —*cont.*

Offences under Part VII.

46. 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 police 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 VII.

47.—(1) Nothing in this Part shall—

(*a*) 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.

(*b*) 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.

(*c*) 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;

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

(*e*) 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;

(*f*) prohibit the provision of facilities for recreation or refreshment under section 213 (2) of the Act of 1971 as amended by section 11 (Highway amenities) or of structures under section 12 (Power to provide kiosks, etc.) of this Act;

PART VII —*cont.*

(*g*) 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.

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

(*a*) that nothing except newspapers and periodicals 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 one metre in its vertical, or any horizontal, dimension or a quarter of a square metre in area.

(3) Nothing in this Part shall 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.

PART VIII

FIRE PRECAUTIONS AND SAFETY

Means of escape from fire.

48.—(1) Where—

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

(*b*) the plans of any proposed work show that it will include or consist of the construction, extension or alteration of a building so that the building as constructed or, as the case may be, the building as extended or altered will provide sleeping accommodation for, or a place for occupation by, either—

(i) more than 20 persons; or

(ii) more than 10 persons in any part of the building other than the ground floor; or

(*c*) the change of use is for the purpose of providing such accommodation as is mentioned in paragraph (*b*) above;

PART VIII —*cont.*

the district council shall reject the plans unless they are satisfied, after consultation with the fire authority, that there will be provided in, or in connection with, the building such means of escape in case of fire as may be reasonably required and that such other provision will be made (other than the provision of fire-fighting equipment) as they may reasonably require to secure the safe and effective use of that means of escape in case of fire.

(2) For the purposes of this section any part of a building which is, or is to be, divided from any other part of the same building by imperforate compartment walls extending throughout the height of the building having a fire resistance of not less than one hour for the purposes of building regulations shall be taken to be a separate building.

(3) Subsection (1) above shall not apply to any premises or building or part of a building—

1971 c. 40.

(*a*) put to a use in respect of which a fire certificate is required under the Fire Precautions Act 1971;

S.I. 1976/2010.

(*b*) to which section 9A of that Act (office premises, shop premises and railway premises) or the Fire Precautions (Non-certificated Factory, Office, Shop and Railway Premises) Regulations 1976 apply;

1974 c. 37.

(*c*) in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974;

(*d*) to which section 59 of the Act of 1936 applies (public and other buildings);

(*e*) not exceeding two storeys in height in which the floor of the upper storey is not more than 4·5 metres above the surface of the ground on any side of the building, being a building which is occupied, or designed for occupation, in flats; or

(*f*) to which Section II of Part E of the Building Regulations 1976, or any building regulation for the time being in force amending or replacing that regulation, applies until there is a material change in the circumstances taken into account for the purposes of that regulation.

(4) 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.

(5) A person aggrieved by the action of the district council under subsection (1) above in rejecting plans, or in imposing any requirements, may appeal to the Secretary of State.

PART VIII —*cont.*

(6) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district used for a purpose specified in subsection (1) above—

(*a*) 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

(*b*) is not provided with such means of escape capable of safe and effective use in case of fire that, if plans of the work consisting of, or including, the building or, as the case may be, that part of the building had been so deposited, the district council would have passed the plans without making any requirements under subsection (1) above;

they may, by notice to the owner of the building, require—

(i) the provision of such means of escape in case of fire as may be reasonably required; and

(ii) the making of such other provision (other than the provision of fire-fighting equipment) as may be reasonably required to secure the safe and effective use of that means of escape in case of fire.

(7) Subsection (6) above shall not apply to—

(*a*) any premises or building or part of a building referred to in subsection (3) above;

(*b*) any house to which section 16 of the Housing Act 1961 applies (house occupied by persons not forming a single household). 1961 c. 65.

(8) 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 (6) above as if—

(*a*) references in those provisions to that Act included reference to that 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 to a further fine " to the end were omitted.

(9) 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.

PART VIII —*cont.*

Maintenance of means of escape from fire.

49.—(1) Any means of escape in case of fire or things to secure their safe and effective use, provided in, or in connection with, any building in the county for compliance with section 48 (Means of escape from fire) of this Act, or any corresponding statutory provision repealed by this Act, shall be maintained by the owner of the building in good condition and repair and in efficient working order, and no person shall, without reasonable excuse, obstruct or render less commodious any such means of escape in case of fire or permit the same to be obstructed or rendered less commodious.

(2) If any person contravenes subsection (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(3) For the purpose of carrying out or maintaining any work required to be done or maintained by the owner of a building for the provision or maintenance of any means of escape in case of fire, or things to secure their safe and effective use, required to be provided under any statutory provision, it shall be lawful for the owner, notwithstanding any provision to the contrary contained or implied in any lease or contract affecting the building, to enter the building or any part thereof and do all such things therein or thereto as may be necessary or proper in that behalf.

Parking places: safety requirements.

50.—(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.

(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

1928 c. 32.

compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

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

(*a*) construction of the vehicular approaches;

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

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

(*d*) means of ventilation;

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

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

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

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

(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.

(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 under subsection (2) above or under any corresponding statutory provision repealed by this Act, 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;

PART VIII —*cont.*

(*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 that 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.

(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.

PART VIII —*cont.*

(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 the 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.

Fire and safety precautions in public and other buildings.

51.—(1) If it appears to a district council that, for the purpose of preventing fire in any public or other building in the district to which section 59 of the Act of 1936 (safeguards for passages) applies, or for the purpose of preventing injury or danger to persons resorting to any such building—

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

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

(*c*) any floor requires strengthening to prevent overloading; or

(*d*) any fireplaces, flues, chimney vents or other similar parts of the building require repair or renewal;

the district council may, by notice, require the owner or occupier of the building to make such provision in regard to the matters aforesaid as may be necessary.

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

(3) A notice under subsection (1) above shall not require any measures to be taken which are more onerous than those necessary to secure conformity, as to matters to which building regulations relate, with the requirements of any of those regulations applicable to the building if newly erected for the relevant purpose.

(4) This section shall not apply to any building, or part of a building, in respect of which a licence under Part IV of the Public

PART VIII —*cont.*

1890 c. 59. 1968 c. 54.

Health Acts Amendment Act 1890, Part XI (Licensing of public entertainments) of this Act, the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force.

Fire precautions in high buildings.

52.—(1) Where—

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

(*b*) the plans show that the proposed work will include or consist of the construction, extension or alteration of, or, as the case may be, that the building is, a building of which the floor of any storey is more than 18·3 metres above the surface of the ground on any side of the building;

the district council shall reject the plans unless they are satisfied, after consultation with the fire authority, that they may properly consent to the construction, extension, alteration or, as the case may be, the change of use of the building, either unconditionally or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (2) below for preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building.

(2) The conditions subject to compliance with which plans may be passed under subsection (1) above are conditions with respect to the provision and maintenance of such of the following as may, after consultation with the fire authority, appear to the district council to be necessary:—

(*a*) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;

(*b*) fire extinguishing systems;

(*c*) effective means of removing smoke in case of fire;

(*d*) adequate means of access for fire brigade appliances and personnel.

(3) Subsection (2) (*b*) above shall not apply to any building in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(4) 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.

(5) A person aggrieved by the action of the district council under subsection (1) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.

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(6) 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.

Fire precautions in large storage buildings.

53.—(1) In this section—

(*a*) reference to the use of a building for a purpose to which this section applies is a reference to the use of any building for the purpose of storing or depositing goods or materials where more than 7,000 cubic metres of the building are so used, not being the use for the parking of vehicles of a parking place to which section 50 (Parking places: safety requirements) of this Act applies;

(*b*) a change of use of a building from use for the storage of goods or materials of the kind specified in any condition imposed in relation to that building under subsection (3) (*d*) below, to use for the storage of goods or materials of another kind, shall be taken to be a material change of use of the building.

(2) Where—

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

(*b*) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building used, or to be used, for a purpose to which this section applies or, as the case may be, the change of use is for use for a purpose to which this section applies;

the district council shall reject the plans unless they are satisfied, after consultation with the fire authority, that they may properly consent to the construction, extension, alteration or change of use 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 the outbreak or spread of fire in or from the building or reducing danger from fire in the building.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to any of the following matters relating to the building in respect of which those plans are deposited:—

(*a*) the division of the building or any part of the building into compartments with a cubic extent not exceeding

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7,000 cubic metres by compartment walls or compartment floors, or by both such walls and floors (including any openings in such walls and floors), being walls and floors having a fire resistance of not less than two hours for the purposes of building regulations;

(*b*) the provision of not less than two hours' fire resistance for any external wall of the building which encloses the storage space within the building used for the purpose to which this section applies, or is at a distance from that space less than the height of that space as ascertained in accordance with subsection (11) (*a*) below, due allowance being made for unprotected areas of the wall permitted for the purposes of building regulations;

(*c*) the vertical extension of any such walls as are referred to in paragraph (*a*) or (*b*) above to such height above the roof of the building as may be required to prevent the spread of fire from a building of which the roof has a fire resistance of less than two hours for the purposes of building regulations;

(*d*) the kind of goods or materials to be stored in any such storage space in respect of which consent is given;

(*e*) except where the first use to which any premises constituting or comprised in the building or, as the case may be, the building as extended or altered, will be put, after the proposed work or change of use has been carried out, will be a use in respect of which a fire certificate is for the time being required under the Fire Precautions Act 1971, the means of ingress to, and egress from, the building or any part of the building, including provision for safe ingress and egress in case of emergency;

1971 c. 40.

(*f*) the provision and maintenance of such of the following as may, after consultation with the fire authority, appear to the district council to be necessary:—

(i) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;

(ii) fire extinguishing systems;

(iii) effective means of removing smoke in case of fire;

(iv) adequate means of access for fire brigade appliances and personnel.

(4) (*a*) To the extent to which any conditions imposed by the district council in relation to any building in respect of the matters specified in subsection (3) (*e*) above conflict with the

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requirements of section 9A of the Fire Precautions Act 1971, those conditions shall not have effect; and to the extent to which any conditions imposed by the district council under this section in relation to any building in respect of the matters specified in subsection (3) (*f*) above conflict with any conditions imposed in relation to that building in respect of the matters specified in subsection (2) of section 52 (Fire precautions in high buildings) of this Act, those conditions imposed under this section shall not have effect. 1971 c. 40.

(*b*) Subsection (3) (*f*) (ii) above shall not apply to any building in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974. 1974 c. 37.

(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.

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

(7) If it appears to the district council, after consultation with the fire authority, that any building in the district—

(*a*) has been first brought into use after the commencement of this Act for a purpose 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 building had been so deposited, the district council would have passed the plans without specifiying conditions with respect to any of the matters specified in subsection (3) above;

they may, for the purpose of preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building, by notice to the owner or occupier of the building 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 building until those conditions have been complied with, such other conditions as may be so specified.

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(8) 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 (7) above as if—

(*a*) references in those provisions to that Act included reference to that 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 to a further fine " to the end were omitted.

(9) 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.

(10) If any person, without reasonable excuse, obstructs any means of ingress or egress provided in pursuance of a condition imposed under subsection (3) (*e*) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(11) (*a*) For the purpose of paragraph (*a*) of subsection (1) above, the aggregate cubic extent of a building, or part of a building, used for any purpose mentioned in that paragraph (hereafter in this subsection referred to as " the relevant purpose ") shall be ascertained by measuring the volume of the space therein so used contained within—

(i) the inner finished surfaces of the external walls of the building and any internal enclosing wall which (including any openings therein) has a minimum fire resistance of two hours for the purpose of building regulations, or, on any side where there is no such wall, a vertical plane at the limit of the space used for the relevant purpose;

(ii) the upper surface of the lowest floor used for the relevant purpose in the building; and

(iii) the under surface of the roof of the building, or any floor over the space used for the relevant purpose which has a minimum fire resistance of two hours for the purpose of building regulations.

(*b*) For the purpose of this subsection—

(i) no deductions shall be made for any space which is used for ingress or egress or for placing or removing contents of the building, or for any space less in width than the

height between the floor and roof specified in paragraph (*a*) (ii) and (iii) above which is between that used for the relevant purpose and an external wall of the building; and

(ii) where the part of the space used for the relevant purpose, when ascertained in accordance with paragraph (*a*) above, consists of a number of separate spaces, those spaces and any intervening spaces used for any other purpose shall, except as provided in sub-paragraph (iii) below, be taken as one space wholly used for the relevant purpose; but

(iii) there shall be excepted from sub-paragraph (ii) above any space which is separated from another space by a distance, or by walls or floors, adequate to prevent a spread of fire to or from that other space.

Firemen's switches for luminous tube signs.

54.—(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 appointed 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, the owner or the occupier of the premises where the apparatus is to be installed 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 appointed day, the owner or the occupier of

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the premises where it is installed shall, not more than 21 days after the appointed day, give notice to the fire authority stating whether the apparatus is already 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 appointed day, the fire authority may serve on the owner or occupier of the premises 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 already 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 reference therein to a local authority included reference to the fire authority.

(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.

PART VIII —*cont.*

(10) The owner or occupier of premises where apparatus to which this section applies is installed which does not comply with subsection (2) above, and the owner or the occupier of the premises who does not comply with the requirements of the fire authority stated in a notice under subsection (6) 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.

(11) Any person who fails to give notice as required by subsection (3), (5) or (9) above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Access for fire brigade.

55.—(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.

(2) (*a*) 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.

(*b*) No requirement concerning means of access to a building shall be made under this section in the case of a building in respect of which a requirement may be made under subsection (2) (*d*) of section 52 (Fire precautions in high buildings) of this Act.

(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) A 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.

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Defective electrical installations in houses.

56.—(1) In this section " electrical installation " means any electrical wiring or fittings installed in a house, not being electrical wiring or fittings belonging to the electricity board.

(2) Where it appears to a district council that, by reason of any defect in any electrical installation in any occupied house, or in any part of a building occupied as a separate dwelling, in a district, that house or, as the case may be, that part of the building is in such a state as to be dangerous, the district council may, by notice, require the owner of the house or building to carry out such work as shall be necessary to remedy the defect.

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

(4) Among the grounds upon which an appeal may be brought under subsection (3) of the said section 290 against a notice under subsection (2) above shall be that it is not reasonably practicable to comply with the notice, or that, having regard to the period during which the house or part of the building is likely to continue to be used for human habitation, it is unreasonable to require the execution of the work.

(5) Not later than the seventh day after that on which the district council give notice under subsection (2) above they shall send a copy of the notice to the electricity board.

(6) This section shall not apply to a house in an area declared to be a clearance area or which has been declared to be unfit for human habitation.

Oil-burning equipment.

57.—(1) In this section—

" 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 Central Electricity Generating Board or equipment provided in accordance with proposals approved under section 6 of the Electricity Act 1957;

1957 c. 48.

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

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

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

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 in any district or part thereof for securing that arrangements are 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 " confirm " where it secondly occurs, there were inserted " 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

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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 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 equipment 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, 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 county council 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 the 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.

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(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.

(*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 Theatres Act 1968 or the Cinematograph Acts 1909 and 1952 is for the time being in force. 1968 c. 54.

PART IX

STORAGE OF FLAMMABLE MATERIAL

Interpretation of Part IX.

58.—(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 one metre wide; or

(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.

59.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations, or in accordance with a consent given under section 53 (Fire precautions in large storage buildings) of this Act, if—

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

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(*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;

(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) (*b*) to (*d*) above are—

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

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(*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 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 purposes of, or in connection with, their undertaking.

Unlawful stacks.

60.—(1) Subject to subsection (2) of section 64 (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.

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(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 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 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.

(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.

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Part IX appeals.

61. A person aggrieved by the county council's refusal of consent, or by any condition imposed on such a consent, under section 60 (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.

Part IX powers of entry.

62. 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.

63. Where a stack is on any premises in contravention of subsection (1) of section 60 (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.

64.—(1) Where under subsection (4) of section 60 (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 60 (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 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

ENTERTAINMENT CLUBS

Interpretation of Part X.

65. In this Part " entertainment club " means, subject to section 72 (Exemption of premises) of this Act, any premises in the district which are used by the members of a club, organisation

PART X —*cont.*

or body for the provision of entertainment, for dancing or for the playing of games in pursuance of the objects of the club, organisation or body.

Prohibition of unregistered entertainment clubs.

66. As from the appointed day in any district, any person, being the owner or occupier or a person concerned in the conduct or management of premises in the district, who—

(*a*) uses or permits the use of those premises as an entertainment club when they are not registered under this Part; or

(*b*) contravenes, or permits the contravention of, a condition imposed on registration of the premises under this Part;

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

Offences in connection with entertainment clubs.

67. If an entertainment club is habitually used for an unlawful purpose, or as a resort of criminals or prostitutes, any person concerned in the conduct or management of the entertainment club who knows that the premises are so used and does not take such steps as may be necessary to prevent that use shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Application for registration.

68.—(1) Application for registration or the renewal of registration of premises under this Part shall be made to the district council by the owner or occupier of the premises, stating—

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

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

(*c*) such other information regarding the premises, the persons concerned or intended to be concerned in the conduct or management thereof, and the manner in which the premises are to be used, as the district council may reasonably require;

and the applicant shall supply such plans of the premises as the district council may reasonably require.

(2) (*a*) With his application for registration or for the renewal of registration of premises under this Part the applicant shall pay such reasonable fee to cover the expense of the district council in dealing with such applications as the 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 premises used for a purpose which, in the

PART X —*cont.*

opinion of the district council, is charitable; and in any other case the district council may dispense with, or reduce, the fee.

(3) An applicant for registration or for the renewal of registration of premises under this Part shall, upon making his application, give notice of the application to the fire authority and to the chief constable; and shall give public notice of the application (identifying the premises) in such form as the district council may, by resolution, prescribe—

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

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

(4) An application for registration or for the renewal of registration of premises under this Part shall not be entertained by the district council unless they are satisfied that the applicant has complied with subsection (3) above in respect of the application.

Registration of entertainment clubs.

69.—(1) (*a*) The district council shall, on considering an application for the registration of premises under this Part, take into account the suitability of the premises for use as an entertainment club having regard to the matters referred to in subsection (3) below and shall, on considering an application for the renewal of registration, take those matters into account if in their opinion there has, since the last registration or renewal, been a material change of circumstances affecting any of those matters.

(*b*) Before considering an application for the registration or the renewal of registration of premises under this Part, the district council shall consult the fire authority.

(2) On considering an application for the registration or the renewal of registration of premises under this Part 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.

(3) The district council may refuse to register or renew the registration of premises under this Part if they are satisfied that it is reasonable to do so, having regard to all the circumstances, on any of the following grounds:—

(*a*) the premises are not structurally suitable for the intended use, or are not provided with satisfactory means of lighting, sanitation and ventilation;

PART X —*cont.*

(*b*) the premises are not safe for such use, or the means of heating the premises are not safe;

(*c*) satisfactory means of ingress and egress, and suitable fire-fighting appliances, are not available on the premises;

(*d*) proper precautions against fire on the premises have not been taken;

(*e*) the intended use of the premises is likely to cause nuisance;

(*f*) the applicant has, within the period of five years immediately preceding the date of the application been convicted of an offence under section 8 (*b*) of the Misuse of Drugs Act 1971 (supply of controlled drugs) or under this Part; and

1971 c. 38.

(*g*) any person concerned or intended to be concerned in the conduct or management of the premises is of such character that persons resorting to the premises are likely to be depraved or corrupted;

and the district council shall refuse to register or renew the registration of any premises under this Part if they are satisfied that a disqualification order is for the time being in force under section 100 of the Licensing Act 1964 or section 11 of the Late Night Refreshment Houses Act 1969 in respect of the premises or of any person concerned or intended to be concerned in the conduct or management thereof.

1964 c. 26.
1969 c. 53.

(4) The district council may, on registering or renewing the registration of premises under this Part, impose such conditions as may be reasonable, having regard to all the circumstances, as to—

(*a*) the maintenance and safe condition of the premises and of means of heating the premises;

(*b*) the taking of proper precautions against fire, and the maintenance in proper order of all means of ingress and egress, fire-fighting appliances and means of lighting, sanitation and ventilation;

(*c*) the maintenance of good order;

(*d*) the number of persons who may be allowed to be on the premises at any time;

(*e*) the hours of opening and closing the premises.

(5) The district council may at any time revoke a registration under this Part on any ground upon which, by subsection (3) above, they are authorised or required to refuse to register or renew the registration of the premises, or if they are satisfied that a condition imposed under subsection (4) above has not been complied with.

PART X —*cont.*

(6) Before refusing to register or renew the registration of premises under this Part, revoking a registration, or imposing any condition on a registration or renewal of a registration, the district council shall give to the person applying for registration or renewal of registration, or, in the case of a revocation, the person in whose name the premises are registered, 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.

(7) Applications for registration of premises under this Part shall be determined without undue delay.

(8) Registration under this section shall, unless revoked, remain in force for such period not exceeding 13 months as may be fixed by the district council on the grant of the registration or renewal thereof.

Part X appeals.

70.—(1) A person aggrieved by a refusal to register or to renew a registration of premises under this Part, or by the revocation thereof, or any condition imposed thereon, may, not later than 21 days after the day on which notice is given to him under subsection (6) of section 69 (Registration of entertainment clubs) of this Act, appeal to a magistrates' court.

(2) On any such appeal the court may, by order—

(*a*) confirm or set aside such refusal or revocation and, on setting aside a refusal or revocation, impose any condition which the district council would have been entitled to impose; or

(*b*) confirm, vary or set aside any condition imposed on the registration;

and make directions for giving effect to its decision:

Provided that, where conditions have been imposed on a registration by the district council, the court shall not vary any such condition, or impose any new condition, so as to make the conditions more onerous than those imposed by the district council.

Part X powers of entry, inspection and examination.

71.—(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 police constable, may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause

PART X —*cont.*

to believe are used, or intended to be used, as an entertainment club for the purpose of ascertaining—

(*a*) whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this Part or of any condition imposed on registration under this Part; 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 premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

Exemption of premises.

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

(*a*) premises in respect of which there is in force for the time being a justices' on licence as defined in section 1 (2) of the Licensing Act 1964, or a Part IV licence as defined in section 93 of that Act;

1964 c. 26.

(*b*) premises while in use wholly or mainly for any purpose authorised by a licence under section 51 of the Public Health Acts Amendment Act 1890, the Private Places of Entertainment (Licensing) Act 1967 or Part XI (Licensing of public entertainments) of this Act, or a licence for the public performance of stage plays or a cinematograph exhibition;

1890 c. 59.
1967 c. 19.

(*c*) premises kept open wholly or mainly in the course of carrying on the business of a hotel or boarding house keeper providing sleeping accommodation for members of the public as guests;

(*d*) premises used by a club which is registered or licensed under the Licensing Act 1964 or is managed or controlled by a local authority;

(*e*) premises used exclusively as a canteen forming part of a factory, office or dock which is subject to any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974;

1974 c. 37.

(*f*) premises by reason only of their use for the purposes of a club, organisation or body which is registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section.

1960 c. 58.

(2) (*a*) A district council may by resolution—

(i) exempt from this Part premises of a class or description, specified in the resolution, from a date so specified; and

PART X —*cont.*

(ii) remove that exemption, in whole or as respects premises of a particular class or description so specified, from a date so specified.

(*b*) Subsections (2) and (3) of section 3 (Appointed day) of this Act shall, with any necessary modifications, apply in respect of a resolution under this subsection and any date specified by the resolution.

(3) Notwithstanding the provisions of this Part it shall be lawful for any person who—

(*a*) immediately before the appointed day was using any premises as an entertainment club and had before that day duly applied for the registration of those premises for that purpose;

(*b*) was using any premises as an entertainment club immediately before the date specified in a resolution under subsection (2) (*a*) (ii) above for the removal of an exemption affecting those premises and had before that date duly applied for registration of those premises for that purpose; or

(*c*) before the expiration of the period of registration of any premises for use as an entertainment club, had duly applied for the renewal of that registration;

to continue that use of the premises until he is informed of the decision with regard to his application; and, in the case of an applicant for the renewal of registration mentioned in paragraph (*c*) above, the registration shall be deemed to remain in force notwithstanding the expiration of the period of registration until he is so informed.

PART XI

LICENSING OF PUBLIC ENTERTAINMENTS

Interpretation of Part XI and repeal.

73.—(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 premises 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;

PART XI —*cont.*

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

(2) On the appointed day in any district, section 51 of the 1890 c. 59. Public Health Acts Amendment Act 1890 (music and dancing licences) shall cease to have effect.

(3) Notwithstanding the repeal by this Act of any local statutory provision, until the appointed day in a district, the said section 51 shall continue to have effect in the district.

Licensing of entertainments.

74.—(1) Subject to the provisions of this Part, as from the appointed day in any district, premises within the district shall not 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 premises 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.

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

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

(*b*) except in the case of application for 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 a licence under this Part 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 a licence under this Part the district council shall take into consideration any objection made against the applicant 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.

PART XI —*cont.*

(7) Before refusing to grant or renew a licence under this Part 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 is based.

(8) Applications for licences under this Part 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 Public Health Act 1961; or 1961 c. 64.

(*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 213 (2) of the Highways Act 1959), 1959 c. 25. or, if so used as an incident to any religious meeting or service, of any other premises.

Nature and duration of entertainment licences and conditions.

75.—(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 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, in the opinion of the district council, is 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 74 (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 a licence granted under this Part, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the district council or until the withdrawal of the application.

(5) Where, before the date of expiry of a licence granted under this Part, an application has been made for the transfer of that

PART XI —*cont.*

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 premises 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 XI.

76. A person who—

(*a*) keeps or uses, or permits the use of, premises contrary to subsection (1) of section 74 (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.

77. 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 XI appeals.

78. 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 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 XI powers of entry, inspection and examination.

79.—(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 police constable, may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are 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 premises, a contravention of the provisions of this Part or of any term or condition on which an entertainment licence for those premises 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 premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

PART XI —*cont.*

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

80.—(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 entertainment) shall have effect as if the enactments 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 Cinematograph Act 1909. 1909 c. 30.

81.—(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 XII

FINANCE

Recovery of rates from certain owners. 1967 c. 9.

82.—(1) This section applies in the case of any hereditament in a district where—

(*a*) section 55 of the General Rate Act 1967 (rating of owners instead of occupiers) does not apply by virtue of a resolution of the district council, and there is no agreement in force between the owner of the hereditament and the district council pursuant to section 56 of that Act (agreement for payment or collection of rates by owner); and

(*b*) the owner of the hereditament has agreed with the occupier of all or any part of the hereditament that the owner shall pay the general rate charged on the hereditament; and

(*c*) in pursuance of such an agreement a payment equal to all or any part of that general rate, whether expressed as a payment of rent or rates, has been made by the occupier to the owner (in this section referred to as " the specified payment ").

(2) Without prejudice to any other remedy available to them for the recovery of the general rate, the district council may recover

PART XII —*cont.*

a sum not exceeding the specified payment from the owner of the hereditament in like manner and subject to the like conditions as rates payable by the occupier of a hereditament (not being an occupier by whom a notice under section 50 (1) of the General Rate Act 1967 has been given and is for the time being in force) are recoverable from the occupier.

(3) Any sum recovered under subsection (2) above shall be set off against any general rate outstanding in respect of the hereditament at the date when the specified payment was made by the occupier to the owner.

(4) In this section " owner " has the same meaning as in section 55 of the General Rate Act 1967.

1967 c. 9.

Differential rating.

83.—(1) On and from 1st April 1979, the following provisions relating to the differential rating of lands, docks and works owned or occupied by, or under the management of, the Docks Company shall cease to have effect:—

1873 c. xcii. In the Bootle-cum-Linacre (Borough Boundary) Act 1873, section 8;

1889 c. lxxv. In the Liverpool Corporation Act 1889, section 29 and the heads of agreement scheduled to that Act;

1920 c. lxiii. In the Bootle Corporation Act 1920, section 8;

1921 c. lxxiv. In the Liverpool Corporation Act 1921, section 531;

1925 c. 90. The scheme made by the council of the county borough of Liverpool under section 64 of the Rating and Valuation Act 1925 approved by the Minister of Health on 12th January 1928;

H.L.G. 15382. The Liverpool Rating Scheme Amendment Order 1964;

S.I. 1973/494. The Liverpool Rating Scheme (Amendment) Order 1973;

so that, as from that date except as provided in subsection (4) below, there shall be no differential rating of any such lands, docks and works.

(2) The repeal by this Act of the provisions specified in subsection (1) above shall have effect as from 1st April 1979.

(3) Unless otherwise agreed from time to time between the water authority and the Docks Company, on and from 1st April 1979, no charge shall be made by the water authority under Part III of the Water Act 1973 in respect of any service performed, facility provided or right made available for the Docks Company in respect of any part of the Dock Estate which lies within the city of Liverpool and the metropolitan borough of Sefton, being a service, facility or right in respect of which the water authority would, but for this subsection, be entitled to demand, take and recover charges by reason of the provision of, connection to, or use of public sewers, but nothing in this subsection shall affect charges which may be made by the water authority in respect of the treatment and disposal of sewage.

1973 c. 37.

PART XII —*cont.*

(4) (*a*) In each of the years specified in column (1) of the following table:—

(i) the general rate due on the rateable value of the hereditaments in the city of Liverpool referred to in section 531 (3) of the Liverpool Corporation Act 1921 shall be reduced by the proportion specified in column (2) of that table; and 1921 c. lxxiv.

(ii) the portion of the general rate due on the rateable value of the hereditaments in the former county borough of Bootle referred to in section 8 of the Bootle Corporation Act 1920 which is attributable to police expenditure of the county council shall be reduced by the proportion specified in column (3) of that table— 1920 c. lxiii.

TABLE

(1) Year ending	(2) Rate relief in respect of hereditaments in Liverpool	(3) Rate relief (police expenditure only) in respect of hereditaments in Bootle
31st March 1980	8%	100%
31st March 1981	6%	75%
31st March 1982	4%	50%
31st March 1983	2%	25%

(*b*) The sum allowed in each year by way of reduction of the general rate in accordance with paragraph (*a*) above shall, as between the county council and the rating authorities, be borne by the county council.

(5) In this section—

" the Dock Estate " has the same meaning as in section 109 (For protection of Mersey Dock Estate) of this Act;

" the water authority " means the North West Water Authority.

PART XIII

MERSEY TUNNELS

Interpretation of Part XIII.

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

" the approaches " means the approaches to the Queensway Tunnel authorised by the Mersey Tunnel Acts 1925 to 1928 and the Birkenhead Corporation (Mersey Tunnel Approaches) Act 1965 and the approach roads and approaches to the Kingsway Tunnel authorised by the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965 and the Mersey Tunnel (Liverpool/Wallasey) Act 1968; 1965 c. xxxviii. 1965 c. xl. 1968 c. xii.

PART XIII —*cont.*

" the authorised works " means the works authorised by the Mersey Tunnel Acts 1925 to 1972 shown upon the plans deposited in connection with the Bills for those Acts;

" the limits of deviation " means the limits of deviation specified in each of the Acts cited together as the Mersey Tunnel Acts 1925 to 1972 by which works were authorised by reference to the plans and sections deposited in connection with the Bills for those Acts;

" marshalling area " means an area provided for the marshalling of vehicles using, or intending to use, the tunnel;

" the Minister " means the Minister of Transport;

" reserved area " means an area provided as mentioned in section 103 (Prohibition of persons, vehicles, etc., on reserved areas) of this Act;

" telegraphic line " has the meaning given by section 2 of the Telegraph Act 1878, and reference to the alteration of a telegraphic line shall be construed in accordance with that Act;

1878 c. 76.

" the tunnels " means the tunnels authorised by the Mersey Tunnel Acts 1925 to 1972 comprising the tunnel between Liverpool and Birkenhead called " the Queensway Tunnel " and the two tunnels between Liverpool and Wallasey called " the Kingsway Tunnel "; and " the tunnel " means any of those tunnels.

Continuance and maintenance of works.

85.—(1) Subject to the provisions of this Part, the county council may continue and maintain the authorised works together with subsidiary and incidental works constructed in connection therewith within the limits of deviation.

(2) On land within the limits of deviation in which the county council have sufficient interest or rights, the county council may, in connection with and as part of the works for which those limits of deviation have effect, do any of the following things and carry out all other necessary or convenient subsidiary and incidental works:—

(*a*) make, provide and maintain approaches, subways, roundabouts, flyovers, underpasses, overpasses, lifts, stairs, escalators, ramps, passages, means of ingress or egress, shafts, stagings, buildings, apparatus, plant and machinery;

(*b*) make junctions and communications (including the provision of steps or ramps for the use of persons on foot) with streets intersected, crossed or interfered with, by, or contiguous to, any of the authorised works, and divert, widen or alter the line or alter the level of any street, for the purpose of connecting the same with the authorised works, or any of them, or with any existing or proposed street, or of crossing under or over the same;

PART XIII —*cont.*

(*c*) construct and provide carriageways, footways, reserved areas, vaults, cellars, arches, sewers and drains;

(*d*) construct and provide bridges, arches, piers, viaducts, embankments, aprons, tunnels, abutments, retaining walls, wing walls, culverts and other works for carrying any of the authorised works over or under any railway, watercourse, street or any other land.

(3) The tunnels and the approaches shall continue to be public highways.

(4) Notwithstanding anything in subsection (2) above, the county council shall not alter any telegraphic line belonging to, or used by, the Post Office except in accordance with, and subject to, the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878. 1878 c. 76.

Discharge of water from tunnel alteration.

86.—(1) The county council may, in such manner and subject to such conditions as may be reasonably approved by the Docks Company, pump or discharge, or cause or permit to flow, into the Morpeth and Egerton Docks of the said company, or either of those docks, any water found by the county council in maintaining the tunnel alteration authorised by the Mersey Tunnel Act 1927. 1927 c. xciii.

(2) The county council shall take all such steps as may be reasonably required to remove all solid matter from any water discharged into the said docks under subsection (1) above in order to avoid interference with the full use and working of the docks.

(3) Any question arising between the county council and the Docks Company under this section shall be determined by arbitration.

Use of sewers, etc., for removing water.

87.—(1) Subject as provided in this section, the county council may use, for the discharge of any water pumped or found in the maintenance of the authorised works, the river Mersey or any available stream or watercourse or any sewer or drain.

(2) For the purposes of subsection (1) above, the county council may, within the limits of deviation, lay down, take up and alter conduits, pipes and other works, and may make any convenient connections with the river Mersey or any such stream, watercourse, sewer or drain.

(3) The county council shall not—

(*a*) discharge any water into any stream, watercourse, sewer or drain vested in, or under the control of the North West Water Authority except with the consent of the water authority, which shall not be unreasonably withheld, and subject to such terms and conditions as the water authority may reasonably impose; or

PART XIII —*cont.*

(*b*) discharge any water into any sewer or drain vested in, or under the control of, the Docks Company except with the consent of the Docks Company; or

(*c*) make any opening into any such sewer except in accordance with plans reasonably approved by, and under the superintendence (if given) of, the water authority or, as the case may be, the Docks Company.

(4) Nothing in this section shall require the county council to obtain the consent of the water authority to the use by the county council of the river Mersey or any stream, watercourse, sewer or drain for any purpose described in subsection (1) above where that use commenced before the commencement of this Act.

1951 c. 64.

(5) (*a*) Notwithstanding anything in section 11 (7) of the Rivers (Prevention of Pollution) Act 1951, the discharge of water under the powers of this section into any stream, as defined in that section, shall be subject to the provisions of section 2 of that Act.

1974 c. 40.

(*b*) On the coming into force of section 31 of the Control of Pollution Act 1974, paragraph (*a*) above shall cease to have effect and the said section 31 shall apply to, or to the consequence of, the discharge of water under the powers of this section into any relevant waters for the purposes of the said section 31 as if—

(i) this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (*b*) (ii) of the said section 31; and

(ii) no matter so discharged were trade or sewage effluent or other matter mentioned in subsection (2) (*e*) of the said section 31.

(6) The powers of this section shall not be exercised so as to damage or injuriously affect any railway or works of the British Railways Board or so as to interfere with, or obstruct the free, uninterrupted and safe user of, any such railway or the traffic thereon; and if any railway or works of the British Railways Board are damaged or injuriously affected or are interfered with or obstructed in the exercise of those powers, the county council shall pay to the British Railways Board the reasonable expenses to which they may be put, and compensation for any loss which they may sustain, by reason of any such damage, injurious affection, interference or obstruction.

(7) Any difference arising between the county council and the water authority or the British Railways Board under this section shall be determined by arbitration.

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Closing of works.

88.—(1) The county council may, whenever in their opinion it is necessary to do so in case of emergency or for the purposes of maintaining, repairing, renewing, draining, cleansing, ventilating, lighting, or improving any of the tunnels and the approaches, or otherwise for the safety of the public, close those works or any part of them.

(2) Except in case of emergency, the county council shall—

(*a*) not less than 28 days before the closure of any works, or any part thereof, under the powers of this section give notice thereof to any holder of a road service licence for a route through any tunnel affected by such closure who has notified the county council of the licence so held;

(*b*) not less than 7 days before the closure of any works, or any part thereof, under the powers of this section give notice thereof by advertisement in a newspaper or newspapers circulating in the area; and

(*c*) during the said period of 7 days and throughout the period of such closure, display traffic signs at the entrance to any tunnel affected by the closure and in some conspicuous place on the roads communicating with the tunnels giving warning of the closure.

No mains or pipes to be laid in tunnels, etc.

89.—(1) Notwithstanding anything in any enactment, no person shall enter upon, break up or interfere with the tunnels or the approaches, or the carriageways and footways of the same, for the purpose of laying down any main, pipe or wire or executing any work therein, thereon or thereunder, except with the consent of the county council and in accordance with such terms and conditions, either as to monetary payment or otherwise, as the county council may determine.

(2) Nothing in this section shall prejudice or affect any rights or powers of the Post Office under the Telegraph Acts 1863 to 1916.

Tunnels, etc., to be exempt from rates.

90. Notwithstanding anything in any enactment, the tunnels and the approaches and the carriageways and footways thereof and the buildings (not being office buildings outside the boundary of the tunnels and the approaches), machinery, apparatus and works used in connection therewith shall not be assessed to any local rate.

Tolls.

S.I. 1977/663.

91.—(1) The county council may continue to demand, take and recover the tolls specified in the Mersey Tunnels (Revision of Charges) Order 1977 in respect of all or any class of traffic passing through or into any of the tunnels, and such reasonable charges as they think fit for any services rendered by the county council in connection with the tunnels or any of them.

PART XIII —*cont.*

(2) The county council may—

(*a*) cease to demand, take and recover tolls in respect of traffic or any class of traffic passing through or into any of the tunnels;

(*b*) resume demanding, taking and recovering such tolls; and

(*c*) allow traffic, or any class of traffic, to use any of the tunnels without paying tolls or on payment of tolls at a reduced rate during such hours or on such occasions as they may from time to time determine.

Revision of tolls.

92.—(1) If at any time it appears to the county council, after consultation with each of the district councils, that under the circumstances then existing all or any of the tolls authorised by order in pursuance of this Part, or any classification of traffic specified in any such order for the time being in force, should be revised, the county council may make an order revising all or any of such tolls or any such classification of traffic.

(2) An order made by the county council under subsection (1) above shall fix the date as from which the order shall take effect but shall be subject to confirmation by the Minister who may, on confirming any such order, make modifications of the order.

(3) In determining the level and pattern of tolls to be specified in an order made under subsection (1) above, the county council shall have regard to—

(*a*) the financial position and future prospects of the tunnels;

(*b*) such other matters of a transportation nature within their area as shall be deemed by the county council at that time to be relevant; and

(*c*) such other matters of a social nature within their area as shall be deemed by the county council at that time to be relevant.

(4) Before making an order under subsection (1) above the county council shall publish, in the London Gazette and in one or more newspapers circulating in their area, a notice stating—

(*a*) the effect of the proposed order;

(*b*) the place or places at which copies of the proposed order may be inspected free of charge and copies thereof obtained and the price of such copies;

(*c*) that objections or representations concerning the proposed order may be made in writing to the county council before such day, not earlier than 28 days after the first publication of the notice, as may be specified in the notice; and

(*d*) the effect of subsection (6) below.

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(5) The county council shall take into consideration any objections or representations concerning the proposed order made as provided in subsection (4) (*c*) above and, on submitting the order to the Minister for confirmation, shall send to the Minister copies of all such objections and representations and such information and particulars as the Minister requires.

(6) Before confirming the order, with or without modifications, the Minister shall, if requested to do so by the county council, or if any person or body which appears to the Minister to be sufficiently representative of persons who have a substantial interest in the use of the tunnel to which the order applies has objected to the order and not withdrawn the objection, and may in any other case if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

(7) In deciding whether to confirm an order under subsection (2) above, with or without modifications, the Minister shall have regard to the matters which the county council must have regard to under subsection (3) above; and for that purpose that subsection shall have effect as if in paragraphs (*b*) and (*c*) for the references to the county council, except the reference to their area, there were substituted references to the Minister.

(8) (*a*) If at any time after the making and confirmation of an order under the foregoing provisions of this section it is represented in writing to the Minister by any person or any body which appears to the Minister to be sufficiently representative of persons who have a substantial interest in the use of the tunnel to which that order applies that, in all the circumstances, all or any of the tolls or any classification of traffic specified in the order should be revised, the Minister may, if he thinks fit, make an order revising all or any of such tolls or any such classification of traffic and may fix the date as from which the order shall take effect.

(*b*) As soon as may be after the receipt by the Minister of a representation under paragraph (*a*) above from any person or any body, the Minister shall send a copy of the representation to the county council.

(*c*) If a representation is made to the Minister under paragraph (*a*) above, the county council shall send to the Minister such information and particulars as the Minister requires and shall, upon being required to do so by the Minister, publish in the London Gazette, and in such one or more newspapers as the Minister may specify, a notice stating—

(i) the general effect of the representation;

(ii) the place or places at which copies of the representation may be inspected free of charge and copies thereof purchased and the price of such copies; and

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(iii) the date, not earlier than 28 days after the first publication of the notice, by which objections to the representation may be made in writing to the Minister.

(*d*) Before making an order under this subsection the Minister shall, if required by any person who has objected to the order and has not withdrawn his objection, and in any other case may, if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

(*e*) In deciding whether to make an order under this subsection and as to the contents of any such order, the Minister shall have regard to the matters which the county council must have regard to under subsection (3) above and for that purpose that subsection shall have effect as provided in subsection (7) above.

(9) The power of the Minister to confirm an order under subsection (2) above or to make an order under subsection (8) above shall be exercised by statutory instrument.

1954 c. 64.

(10) Section 6 of the Transport Charges, &c. (Miscellaneous Provisions) Act 1954 shall not apply in relation to the tolls and charges authorised by this section to be demanded and taken.

List of tolls to be exhibited.

93. A list of the tolls authorised under this Part shall at all times be exhibited in a conspicuous position within a reasonable distance of the place where those tolls are payable.

Payment of tolls and charges.

94.—(1) The tolls and charges authorised under this Part shall be payable in accordance with byelaws made by the county council under section 102 (Byelaws) of this Act, to such persons, at such places and in such manner as the county council may by notice appoint.

(2) The county council may recover any such tolls and charges as a simple contract debt in any court of competent jurisdiction.

(3) Where such tolls or charges are not paid at the time at which any of the tunnels is used or the services provided, the county council may recover such sum as the county council think reasonable to cover administrative expenses in addition to the tolls or charges payable and any legal costs recoverable.

Composition for payment of tolls.

95. The county council may compound and agree with any person using any of the tunnels for the passage of himself or of any other person or of any traffic through any of the tunnels on such terms and for such period as may be agreed.

Evasion of tolls.

96. If any person, having passed through or into any of the tunnels, refuses or neglects, without reasonable excuse, to pay any toll demanded from him in accordance with section 94 (Payment of tolls and charges) of this Act he shall, without prejudice to any

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remedy of the county council for the recovery of the toll, be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Refusal to pay tolls.

97. Without prejudice to proceedings for an offence under section 96 (Evasion of tolls) of this Act, if any person who is liable to pay any toll authorised under this Part refuses or neglects to pay the toll, an officer duly authorised by, or on behalf of, the county council may refuse to permit the person so in default to pass through or by any toll-gate or other place at which the toll is payable, and may by himself, or with such assistance as he thinks necessary, stop and prevent the person so in default from passing through or by the toll-gate or other place as aforesaid, and if any such person has entered any of the tunnels may require him to return along the route by which he came or along some other suitable route and, if necessary, to repass through any of the tunnels.

Exemption from tolls. 1955 c. 18. 1955 c. 19.

98. Nothing in this Part shall prejudice any existing right of Her Majesty (including the exemptions and rights contained in section 184 of the Army Act 1955 and section 184 of the Air Force Act 1955).

Application and reduction of tolls.

99.—(1) The tolls authorised by this Part shall be applied by the county council—

(*a*) in defraying the costs of collection and recovery of tolls;

(*b*) in defraying the cost of policing the tunnels;

(*c*) in defraying all other operating costs, including special expenses for the maintenance of the tunnels;

(*d*) in payment of charges in respect of interest on, and repayment of principal of, moneys borrowed under the Mersey Tunnel Acts 1925 to 1972 and this Part or any other enactment, being moneys borrowed for the purposes of any road crossing over or under the river Mersey; and

(*e*) in repayment of any payment made by the county council out of the county fund in respect of any such insufficiency of tolls as is referred to in section 101 (Payment of interest on moneys borrowed in certain events) of this Act.

(2) On the completion of the payment of all sums specified in paragraphs (*d*) and (*e*) of subsection (1) above the tolls authorised by this Part shall be reduced to such level as shall be appropriate for meeting the costs specified in paragraphs (*a*) to (*c*).

Accounts.

100. The county council shall—

(*a*) keep an annual account of their income and expenditure under this Part; and

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(*b*) within four months after the end of each financial year, or such longer period as the Minister may allow, send to the Minister a copy of that account.

Payment of interest on moneys borrowed in certain events.

101.—(1) Notwithstanding any other enactment, in any year in which tolls authorised under this Part are insufficient to pay the interest on moneys borrowed for the purposes mentioned in subsection (2) below, or under subsection (3) below, after payment of all other revenue expenses under this Part, the county council may provide out of capital for the payment of interest on such moneys.

(2) The purposes referred to in subsection (1) above are the following:—

(*a*) purposes (*b*), (*c*), (*d*) and (*e*) specified in subsection (1) of section 32 (Power to Liverpool Corporation or joint committee to borrow and repayment of borrowed moneys) of the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965; and

1965 c. xl.

(*b*) purposes (*b*), (*c*), (*d*) and (*e*) specified in subsection (1) of section 13 (Power to Liverpool Corporation or joint committee to borrow and repayment of borrowed moneys) of the Mersey Tunnel (Liverpool/Wallasey) Act 1968.

1968 c. xii.

(3) (*a*) The county council may, without the consent of any sanctioning authority, borrow any sum required for the payment of interest out of capital under subsection (1) above, and shall repay any sum so borrowed within such period as they may determine not exceeding 60 years from the date of borrowing;

(*b*) The provisions of Part I of Schedule 13 to the Act of 1972, so far as they are consistent with this section, shall apply to money borrowed under this subsection as if it were borrowed under the said Part I, and the period fixed under this subsection for the repayment of the money borrowed shall be the fixed period for the purposes of the said Part I.

(4) The powers of subsection (1) above shall not be exercised after 31st December 1984, or such later date, not later than 31st December 1989, as the Minister may from time to time determine.

Byelaws.

1967 c. 76.

102.—(1) Without prejudice to the powers conferred on the county council under the Road Traffic Regulation Act 1967, the county council may make and enforce byelaws for—

(*a*) the regulation, control and protection of the tunnels, the approaches and marshalling areas, or of any part of the tunnels or the approaches and marshalling areas, and of persons resorting to or using the same;

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(*b*) the regulation of the entry of persons to the approaches, or any part of the approaches, and to any marshalling area;

(*c*) the management, regulation, direction and control of traffic of every description using the tunnels or the approaches or marshalling areas, or any part of the tunnels or the approaches or marshalling areas;

(*d*) securing the safe custody, redelivery or disposal of any property left or abandoned in the tunnels or on the approaches or marshalling areas, or in any premises used for the purposes of, or in connection with, the tunnels or the approaches or marshalling areas, or in any vehicle (not being a public service vehicle as defined in section 117 of the Road Traffic Act 1960) of, or operated by, the county council, and for fixing the charges to be made by the county council in respect thereof. 1960 c. 16.

(2) Without prejudice to the generality of subsection (1) above, byelaws made under this section may—

(*a*) fix maximum and minimum speed limits, or either of such speed limits, to be observed by motor vehicles while passing through any of the tunnels or along any of the approaches or through or along part of the tunnels or the approaches;

(*b*) prohibit the passage of particular traffic through any of the tunnels or along any of the approaches or through or along any part of the tunnels or the approaches, either generally or during particular hours;

(*c*) appropriate any part of the tunnels for the exclusive use of any particular class of vehicle or traffic.

(3) No byelaw under this section, unless made for the protection of any of the tunnels, shall extend to impose any prohibition on the operation through any of the tunnels of any public service vehicle or to regulate any public service vehicle in such a manner as to prevent compliance with the terms of a road service licence authorising a service through any of the tunnels.

(4) The byelaws which may from time to time be made by the council in pursuance of this section may provide for the imposition on summary conviction of a fine not exceeding £50 for a contravention of any of the byelaws and, in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after conviction thereof.

(5) (*a*) All byelaws made under this section shall be made under and in accordance with section 236 of the Act of 1972, and the provisions of section 238 of that Act shall apply to such byelaws.

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(*b*) The confirming authority for byelaws made under this section shall be the Minister.

(*c*) The said section 236, in its application to byelaws made under this section, shall have effect as if in subsection (7) after " confirm ", where it secondly occurs, there were inserted " or confirm with modifications ":

Provided that where the Minister 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.

(6) The Minister shall, before confirming any byelaws made under this section for the management, regulation, direction or control of traffic, take into consideration any objections to the byelaws submitted to him by any body representative of the users of mechanically propelled vehicles.

(7) A copy of all byelaws made under this section shall at all times be exhibited in conspicuous positions within a reasonable distance of each of the entrances to the tunnels.

1978 c. 30.

(8) Without prejudice to the operation of section 18 of the Interpretation Act 1978, nothing in any byelaw made by the council under this section shall preclude the bringing of proceedings against, and conviction of, any person with respect to an offence under the Road Traffic Regulation Act 1967 of driving a motor vehicle at a speed exceeding a statutory speed limit.

1967 c. 76.

1972 c. 20.

(9) Sections 93 and 101 of, and Schedule 4 to, the Road Traffic Act 1972 (disqualification from driving and the endorsement of licences of persons convicted of certain offences) shall have effect in relation to a person convicted of an offence of driving a motor vehicle in any of the tunnels, or on any of the approaches, at a speed exceeding the maximum speed prescribed by any byelaw made under this section as if the offence were an offence punishable by virtue of section 78A of the Road Traffic Regulation Act 1967 (speeding offences).

(10) (*a*) Notwithstanding any prohibition or restriction imposed by any byelaws made under this section, the Post Office, its officers, servants, agents and workmen, shall, on each occasion that the Post Office obtains the prior consent of the county council (which consent shall not be unreasonably withheld), be at liberty

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to enter upon the tunnels, approaches and marshalling areas with any necessary vehicles for the purpose of—

(i) maintaining, inspecting, repairing, renewing or removing any telegraphic line belonging to, or used by, the Post Office; or

(ii) placing a telegraphic line.

(*b*) (i) Any difference arising between the county council and the Post Office under this subsection shall be determined by arbitration.

(ii) In settling any difference under this subsection, the arbitrator shall have regard to any duty or obligation which the Post Office may be under in respect of any telegraphic line, and may, if he thinks fit, require the county council to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the telegraphic line is used.

Prohibition of persons, vehicles, etc., on reserved areas.

103.—(1) The county council may, within the limits of deviation, in or in connection with the authorised works or any marshalling area, lay out reserved areas for dividing lines of traffic, separating the footway and carriageway or separating the carriageway from adjacent land.

(2) Where the county council have laid out any reserved area and—

(*a*) they are satisfied that it is expedient to do so in the interests of public safety; and

(*b*) have indicated, by notices conspicuously placed on the reserved area or in proximity to any such area, or by the erection of fences, that the use by pedestrians, horses, cattle and vehicles of the reserved area, or any part thereof, is prohibited;

any person (other than an employee of the county council in the execution of his duty) who shall, without reasonable excuse, walk or otherwise proceed or lead, ride or drive any horse or cattle or vehicle on, over or across the reserved area or part thereof in contravention of the terms of any such notice, or in disregard of any such fence, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Powers in relation to marshalling areas.

104. The county council may, in relation to any marshalling area—

(*a*) lay out, maintain and light the same and provide and maintain refuges, rails and fences; and

(*b*) construct, maintain, renew, use and operate machinery, plant and equipment and do all such other acts and things as may be necessary or convenient for the purpose of marshalling vehicles in such area.

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Appointment of Mersey Tunnel law enforcement officers.

105.—(1) The county council may appoint any of their officers or servants to act as law enforcement officers for the policing of the tunnels, the approaches and any marshalling area.

(2) Every officer or servant appointed as a law enforcement officer under this section shall on appointment be attested as a constable by making a declaration before a justice of the peace that he will duly execute the office of constable.

(3) Every officer or servant so appointed as a law enforcement officer—

(*a*) shall not act as such unless he is in uniform, or provided with a warrant for production if required; and

(*b*) when so acting shall have the powers and privileges and be liable to the duties and responsibilities of a constable.

For protection of British Railways Board.

106. Unless otherwise agreed in writing between the British Railways Board (in this section referred to as " the board ") and the county council, the provisions of this section shall have effect for the protection of the board—

(1) In this section—

" the engineer " means an engineer to be appointed by the board;

" plans " include sections, particulars and specifications;

" railway property " means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible, and includes any lands held or used by the board for the purposes of any such railway or works;

" the subsidiary works " means so much of the works authorised by subsection (2) of section 85 (Continuance and maintenance of works) or section 104 (Powers in relation to marshalling areas) of this Act as may be situated upon, across, under, over or within 15 metres (measured in any direction) of railway property, and includes the construction, maintenance (other than maintenance of the surface of a street) and renewal of such works:

(2) The county council shall, before commencing the subsidiary works (other than works of maintenance or repair), furnish to the board proper and sufficient plans of the works for the reasonable approval of the engineer and shall not commence the subsidiary works until the plans of the works have been approved in writing by the engineer or settled by arbitration:

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Provided that if within two months after the plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

(3) If within two months after the plans have been furnished to the board the board shall give notice to the county council that the board desire themselves to construct any part of the subsidiary works which in the opinion of the engineer will or may affect the stability of railway property, then, if the county council desire that part of the subsidiary works to be constructed, the board shall construct the same with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the county council in accordance with the plans approved or deemed to be approved or settled as aforesaid:

Provided that, in the event of the board not constructing or completing that part of the subsidiary works with reasonable dispatch and to the reasonable satisfaction of the county council, the county council may, after giving 28 days' notice to the engineer, themselves construct or complete that part of the subsidiary works in accordance with the plans approved or deemed to be approved or settled as aforesaid:

(4) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the subsidiary works to ensure the safety or stability of railway property, and such protective works as may be reasonably necessary for those purposes shall be constructed by the county council or, if the board so elect, by the board with all reasonable dispatch, and the county council shall not commence the construction of the subsidiary works until the engineer shall have notified them that the protective works have been completed:

Provided that in the event of the board not constructing or completing such protective works as they have elected to construct with reasonable dispatch, the county council may, after giving 28 days' notice to the engineer, themselves construct or complete those works, and on the completion thereof may commence the construction of the subsidiary works:

(5) The county council shall give to the engineer two months' notice of their intention to commence the construction of any of the subsidiary works and, except in emergency

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(when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the subsidiary works:

(6) The subsidiary works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to railway property as may be, and so far as is reasonably practicable so as not to interfere with or obstruct the free, uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property; and if any damage to railway property or any such interference or obstruction shall be caused or take place by reason of the subsidiary works the county council shall, notwithstanding any such approval as aforesaid, make good such damage and pay to the board the reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction other than damage, interference or obstruction caused by the neglect or default of the board, their servants or agents:

(7) The county council shall at all times afford reasonable facilities to the engineer for access to the subsidiary works during their construction and shall supply him with all such information as he may reasonably require with regard to those works or the method of construction thereof:

(8) The board shall at all times afford reasonable facilities to the county council and their agents for access to any works carried out by the board under this section during their construction and shall supply the county council with such information as they may reasonably require with regard to those works or the method of construction thereof:

(9) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the subsidiary works or during a period of 12 months after completion thereof in consequence of the construction of the subsidiary works or the carrying out of any protective works under paragraph (4) above, those alterations and additions may be effected by the board after not less than 28 days' notice (or in case of emergency such notice

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as may be reasonably practicable) has been given to the county council, and the county council shall pay to the board the reasonable cost thereof, including, in respect of permanent alterations and additions, a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving may be set off against any sum payable by the county council to the board under this section:

(10) The county council shall repay to the board all costs, charges and expenses reasonably incurred by the board—

(*a*) in constructing any part of the subsidiary works on behalf of the county council as provided by paragraph (3) above, or in carrying out any protective works under paragraph (4) above, including in respect of any permanent protective works a capitalised sum representing the increased or additional cost of maintaining and renewing those works:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of such protective works, a capitalised sum representing such saving may be set off against any sum payable by the county council to the board under this section;

(*b*) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the subsidiary works or the carrying out of any protective works under paragraph (4) above;

(*c*) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the subsidiary works or the carrying out of any protective works under paragraph (4) above and which may in the opinion of the engineer be required to be imposed, or resulting from the substitution or diversion of services which may be necessary for the same reason;

(*d*) in respect of any additional temporary lighting of railway property in the vicinity of the subsidiary

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works, being lighting made reasonably necessary as a result of the subsidiary works or the failure thereof or the carrying out of any protective works under paragraph (4) above;

(*e*) in respect of the approval by the engineer of plans submitted by the county council and the supervision by him of the subsidiary works:

(11) If at any time after the completion of the subsidiary works, not being works vested in the board, the board shall give notice to the county council informing them that the state of repair of the subsidiary works appears to be such as to affect prejudicially railway property, the county council shall, within two months of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the subsidiary works in such state of repair as not to affect prejudicially railway property and, if and whenever the county council fail to do so, the board may make and do in and upon the lands of the board or of the county council all such works and things as shall be requisite to put the subsidiary works in such state of repair as aforesaid, and the costs and expenses reasonably incurred by the board in doing such works as were reasonably necessary for that purpose shall be repaid to them by the county council:

(12) All temporary structures, erections, works, apparatus and appliances erected or placed by the county council upon, over or under any railway of the board shall as soon as reasonably practicable be removed by the county council to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to railway property and as little interference with, or interruption to, the traffic on the railways of the board as may be; and if any damage to railway property or such interference, delay or interruption shall be caused by any such failure to remove any such temporary structures, erections, works, apparatus or appliances the county council shall forthwith make good such damage and pay to the board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:

(13) Before providing any illumination or illuminated road traffic sign on or in connection with the subsidiary works in the vicinity of any railway the county council shall consult with the board and comply with any reasonable requirements of the board in regard thereto with a view to ensuring that the illumination or illuminated sign

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could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on that railway:

(14) Any additional expense which the board may reasonably incur after giving two months' notice to the county council in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the authorised works or subsidiary works shall be repaid by the county council to the board:

(15) The county council shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the board—

(*a*) by reason of the authorised works or subsidiary works or the failure thereof; or

(*b*) by reason of any act or omission of the county council or of any persons in their employ or of their contractors or others whilst engaged upon the subsidiary works;

and the county council shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the authorised works or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done by the board on behalf of the county council or in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision, shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents) excuse the county council from any liability under this section:

Provided that the board shall give to the county council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the county council:

(16) Any difference which may arise between the board and the county council under this section shall be determined by arbitration.

For protection of certain statutory undertakers.

107. Unless otherwise agreed in writing between the undertakers concerned, as mentioned in this section, and the county

PART XIII —*cont.*

council, the provisions of this section shall have effect for the protection of those undertakers—

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

" adequate alternative apparatus " means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

" apparatus " means—

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

1882 c. 56.

(*b*) mains, pipes, valves, siphons, stopcocks, pillars or other apparatus belonging to or erected or maintained by the British Gas Corporation;

(*c*) mains, pipes, valves, hydrants, plugs, tubes, stopcocks or other apparatus belonging to or maintained by the North West Water Authority;

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

" in " in a context referring to apparatus includes under, over, across, along or upon;

" position " includes depth;

" the subsidiary works " means the works authorised by subsection (2) of section 85 (Continuance and maintenance of works) of this Act;

" the undertakers " means the British Gas Corporation, the Central Electricity Generating Board, the Merseyside and North Wales Electricity Board, and the North West Water Authority, or any of them, and in relation to any apparatus or property means the undertakers to whom the apparatus or property belongs or, as the case may be, by whom the apparatus is maintained, and in relation to the supply of electricity, gas or water means the undertakers by whom the supply is provided:

(2) Notwithstanding anything in this Part no apparatus shall be removed from any land or street in which it is situated, nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land or street be extinguished, until any necessary adequate alternative apparatus has been provided and is in operation to the reasonable satisfaction of the undertakers:

PART XIII —*cont.*

(3) (*a*) If the county council, for the purpose of or in connection with the construction of any of the subsidiary works, require the removal of any apparatus, they shall give to the undertakers written notice of their requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus (if any) to be provided;

(*b*) If the county council require the undertakers to remove any apparatus permanently from any land or street, or if in consequence of the exercise of the powers of this Part the undertakers shall reasonably require the permanent removal of any apparatus, the county council shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying down or erection in other lands of the county council of adequate alternative apparatus and thereafter for the maintenance, repair, renewal and inspection of that apparatus:

Provided that if the alternative apparatus or any part thereof is to be laid down or erected elsewhere than in other lands of the county council, and the county council are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be laid down or erected, the undertakers shall, on receipt of a written notice to that effect from the county council, forthwith use their best endeavours to obtain the necessary facilities and rights;

(*c*) Any alternative apparatus to be laid down or erected in lands of the county council in pursuance of this paragraph shall be laid down or erected in such manner and in such line or situation as may be agreed between the undertakers and the county council or, in default of agreement, settled by arbitration;

(*d*) The undertakers shall, after the line and situation of any necessary alternative apparatus and manner in which the alternative apparatus shall be laid down or erected have been agreed or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in sub-paragraph (*b*) above, proceed with all reasonable dispatch to lay down or erect and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the county council to be removed under this section and, in default, the county council may remove the apparatus;

(*e*) Notwithstanding anything in the foregoing provisions of this paragraph, if the county council give notice in writing to the undertakers that they desire themselves

PART XIII —*cont.*

to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as will be situate in any lands of the county council, such work, in lieu of being executed by the undertakers, shall be executed by the county council with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this sub-paragraph shall authorise the county council to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around such apparatus (where the apparatus is laid in a trench) within 30 centimetres above the apparatus;

(*f*) Where in accordance with the provisions of this paragraph the county council afford to the undertakers facilities and rights in lands of the county council for the laying down or erection, maintenance, repair, renewal and inspection of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the county council and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(i) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be laid down or erected in or through any of the works the arbitrator shall—

(A) give effect to all reasonable requirements of the county council for ensuring the safety and effective use of the authorised works and the subsidiary works; and

(B) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the county council for which the alternative apparatus is to be substituted;

(ii) if the facilities and rights to be afforded by the county council in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to

the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the county council by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(4) (*a*) Not less than 28 days before commencing to execute any of the subsidiary works which is near to, or is likely to affect, any apparatus the removal of which has not been required by the county council under paragraph (3) (*a*) above, the county council shall submit to the undertakers a plan, section and particulars of the work to be executed;

(*b*) Such work shall be executed substantially in accordance with the plan, section and particulars submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within 14 days after the submission to them of any such plan, section and particulars shall, in consequence of the work proposed by the county council, reasonably require the removal of any apparatus and give written notice to the county council of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the county council under paragraph (3) (*a*) above; and

(ii) nothing in this sub-paragraph shall preclude the county council from submitting at any time, or from time to time, but, except in case of emergency, not less than 28 days before commencing the execution of any such work, a new plan, section and particulars in lieu of the plan, section and particulars previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and particulars;

(*c*) The county council shall not be required to comply with sub-paragraph (*a*) above in case of emergency, but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable, and a plan, section and particulars of the work as soon as reasonably prac-

PART XIII —*cont.*

ticable thereafter, and shall comply with sub-paragraph (*b*) above so far as reasonably practicable in the circumstances:

(5) The county council shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—

(*a*) the removal and relaying or replacing of any apparatus and the provision, laying down, erection or placing of any new apparatus rendered necessary by reason or in consequence of the construction of any of the subsidiary works or under paragraph (3) above, or that paragraph as applied by sub-paragraph (i) of the proviso to paragraph (4) (*b*) above, less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal);

(*b*) the cutting off of any apparatus from any other apparatus;

(*c*) the superintending, or watching and inspecting under paragraph (4) above of any works executed by the county council; and

(*d*) any other work or thing rendered reasonably necessary in consequence of the operations referred to in this paragraph:

Provided that—

(i) if the undertakers provide, lay down, erect or place apparatus of better type or of greater capacity or (otherwise than at the request of the county council or in accordance with the award of an arbitrator) at a greater depth than the existing apparatus, the undertakers shall bear such proportion of the cost of such provision, laying down, erection or placing as represents the amount by which such cost exceeds the cost which would have been incurred if the type or capacity or depth of the apparatus so provided, laid down, erected or placed had been the same as that of the existing apparatus;

(ii) any amount payable by the county council to the undertakers under this paragraph in respect of the provision, laying down, erection or placing of new apparatus in substitution for apparatus provided, laid down, erected or placed more than 7½ years earlier, shall be reduced by the amount of any financial benefit which may be derived by the undertakers from the deferment of the time for the renewal of the apparatus in the ordinary course:

PART XIII —*cont.*

(6) Where by reason or in consequence of the exercise of the powers of this Part any apparatus for which alternative apparatus is not substituted under this section is rendered derelict or unnecessary, the county council shall pay to the undertakers the then value of such apparatus (which shall thereupon become the property of the county council) and the reasonable cost of, and incidental to, the cutting off of the apparatus from any other apparatus and the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of the apparatus being so rendered derelict or unnecessary:

(7) (*a*) Not less than 28 days before providing a marshalling area the county council shall submit to the undertakers a plan showing any such marshalling area which is near to, or the provision or use of which is likely to affect, any apparatus;

(*b*) Any such marshalling area provided by the county council shall be provided substantially in accordance with the plan submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers, within 14 days after the submission to them of any such plan, for the execution of works for the protection, strengthening or alteration of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of work (if any) so required;

(*c*) Nothing in this paragraph shall prevent the county council from submitting at any time, or from time to time, but, except in case of emergency, not less than 28 days before providing any such marshalling area, a new plan in lieu of the plan previously submitted and thereupon the provisions of this paragraph shall apply in respect of such new plan:

(8) The county council shall repay to the undertakers the reasonable expenses incurred by them in or in connection with the watching and inspecting under paragraph (7) above of any work executed by the county council:

(9) Notwithstanding—

(*a*) that any road or part of a road has been stopped up under the Mersey Tunnel Acts 1925 to 1972;

(*b*) the closing or partial closing of any part of the tunnels under section 88 (Closing of works) of this Act; or

(*c*) any byelaw made under section 102 (Byelaws) of this Act;

PART XIII
—cont.

the undertakers, their engineers or workmen and others in their employ shall be entitled, with the consent of the county council which shall not be unreasonably refused, to have such rights of access at any time to all or any apparatus in any such road as they had immediately before the closing or partial closing or, as the case may be, the making of the byelaw, being such rights as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus or laying new apparatus:

Provided that this paragraph shall not apply in any case in which any road has been permanently stopped up and the apparatus therein replaced by adequate alternative apparatus at the cost of the county council or the value of the apparatus therein has been paid by the county council to the undertakers:

(10) The consent of the county council under section 89 (No mains or pipes to be laid in tunnels, etc.) of this Act—

(*a*) to the entering upon or breaking up of or interfering with the tunnels or the approaches, or the carriageways or footways thereof, for the purpose of inspecting, maintaining, adjusting, repairing, altering or renewing or the changing of position or the removal of any apparatus laid therein at the passing of this Act and not required to be removed under this section, or any apparatus laid therein with consent or as a result of the award of an arbitrator, under this section or any corresponding statutory provision, shall not be withheld; but the undertakers shall comply with all reasonable requirements of the county council for ensuring the safety and efficient use of the authorised works; and

(*b*) to the entering upon, breaking up or interfering with so much of the tunnels and the approaches, or the carriageways or footways thereof, as is not at a level substantially different from that of the adjoining land for the purpose of laying or placing new apparatus in such part of the tunnels and the approaches shall not be unreasonably withheld:

Provided that the county council shall not as a condition of any consent which may be given under the said section 89 in respect of such apparatus as is referred to in this paragraph require the payment of any rent or other valuable consideration:

(11) Notwithstanding anything in section 103 (Prohibition of persons, vehicles, etc., on reserved areas) of this Act,

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the undertakers, their officers, engineers, workmen and contractors shall be entitled, with the consent of the county council which shall not be unreasonably refused, to enter upon the reserved area at any time for the purpose of inspecting, repairing, maintaining, renewing or removing any apparatus situated in, or adjoining, the reserved area:

(12) The powers of section 104 (Powers in relation to marshalling areas) of this Act shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus:

(13) If by reason or in consequence of any of the authorised works or the subsidiary works, or any subsidence resulting from any of those works, any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the undertakers, or any interruption in the supply of electricity, gas or, as the case may be, water shall be caused, the county council shall—

(*a*) make reasonable compensation to the undertakers for any loss sustained or additional expense reasonably incurred by them; and

(*b*) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the county council with respect to any damage or interruption which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the county council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent in writing of the county council:

(14) (*a*) Subject to any instrument relating thereto and to the provisions of this paragraph, the undertakers may continue to maintain any existing apparatus belonging to them in the tunnels or the approaches and shall, subject as aforesaid, continue to be entitled at all times

PART XIII —*cont.*

free of charge to use the accommodation and support provided for that apparatus in and by the tunnels or, as the case may be, the approaches for the purpose of inspecting, repairing, maintaining, renewing or removing the said apparatus;

(*b*) The undertakers shall maintain in good repair and to the reasonable satisfaction of the county council all apparatus placed by them in the tunnels or the approaches, and shall from time to time carry out and maintain such works or take such other precautions as the county council may reasonably require to be done, provided or taken for ensuring the safety and stability of the tunnels and the approaches and the safety and convenience of those using the same, being works or precautions reasonably required to be done, provided or taken in consequence of the exercise by the undertakers of the rights conferred upon them by this Part and, in default, the county council may at the expense of the undertakers carry out and maintain such works, or take such other precautions and the undertakers shall repay to the county council any expenses reasonably incurred by the county council in carrying out and maintaining any such works or taking any such precautions;

(*c*) The undertakers shall make good any damage suffered and repay to the county council any loss or expenses incurred by them by reason of the failure of the undertakers to comply with the provisions of this paragraph, or by reason of any fault in, or accident occurring in relation to, any apparatus or material placed in the tunnels or the approaches by the undertakers; and shall indemnify the county council against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the county council by reason or in consequence of any failure of the undertakers to comply with the provisions of this paragraph or any fault in, or failure or breakage of, or accident to, any apparatus or otherwise arising out of or in any way attributable to the exercise by the undertakers of the rights conferred on them by this section, except to the extent that such claims, demands, proceedings, costs, damages and expenses shall arise by reason of the neglect or default of the county council, their servants or agents:

Provided that whenever any loss or damage occurs which may give rise to a claim against the undertakers under this paragraph, the county council shall as soon as possible give notice thereof to the undertakers and

PART XIII —*cont.*

shall not concede or compromise any claim made upon the county council without the concurrence of the undertakers:

(15) (*a*) Any difference which may arise between the undertakers and the county council under this section shall be determined by arbitration;

(*b*) In settling any difference under this section the arbitrator shall have regard to any duty or obligation the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the county council to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

For protection of public sewers.

108. Unless otherwise agreed in writing between the sewerage authority concerned, as mentioned in this section, and the county council, the provisions of this section shall have effect for the protection of that authority—

(1) In this section—

" public sewer " has the same meaning as in the Act of 1936;

" sewerage authority " means the North West Water Authority and any authority discharging the functions of that water authority in pursuance of arrangements made under section 15 of the Water Act 1973; 1973 c. 37.

" new, altered or substituted works " includes any works required for the protection of any public sewer of the sewerage authority:

(2) Wherever in this section provision is made with respect to the approval or consent of the sewerage authority such approval shall be in writing, but shall not be unreasonably withheld:

(3) The county council shall not carry out any alterations of the authorised works until they have given to the sewerage authority not less than 28 days' notice in writing of their intention together with plans as described in paragraph (8) below (in this section referred to as " the said plans ") for their approval and until the sewerage authority have signified their approval of the said plans:

Provided that if within 28 days after the submission of the said plans the sewerage authority have not approved or disapproved them, they shall be deemed to have approved the said plans as submitted:

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(4) The county council shall comply with, and conform to, all reasonable directions of the sewerage authority in any alteration of the authorised works and shall provide new, altered or substituted works in such manner as the sewerage authority shall reasonably require for the protection of, and for preventing injury or impediment to, any existing public sewer of the sewerage authority by reason of such alteration, and shall indemnify the sewerage authority against all reasonable expenses occasioned thereby:

(5) All new, altered or substituted works shall, where so required by the sewerage authority, be done by the sewerage authority, or under the direction, superintendence and control of the proper officer of the sewerage authority at the cost of the county council, and all costs, charges and expenses reasonably incurred by the sewerage authority by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the sewerage authority by the county council on demand:

(6) When any new, altered or substituted works shall be completed by, or at the cost of, the county council under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the sewerage authority as any sewers or works now or hereafter may be:

(7) The sewerage authority may require the county council in carrying out any alteration of the authorised works to make any reasonable deviation within the limits of deviation, for the purpose of avoiding injury or risk of injury to their public sewers; and the county council shall in altering any such works deviate accordingly:

Provided that the county council shall not be required by this paragraph to deviate on to land not in their ownership:

(8) (*a*) The plans to be submitted to the sewerage authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any alterations of the authorised works are to be constructed and shall comprise detailed drawings of every alteration which the county council may propose to make in any sewer within the limits of deviation;

(*b*) The sewerage authority may require such modifications to be made in the said plans as may be reasonably

PART XIII —*cont.*

necessary to secure their main drainage system against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers:

(9) The county council shall be liable to make good, or, if the sewerage authority so decide, to bear any expense reasonably incurred by the sewerage authority in making good all injury or damage caused by, or resulting from, the alteration or maintenance of the authorised works to any sewers vested in the sewerage authority, and the sewerage authority may recover any expense so incurred by them from the county council:

(10) If the county council in the exercise of any of their powers under this Part (including the provision of new, altered or substituted works in accordance with this section) damage or, without the consent of the sewerage authority, alter or in any way interfere with any existing public sewer of the sewerage authority, the county council shall—

(*a*) pay to the sewerage authority any additional expense which may be reasonably incurred by the sewerage authority in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and

(*b*) give to the sewerage authority full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

(11) The approval by the sewerage authority of any plans, or the superintendence by them of any work, under the provisions of this section shall not exonerate the county council from any liability, or affect any claim for damages, under this section or otherwise:

(12) Any difference which may arise between the sewerage authority and the county council under this section shall be determined by arbitration.

For protection of Mersey Dock Estate.

109. Unless otherwise agreed in writing between the Docks Company and the county council, the provisions of this section shall have effect for the protection of all or any part of the Dock Estate which is for the time being owned, occupied or administered by the Docks Company for the purposes of their statutory functions and, unless otherwise agreed in writing between any protected

PART XIII —*cont.*

person (as defined in paragraph (1) below) and the county council, the provisions of this section (other than paragraphs (2), (6) and (12)) shall have effect for the protection of the interest of that person so far as they are relevant to the part owned by him of the Dock Estate as existing at the commencement of this Act—

(1) In this section—

" the Dock Estate " means the docks, stages, jetties and other landing places and buildings, roadways and other works within the county for the time being owned, occupied or administered by the Docks Company wholly or mainly for the purposes of their statutory functions, and includes all lands owned, occupied or administered by the Docks Company which are not separated from any such dock, stage, jetty or other landing place by land in other ownership or by a highway maintainable at the public expense;

" protected person " means any successor to the Docks Company as owner of any part of the Dock Estate as existing at the commencement of this Act;

" specified work " means a work authorised by the Mersey Tunnel Acts 1925 to 1972 or by this Part in, on, under or affecting the Dock Estate or any part of the Dock Estate:

(2) The county council shall at all times maintain in substantial repair and good order and condition, to the reasonable satisfaction of the Docks Company, any part of the tunnels under the Dock Estate and the shaft connected therewith on the south side of the Morpeth Branch Dock within the Dock Estate:

(3) Any specified work constructed under this Part shall be constructed in accordance with plans, sections and specifications to be approved by the Docks Company or, in case the Docks Company withhold such approval, to be settled by arbitration:

Provided that if the Docks Company fail to signify their approval or disapproval of any such plans, sections or specifications within 28 days after their submission, they shall be deemed to have disapproved them:

(4) Not less than 21 days before commencing the execution of any specified work or any work of maintenance or renewal of any specified work (other than a minor work of maintenance or the maintenance of a street) the county council shall, except in case of emergency, submit to the Docks Company for their information notice of their intention to commence the work and a description thereof:

PART XIII —*cont.*

(5) The county council shall at all reasonable times afford to the engineer of the Docks Company and his duly authorised representatives access to any specified work during the execution, maintenance or renewal thereof for the purposes of inspection:

(6) The following sections in this Part do not relieve the county council from liability for damage caused to the Dock Estate, or for obstruction, or interference with the working, of traffic on the Dock Estate, except so far as any such damage, obstruction or interference is unavoidable in the exercise of the powers of those sections:—

Section 85 (Continuance and maintenance of works);

Section 86 (Discharge of water from tunnel alteration);

Section 87 (Use of sewers, etc., for removing water);

Section 104 (Powers in relation to marshalling areas):

(7) If any such damage, obstruction or interference as is mentioned in paragraph (6) above occurs the county council shall as soon as may be do all such things as may be necessary to make good the damage or, as the case may be, remove the cause of obstruction or interference, to the reasonable satisfaction of the engineer of the Docks Company; and if within such time as may reasonably be required for the purpose after notification by the Docks Company of any such damage, obstruction or interference the county council fail to do so, the Docks Company may do such things as may be necessary as aforesaid and recover from the county council the costs reasonably incurred by them in doing so, as certified by the engineer of the Docks Company:

(8) The county council shall, if so requested by the Docks Company, remove and fill up any shaft in or under the Dock Estate constructed in connection with the tunnels, or under the said section 85, when any such shaft ceases to be required and shall restore the site to the reasonable satisfaction of the Docks Company:

(9) No works shall be constructed under the powers of the said section 85 in the river Mersey, or on or over the bed, banks and foreshore thereof, except with the consent of the Docks Company:

(10) The county council shall not under the powers of the said section 85 or 87 pump or discharge directly or indirectly—

(*a*) into the Great Culvert or the marginal sewer of the Docks Company under Dock Road, Wallasey, any water or effluent whatsoever; or

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—cont.

(*b*) into the river Mersey, any water or effluent containing solid matter;

but nothing in this paragraph shall derogate from the powers conferred on the county council by the said section 86:

(11) Any additional expense which the Docks Company shall reasonably incur, after giving 28 days' notice to the county council, in maintaining any property of the Docks Company as the direct result of the construction of any specified work shall be repaid by the county council to the Docks Company:

(12) The county council shall be responsible for and shall make good to the Docks Company all losses, costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the undertaking or property of the Docks Company or which the Docks Company may reasonably incur—

(*a*) by reason of the construction or maintenance of any specified work, or the failure of any such work, or of the county council to maintain any such work; or

(*b*) by reason of vibration caused in the user of the Kingsway Tunnel;

and the county council shall effectively indemnify and hold harmless the Docks Company from and against all claims and demands arising out of or in connection with the construction or maintenance of the specified work and the fact that any act or thing may have been done in accordance with plans approved by the Docks Company, or in a manner approved by the Docks Company or under the supervision of their engineer, shall not excuse the county council for any liability under the provisions of this section:

Provided that—

(i) save as aforesaid nothing in this paragraph shall impose any liability on the county council with respect to any losses, costs, charges, damages or expenses so far as the same may be attributable to the neglect, default or breach of duty of the Docks Company, its servants or agents;

(ii) the Docks Company shall give to the county council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof

shall be made without the prior consent of the county council: PART XIII —*cont.*

(13) Any difference arising between the Docks Company and the county council under this section shall be determined by arbitration.

PART XIV

MISCELLANEOUS

Hackney carriage fares.

110.—(1) The following provisions of this section shall have effect as from the appointed day in any district.

(2) The rates or fares fixed by the district council under section 65 of the Act of 1976 shall include rates or fares for any journey commencing within the district and ending at any point outside the district less than 4 miles, measured by the nearest route, from the nearest boundary of the district (in this section referred to as " the regulated distance ").

(3) Sections 65 and 66 of the Act of 1976 (fixing of fares and demanding of fares for long journeys in excess of authorised fares) shall apply to a district as if—

(*a*) in the said section 65, for the reference to rates and fares within the district, there were substituted reference to rates and fares within the regulated distance; and

(*b*) in the said section 66, for the reference to a journey ending outside the district, there were substituted reference to a journey ending beyond the regulated distance.

(4) Section 53 of the Town Police Clauses Act 1847 (penalty for refusal to drive to any place within the district), and so much of section 68 of that Act as authorises the making of byelaws for prescribing the distance to which a driver may be compelled to take passengers and for fixing the rates and fares payable, shall have effect in relation to a hiring within the district as if for the references in those sections to the prescribed distance there were substituted references to the regulated distance. 1847 c. 89.

(5) For the purposes of the provisions of the Town Police Clauses Act 1847 relating to hackney carriages " street " shall include any air or sea terminus, and the approaches thereto, any car park, any hotel forecourt and any unenclosed land within 6 metres of a street, but section 53 of that Act shall not apply to a hackney carriage standing in a parking place in which it is unlawful, by virtue of section 31 (5) of the Road Traffic Regulation Act 1967, for the driver to ply for hire or to accept passengers for hire. 1967 c. 76.

PART XIV —*cont.*

Signs on vehicles.

111.—(1) Except as provided in subsection (2) below, as from the appointed day in any district, there shall not be displayed in the district on or from any motor vehicle constructed or adapted to seat more than two and less than eight passengers, not being a hackney carriage or public service vehicle—

(*a*) any sign, notice, mark, illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a hackney carriage that the vehicle is used for the purpose of carrying passengers for hire or reward;

(*b*) without prejudice to the generality of paragraph (*a*) above in the case of a private hire vehicle any sign or notice which consists of or includes—

(i) the word " taxi " or " cab " (whether in the singular or plural) or " hire " or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or

(ii) any telephone number or address, or any number or words which appear to be, or resemble, a telephone number or address.

(2) Subsection (1) above shall not apply to—

(*a*) a sign displayed on or from a private hire vehicle prescribed or expressly permitted by condition attached to the grant of a licence for that vehicle under section 48 of the Act of 1976 or any corresponding local statutory provision for the control by licensing of private hire vehicles; or

(*b*) a sign displayed on or from a vehicle when it is stationary—

(i) which contains no words or numbers other than the name and address of the person owning or operating the vehicle or the name under which he carries on his business and its address and, in either case, the name of a passenger to be carried in the vehicle; and

(ii) is displayed in pursuance of a prior arrangement made for the carriage of the passenger named on the sign.

(3) If any person knowingly—

(*a*) drives a vehicle in respect of which this section is contravened; or

(*b*) causes or permits this section to be contravened in respect of any vehicle;

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

PART XIV —*cont.*

(4) In this section "private hire vehicle" has the meaning given by section 80 of the Act of 1976.

Armorial bearings.

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

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

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

False statements to obtain allocation of accommodation.

113.—(1) If a person, for the purpose of obtaining for himself or another person the allocation of the tenancy or occupation of housing accommodation belonging to, or at the disposal of, a local authority, knowingly or recklessly makes, or permits to be made, to the local authority, or to any committee member or employee of the local authority, a statement which is false in a material particular about his, or that other person's, needs or means, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(2) Where the making of a false statement for the purposes stated in subsection (1) above is an offence under any enactment other than the Perjury Act 1911 it shall not be an offence under this section. 1911 c. 6.

Aerodrome undertaking 1949 c. 67.

114.—(1) In connection with any aerodrome established by them under the Civil Aviation Act 1949 or any other enactment 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) 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.

PART XV

PROVISIONS APPLICABLE ONLY TO PART OF MERSEYSIDE

Liverpool and other areas

Purchase of ecclesiastical property by agreement.

115.—(1) In this section—

" the bishop " means the Lord Bishop of Liverpool for the time being or, during a vacancy in the see of Liverpool, the guardian of the spiritualities thereof;

" the board " means the Liverpool Diocesan Board of Finance;

" ecclesiastical property " means land (with any buildings thereon) vested in an incumbent of a benefice in so much of the county as is within the diocese of Liverpool, being land, whether consecrated or not, which is or has formed part of a church subject to the jurisdiction of the bishop or the curtilage, or the site of a church so subject or being or forming part of a burial ground so subject;

" incumbent " means the incumbent of a benefice acting with the consent of the bishop or, during any period in which the benefice is vacant, the bishop;

" memorial " includes a monument, gravestone, tombstone, headstone, kerbstone, railings, vase and any other ornament placed or erected over any grave and any commemorative tablet;

" the registrar " means the registrar of the consistory court of the diocese of Liverpool.

(2) Where the fee simple of ecclesiastical property is in abeyance it shall be treated for the purpose of this section as vested in the bishop.

(3) (*a*) Notwithstanding any obligations or restrictions (including the legal effects of consecration) imposed under ecclesiastical law or otherwise in respect of ecclesiastical property, the incumbent may enter into an agreement with a district council for the sale to the district council of any ecclesiastical property in their district or any part of such property which may be required by the district council for the benefit, improvement or development of their district, and the incumbent may in pursuance of such agreement and subject to the provisions of this section convey such property to the district council.

(*b*) Before entering into an agreement under this subsection for the acquisition of ecclesiastical property comprising a church the district council shall consult the Advisory Board for Redundant Churches.

PART XV —*cont.*

(4) All sums payable by the district council in consideration of the conveyance of the ecclesiastical property shall be paid to the board (the receipt of whose treasurer shall be a good and sufficient discharge) and, on the payment of such sums and the fulfilment of such terms and conditions as may be agreed between the district council and the incumbent, the ecclesiastical property shall vest in and may be used by the district council free from, and in defeasance of, the estates, rights and interests therein of the bishop or of the patrons or incumbent of the benefice or of any other person or persons and also free and discharged from—

(*a*) all trusts, uses, obligations, disabilities and restrictions whatsoever which, immediately before such payment, attached thereto under ecclesiastical law or otherwise;

(*b*) all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the ecclesiastical property; and

(*c*) all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the said payment by reason of the ecclesiastical property or any part thereof being or forming the site or enclosure of a church or being a burial ground or churchyard or otherwise.

(5) (*a*) Where the ecclesiastical property or any part thereof comprises a church, the church shall be closed and disused for divine service within three months after the vesting thereof in the district council, or on such later date as may with the consent of the district council be fixed by the bishop by order under his hand; and as soon as may be thereafter the church shall be wholly demolished by the district council and shall not be used or kept temporarily or otherwise for any purpose whatsoever.

(*b*) As soon as conveniently may be after the closing of such church, the board shall cause to be removed therefrom all church ornaments, fittings and furniture and any commemorative tablet which does not fall to be dealt with under subsection (7) (*h*) below, and shall dispose of the same in such manner as the bishop may in writing direct and such disposition shall be good and effectual in law:

Provided that in giving any direction under this paragraph in relation to any object which has been given by way of memorial, the bishop shall have special regard to the wishes of any of the relatives of the person in whose memory it was given.

(*c*) All registers, deeds, records, books and documents belonging to or kept in such church shall, before the closing and disuse thereof, be removed by the board to, and securely kept at, such place, or otherwise dealt with, as the bishop shall direct:

PART XV —*cont.*

Provided that, before giving directions as to the removal of any marriage registers kept at the church, the bishop shall consult with the Registrar General and comply with any requirements he may make.

(6) Notwithstanding anything in any enactment, but subject to the provisions of this section, it shall be lawful, as from the date on which any ecclesiastical property which comprises a burial ground or churchyard or part thereof vests in the district council under this section, to use, deal with or dispose of the ecclesiastical property for the erection of any building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the purpose of the burial of human remains.

(7) (*a*) Subject to subsection (6) of section 116 (Commonwealth war burials) of this Act, where the ecclesiastical property, or any part thereof, comprises a burial ground or churchyard in which the remains of deceased persons are interred, the district council shall, before using, dealing with or disposing of any part of such property for any purpose other than as a public open space, remove or cause to be removed the remains of all deceased persons interred in such part.

(*b*) (i) Before proceeding to remove any such remains, the district council shall give notice of their intention so to do by publishing a notice in manner provided in sub-paragraph (ii) below in at least two newspapers circulating in their area and shall display a like notice in a conspicuous place in the part of the ecclesiastical property from which the remains are proposed to be removed and shall serve a copy of the notice on a relative or the personal representatives of any deceased person whose remains were interred within the previous 30 years in the ecclesiastical property, being a relative or personal representative whose name and address can be ascertained after reasonable inquiry.

(ii) The notice referred to in sub-paragraph (i) above shall state the general effect of paragraphs (*c*) to (*f*) and (*h*) and (*i*) below and shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(*c*) At any time within two months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in the part of the ecclesiastical property from which the remains are proposed to be removed may give notice in writing to the district council of his intention to undertake the removal of such remains and thereupon he shall be at liberty, without any faculty for the purpose, but subject as hereafter provided in this section and in subsection (6) of the said section 116 and subject to any regulations made by the bishop, to cause such remains to be removed

PART XV —*cont.*

to, and interred in, any burial ground or cemetery in which burials may legally take place, but in the case of a churchyard only with the consent of the incumbent of the benefice concerned, or to be removed to, and cremated in, any crematorium and shall provide to the district council a certificate for the purpose of enabling compliance with paragraph (*g*) below.

(*d*) If any person giving such notice as aforesaid fails to satisfy the district council that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar, and the registrar shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(*e*) The district council shall defray the expenses of the removal and reinterment or cremation of such remains, not exceeding such sum as would be incurred by them in the removal and reinterment or, as the case may be, cremation of those remains within a cemetery managed by them in their district, or such other sum as may be reasonable in the circumstances.

(*f*) If—

(i) within the said period of two months no such notice as aforesaid shall have been given to the district council in respect of the remains in any grave; or

(ii) within two months after such notice has been given no application has been made under paragraph (*d*) above and the person who gave the notice fails to remove the remains; or

(iii) within two months after any order is made under the said paragraph the person, not being the district council, specified in the order fails to remove the remains;

the district council may, without any faculty for the purpose, cause the remains of the deceased person to be removed and reinterred in such other burial ground or cemetery in which burials may legally take place as, subject to the consent of the bishop, the district council think suitable for the purpose, or cremated in such crematorium as the district council think suitable for the purpose, but in the case of reinterment in a churchyard the consent of the incumbent of the benefice concerned shall also be required.

(*g*) Upon the reinterment or cremation of any remains under this subsection a certificate of reinterment or cremation shall be sent to the Registrar General by the district council giving the date of reinterment or cremation and identifying the space from which the remains were removed and the place in which they were reinterred or cremated.

(*h*) (i) Subject to the provisions of this paragraph any memorial relating to the remains of any deceased person removed and

PART XV —*cont.*

reinterred under this subsection shall be removed and re-erected at the place of reinterment of such remains or at such other place as the bishop may direct on the application either of such personal representative or relative as aforesaid or of the district council.

(ii) Any memorial relating to the remains of any deceased person removed and cremated under this subsection shall, at the request of such personal representative or relative as aforesaid or, if no such request is made, may at the discretion of the district council, be removed and re-erected at such place as the bishop may direct on the application either of such personal representative or relative or of the district council.

(iii) Any memorial not re-erected in accordance with the provisions of sub-paragraph (ii) above shall be offered by the district council to the bishop for re-erection or disposal as he thinks fit but if not accepted by him shall be broken and defaced before being disposed of in such manner as the district council think fit.

(iv) Where the district council consider that by reason of its ruinous condition any memorial removed under this paragraph is unsuitable for re-erection it may be disposed of in such manner as the district council think fit.

(v) The district council shall pay the reasonable expense of removing and re-erecting or disposing of any memorial under this subsection.

(vi) The district council shall cause a record to be made of each memorial removed under this paragraph containing—

(A) a copy of the inscription thereon; and

(B) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General and in the Public Episcopal Registry.

(*i*) The removal of the remains of any deceased person under this subsection shall be carried out in accordance with any directions given by the Secretary of State.

(8) All moneys received by the board under this section upon the sale of any ecclesiastical property shall, after the payment of all expenses of or incidental to such sale, be applied by the board with the consent of the bishop for any purpose for which the fund known as " The Bishop's Call to Build " can be used, or may be credited to that fund or to any other fund for the time being designated by the bishop and established for the same or any similar purpose, being charitable.

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Common-wealth war burials.

116.—(1) In this section—

" the Commission " means the Commonwealth War Graves Commission;

" Commonwealth war burial " means a burial of any member of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947;

" relevant burial ground " means any churchyard, cemetery or other ground, whether consecrated or not, which has been at any time set apart for the purpose of interment and in which there is situated any Commonwealth war grave relating to the said war of 1914 to 1921 or to the said war of 1939 to 1947.

(2) Notwithstanding anything in section 115 (Purchase of ecclesiastical property by agreement) of this Act, after the vesting in a district council under that section of any land or premises comprising or forming part of a relevant burial ground, the district council shall, when so requested by the Commission and in accordance with such arrangements and in such manner (including the disposal of the memorial) as shall be agreed in writing by the Commission, remove any memorial placed or erected by the Commission in the burial ground over any grave in which there is a Commonwealth war burial.

(3) After the removal under the said section 115 of any memorial in a relevant burial ground from any grave in which there is a Commonwealth war burial, no other memorial shall be placed or erected over that grave.

(4) Any Commonwealth war burial in any grave in a relevant burial ground vested in a district council under the said section 115 shall at all times be protected from interference or disturbance except—

(i) in the circumstances referred to in, and in accordance with, subsection (6) below; or

(ii) where authorised by a licence granted by the Secretary of State for the Home Department after prior notification to the Commission of the application for the licence;

and no structure or erection shall at any time be placed or erected over any Commonwealth war burial in any such burial ground.

(5) (*a*) Before so exercising the powers of subsection (6) of the said section 115 in relation to a relevant burial ground as to cause or permit the use, dealing with or disposal of the burial ground for any purpose other than as a public open space, a district council shall give notice to the Commission of the intended exercise of those powers, and if the Commission, within a period

PART XV —*cont.*

of 28 days from the receipt of such notice, give the district council notice that the Commission object to the intended exercise of the said powers, the district council shall not exercise the said powers except with the consent of the Secretary of State for the Environment.

(*b*) On application to the Secretary of State for his consent under this subsection the district council shall supply him with a copy of the Commission's objection and, not later than the date of the application, give notice of the application to the Commission.

(*c*) The Secretary of State shall consider any representations submitted to him by the Commission within 28 days from the date of the application.

(*d*) Any consent given by the Secretary of State under this subsection may be given subject to such terms and conditions as he thinks fit.

(6) If a district council intend to exercise the powers of subsection (7) of the said section 115 in relation to a relevant burial ground—

(*a*) they shall, not later than the first publication of any notice which they are required to publish under that subsection, serve upon the Commission a copy of the notice; and

(*b*) if it is agreed between the district council and the Commission that there is no practicable alternative to the removal of a Commonwealth war burial, then, subject to compliance by the district council with the provisions of the said section 115, the removal of the remains shall be carried out in accordance with such arrangements and to such place of reinterment as shall be agreed between the Commission and the district council and any personal representative or relative who has given a notice to the district council in accordance with the provisions of the said subsection (7).

(7) Any difference arising between the parties for any of the purposes of subsection (6) above shall be referred to the Secretary of State for the Home Department for determination and effect shall be given to his determination.

Liverpool

Provision as to Margaret Bryce Smith Scholarships.

117.—(1) Notwithstanding anything in the indenture dated 3rd November 1924 and made between Elizabeth Smith and William Ernest Atkin, executors and trustees of the will of James Smith, late of The Knowle, Blundellsands, of the one part and the Liverpool City Corporation of the other part, whereby certain funds were settled upon trust to invest the same and to apply

PART XV —*cont.*

the income thereof towards providing scholarships tenable at the school known as the Liverpool Institute, in the first instance for two years and renewable for a further period of one year or two years, with a view to the holders of such scholarships proceeding to the University of Liverpool, any scholarship granted in pursuance of the trusts contained in that indenture shall be tenable for such period as the governing body for the time being of the school known as the Liverpool Institute shall consider desirable for the purpose of assisting the holder thereof to qualify for and pursue a university career.

(2) The provisions of this section may be amended by a scheme made by the Charity Commissioners under section 18 of the Charities Act 1960; and upon the coming into force of any such scheme embodying all such provisions, whether or not so amended, this section shall cease to have effect. 1960 c. 58.

Port health authority for port of Liverpool.

118. The committee appointed by the Liverpool City Council as the port health authority for the port of Liverpool shall include, as members entitled to sit and vote on that committee, six persons appointed annually by the Wirral Borough Council and two persons appointed annually by the Sefton Borough Council.

Liverpool and Wirral

Registration of vendors of shellfish and their premises.

119.—(1) As from the appointed day in any district to which this section applies, except as provided in subsection (2) below, no person shall, in any premises owned or occupied by him in the district, by himself or by any person employed by him—

(*a*) sell, offer or expose for sale shellfish unless he is registered for that purpose by the district council; or

(*b*) sell or offer or expose for sale shellfish otherwise than by retail unless those premises are registered for that purpose by the district council.

(2) Subsection (1) above does not apply to the sale, offer or exposure for sale of shellfish in any premises if—

(*a*) the premises are registered for the preparation of shellfish under section 16 of the Food and Drugs Act 1955; or 1955 c. 16 (4 & 5 Eliz. 2).

(*b*) the shellfish is sold, offered or exposed for sale for consumption on the premises.

(3) On application for registration of any person or premises under this section the district council shall register the person or, as the case may be, the premises and shall, on registering any premises, issue to the applicant a certificate of registration.

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

PART XV —*cont.*

(5) The person responsible for the management of any premises registered under this section shall keep the certificate of registration displayed in the premises and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(6) (*a*) A duly authorised officer of the district council, on producing if so required a duly authenticated document showing his authority, may at all reasonable times enter upon, inspect and examine any premises in which he has reasonable cause to believe shellfish is sold, offered or exposed for sale and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this section.

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

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

(8) This section applies to the city of Liverpool and the metropolitan borough of Wirral.

Wirral

Management of Leasowe Common, Wirral.

1900 c. lxxix.

120.—(1) In this section "Leasowe Common" means the lands in the metropolitan borough of Wirral described in section 57 (Part of common lands to remain open under management of Birkenhead Corporation) of the Hoylake and West Kirby Improvement Act 1900.

(2) Leasowe Common is dedicated to the use and recreation of the public as an open and unenclosed space for ever under the management, regulation and control of the Wirral Borough Council.

(3) The Wirral Borough Council may make byelaws for the regulation of Leasowe Common.

Regulation of commons at Leasowe, Wirral.

1958 c. l.

121.—(1) In this section "the common" means the lands in the metropolitan borough of Wirral commonly known as Leasowe Common including certain common lands at Leasowe, being the lands coloured red on the deposited map referred to in section 106 (Regulation of Leasowe Common) of the Wallasey Corporation Act 1958.

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(2) No person shall bring or cause to be brought on the common, or permit to remain thereon—

(*a*) any caravan; or

(*b*) any barrow, truck, machine or vehicle other than—

(i) a bicycle, tricycle or other similar machine which is wheeled, not ridden; or

(ii) a wheelchair or perambulator used solely for the conveyance of an invalid or child;

except in the exercise of any lawful right or privilege, or for the purpose of driving any such vehicle to, or parking it on, any space which is set apart on the common for the parking of vehicles of the class to which it belongs.

(3) No person shall, except in the exercise of any lawful right or privilege, ride any bicycle, tricycle or other similar machine on any part of the common.

(4) If any person without reasonable excuse contravenes the provisions of this section 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.

(5) Section 193 (4) of the Law of Property Act 1925 (prohibition of driving, camping, etc., on certain common lands) shall not apply to the common. 1925 c. 20.

Buildings in Central Park, Wirral.

122.—(1) In this section "Central Park" means the land known as Central Park in the metropolitan borough of Wirral.

(2) Notwithstanding the covenants referred to in section 104 of the Wallasey Corporation Act 1958 it shall be lawful and shall be deemed always to have been lawful for the Wirral Borough Council, their predecessors in title and their lessees, to erect, provide and maintain in Central Park pavilions, conservatories, waiting, refreshment, concert, assembly and reading rooms, shelters, public conveniences, clubhouses and other similar buildings: 1958 c. l.

Provided that the part of Central Park covered by such buildings shall not exceed one-twentieth of the area of Central Park.

(3) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the sale of intoxicating liquor.

Power to close promenades for certain purposes.

123.—(1) In this section "the promenades" means the Tower Promenade, the Marine Promenade, the King's Parade and Coastal Drive and the sea defence works at Wallasey lying to the west of King's Parade in the metropolitan borough of Wirral.

PART XV —*cont.*

(2) The Wirral Borough Council may from time to time use or permit the use of the whole or any part of any of the promenades for the purposes of processions, carnivals, sports, motor races, motor cycle races, cycle races and similar purposes.

(3) For the purposes mentioned in subsection (2) above the Wirral Borough Council may, after consultation with the highway authority, close to the public the whole or any part of the promenades and demand and take, or permit to be demanded or taken, such reasonable sums for the exclusive occupation of such promenades, or any portion thereof, or for the admission of persons, vehicles, goods and things to such promenades or any portion thereof as they may think fit and may exclude therefrom all persons, vehicles, goods and things unless payment be made of the reasonable sums demanded.

(4) The powers of subsection (2) above shall not be exercised—

(*a*) on more than 12 days in any year; or
(*b*) on more than 3 Sundays in any year; or
(*c*) on more than 4 consecutive days; or
(*d*) for more than 12 hours in any period of 24 hours;

and the powers of subsection (3) above shall not be exercised so as to deprive any person bona fide going to or from any house or premises abutting on any promenade of reasonable access to, or egress from, such house or premises, except so far as may be necessary in the interests of safety, or so as to demand any sum for the admission of such person to such promenade.

Wirral and Sefton

Removal of wrecks.

124.—(1) The Wirral Borough Council and the Sefton Borough Council shall have the powers of a conservancy authority for the removal of wreck under section 530 of the Merchant Shipping Act 1894, and for that purpose the foreshore within their area and the area within 200 metres seaward thereof shall be taken to be tidal water under the control of the local authority.

1894 c. 60.

(2) If any vessel is wrecked, sunk, stranded or abandoned within the area which under subsection (1) above is to be taken to be tidal water under the control of the local authority and the owner, master or person having the management of the vessel does not, within 7 days after the vessel has been so wrecked, sunk, stranded or abandoned—

(*a*) begin to take the necessary measures to raise and to remove it; or
(*b*) give security to the satisfaction of the local authority for doing so;

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and does not with all convenient speed thereafter remove it, the local authority may, in addition to the powers exercisable by them by virtue of that subsection, take possession of the vessel and sell, break up, blow up or otherwise remove or dispose of such vessel.

(3) The local authority may recover and receive any moneys arising, and retain out of such moneys all or any expenses incurred by them in lighting, watching, buoying, raising, blowing up, breaking up, advertising or selling any such vessel, or any part thereof, or otherwise in any manner or for any purpose in respect or on account of such vessel, or any part thereof, subject to the payment of any balance to the person who was the owner, master or other person having the management of such vessel immediately before it was wrecked, sunk, stranded or abandoned.

(4) Paragraphs (1) and (2) of the proviso to section 530 of the Merchant Shipping Act 1894 shall apply in relation to the powers conferred by subsections (2) and (3) above as they apply in relation to the powers of that section. 1894 c. 60.

(5) A local authority shall not blow up a vessel to which subsection (2) above applies—

(*a*) within one mile measured in any direction from the Mersey Railway Tunnel without the consent of the British Railways Board; or

(*b*) within one mile measured in any direction from the Queensway Tunnel or the Kingsway Tunnel without the consent of the county council;

but any such consent shall not be unreasonably withheld and any question whether or not consent is unreasonably withheld shall be determined by arbitration.

(6) Nothing in this section shall prejudice the powers of the Docks Company under section 3 (Power to remove wrecks and other obstructions) and section 5 (For protection of Joint Committee) of the Mersey Docks and Harbour Board Act 1954; and before exercising the powers of this section for the removal of a wreck within the port of Liverpool the local authority shall give notice of their intention to the Docks Company and shall, in so exercising the powers, comply with any directions which may be given by the Docks Company for the prevention of interference with navigation. 1954 c. xlv.

(7) Except in a case which is, in the opinion of the local authority, a case of emergency, before raising, breaking up, blowing up, or otherwise removing or destroying any vessel under the powers conferred upon them by subsection (1) above, or by

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1894 c. 60.

section 530 of the Merchant Shipping Act 1894 as applied by that subsection, within a distance of 200 metres of—

(*a*) any subaqueous cable belonging to, or used by, the Post Office; or

(*b*) any sewer outfall, apparatus or sea defence work owned or maintained by, or under the control of, the water authority;

the local authority shall give to the Post Office or, as the case may be, the water authority as long notice as is practicable of their intention to do so.

(8) In this section—

" vessel " includes every article or thing being or forming part of the cargo, stores, tackle, furniture, equipment or ballast of the vessel;

" owner " in relation to any vessel means the person who was the owner immediately before the wrecking, sinking, stranding or abandonment of the vessel.

Regulation of sandhills in Wirral and Sefton.

1958 c. l.

125.—(1) In this section " the specified area " means—

(*a*) in relation to the Wirral Borough Council, the land in the metropolitan borough of Wirral shown coloured yellow on the deposited map referred to in section 105 of the Wallasey Corporation Act 1958 and in that section referred to as " the Sandhills "; and

(*b*) in relation to the Sefton Borough Council, the land called the " sandhills " in the metropolitan borough of Sefton shown coloured yellow on the plan marked " County of Merseyside Bill: Sandhills in Sefton ", one copy of which has been deposited in the office of the Clerk of the Parliaments in the House of Lords, one in the Private Bill Office of the House of Commons and one in the office of the head of legal and estate services of the Sefton Borough Council.

(2) The Wirral Borough Council and the Sefton Borough Council may make byelaws—

(*a*) for prohibiting the digging, cutting, damaging or taking of turf sods, gravel, sand, clay or other substance on or from the specified area without lawful authority, and the removing, cutting, felling or injuring of any starr or bent, grass, gorse, heather, timber or other tree, shrub, brushwood or other plant growing on the specified area without lawful authority;

(*b*) for prohibiting the removal of, or interference with, any works for the protection of the specified area or the stabilisation of sand;

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(*c*) for prohibiting or regulating the bringing on to the specified area, or permitting to remain thereon, of any caravan, barrow, truck, machine or vehicle without lawful authority;

(*d*) for prohibiting the riding of any bicycle, tricycle or other similar machine on any part of the specified area;

(*e*) for prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on the specified area;

(*f*) for prohibiting the lighting of fires on the specified area;

(*g*) for regulating games to be played and other means of recreation to be exercised on the specified area and assemblages of persons thereon;

(*h*) for prohibiting or regulating the driving, riding, exercising or breaking in of horses on the specified area without lawful authority;

(*i*) for prohibiting or regulating camping on the specified area and the erection of tents thereon;

(*j*) generally for prohibiting or regulating any act or thing tending to injury or disfigurement of the specified area.

(3) Before making byelaws under this section the Wirral Borough Council or, as the case may be, the Sefton Borough Council, shall submit a draft of the byelaws to the water authority and consult with them on any provision in the draft which may affect any sea defence work vested in, or under the control of, the water authority.

(4) Nothing in this section, or any byelaws made thereunder, shall prejudice or affect the rights of the Wirral Borough Council or the Sefton Borough Council to use or develop, or permit the use or development of, the specified area as they may from time to time think fit.

Power to cut gorse on unfenced land or common land.

126.—(1) Where in the opinion of the district council it is expedient, for the purpose of preventing fires or the spread of fires, to lop, cut or remove any gorse or other vegetation on any unfenced land or common land within the metropolitan borough of Wirral or Sefton, they may—

(*a*) in the case of unfenced land, not being common land, serve a notice on the owner or occupier of the land requiring him to lop, cut or remove any such gorse or other vegetation within such time, not being less than 7 days, as may be specified in the notice; and

(*b*) in the case of common land, enter upon the land without notice and lop, cut or remove any such gorse or other vegetation.

PART XV —*cont.*

(2) 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 (1) (*a*) above as if—

(*a*) references in those provisions to that Act included references to this section; and

(*b*) in section 290 (6) of the Act of 1936 for the words from " and recover " to the end there were substituted the words " doing no unnecessary damage ".

Sefton

Charges for use of foreshore for certain purposes.

127. The Sefton Borough Council may make byelaws for the prevention of the use of any part of the foreshore within their district owned by the borough council for the purpose of profit or gain, or for the parking of vehicles, by any person except upon payment to the borough council of such charge as may be prescribed by the byelaws.

PART XVI

GENERAL

Disputes about compensation.

128.—(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).

Saving for conduct of business or use of premises.

129. Where under any provision of this Act the licence or consent of a local authority for the carrying on of any business or for 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 using any premises for the purpose; and

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

PART XVI —*cont.*

to continue to carry on that business 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 133 (Suspension of proceedings pending appeal) of this Act.

Local inquiries.

130. A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Appeals to magistrates' court.

131. 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.

132.—(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 48 (Means of escape from fire), subsection (5);

In section 50 (Parking places: safety requirements), subsection (6);

In section 52 (Fire precautions in high buildings), subsection (5);

In section 53 (Fire precautions in large storage buildings), subsection (6);

Section 61 (Part IX appeals);

In section 64 (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 an appeal under the said section 61, may give directions for the granting of a consent subject to such conditions as the county council may impose under section 60 (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

PART XVI —*cont.*

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.

(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.

133. 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.

134.—(1) 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 or a police constable.

(2) Proceedings shall not be instituted for any offence under section 31 (Notice of street processions) of this Act, or for any attempt, incitement or conspiracy to commit any such offence, unless the proceedings are instituted by or with the consent of the Director of Public Prosecutions.

Liability of directors, etc.

135.—(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,

PART XVI —*cont.*

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.

136. Any person who intentionally obstructs any officer of a local authority 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.

Defence of due diligence.

137.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below or any byelaw made under any such provision 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 16 (Dust, etc., from building operations);

Section 20 (Safety of stands);

Section 30 (Byelaws as to street processions);

Section 31 (Notice of street processions);

Subsection (4) of section 34 (Dealers in second-hand goods);

Section 35 (Touting, hawking, photographing, etc.);

Paragraphs (*a*) to (*c*) of section 46 (Offences under Part VII);

Part VIII (Fire precautions and safety);

Section 63 (Offences under Part IX);

Section 66 (Prohibition of unregistered entertainment clubs);

Section 67 (Offences in connection with entertainment clubs);

Section 76 (Offences under Part XI);

Subsection (4) of section 119 (Registration of vendors of shellfish and their premises).

(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.

PART XVI —*cont.*

Application of general provisions of Act of 1936.

138.—(1) The sections of the Act of 1936 mentioned in Schedule 2 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 16 (Dust, etc., from building operations);

Section 20 (Safety of stands);

Section 22 (Power to order alteration of chimneys);

Section 28 (Hairdressers and barbers);

Part VIII (Fire precautions and safety);

Part IX (Storage of flammable material):

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 a 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 the British Railways Board for the protection of their undertaking.

Saving for Mersey Docks and Harbour Company.

139. Unless otherwise agreed in writing between the Docks Company and the county council or, as the case may require, the district council by whom the powers in question are exercisable, the provisions of this section have effect for the protection of the Docks Company—

(1) In this section the Dock Estate has the meaning given in paragraph (1) of section 109 (For protection of Mersey Dock Estate) of this Act:

(2) The following sections of this Act do not authorise the exercise of powers or the imposition of conditions, restrictions or prohibitions, or apply to any street or building, within the Dock Estate:—

Section 11 (Highway amenities);

Section 12 (Power to provide kiosks, etc.);

Section 35 (Touting, hawking, photographing, etc.);

Section 53 (Fire precautions in large storage buildings);

Section 127 (Charges for use of foreshore for certain purposes):

(3) An appeal by the Docks Company under subsection (5) of section 48 (Means of escape from fire) of this Act shall be made to the Secretary of State and the Minister of

PART XVI —*cont.*

Transport jointly and in such a case section 132 (Appeals to Secretary of State) shall have effect with the necessary modifications:

(4) Before making any byelaws applicable in an area which includes any part of the Dock Estate under subsection (2) of section 57 (Oil-burning equipment) of this Act, the county council shall consult the Docks Company:

(5) Without prejudice to subsection (5) of section 59 (Stacks to which Part IX applies) of this Act, the provisions of Part IX shall not apply to the stacking of materials within the Dock Estate in any building as existing at the commencement of this Act.

For protection of Post Office.

140. For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the local authority concerned and the Post Office, apply and have effect:—

(1) In the case of a building or part of a building used or to be used only by the Post Office for purposes which include use as a postal sorting office or for the accommodation or support (other than by way of storage only) of apparatus used for the operation of Post Office telecommunication services, a condition imposed under section 52 (Fire precautions in high buildings) of this Act with respect to automatic fire alarms or fire extinguishing systems shall be of no effect if it conflicts with the precautions described in a Code of Practice (including appendices) issued by the Property Services Agency of the Department of the Environment which is then applicable to any such use of the building or part of the building:

(2) Any difference which may arise between a local authority and the Post Office under this section shall be determined by arbitration.

Crown rights.

141.—(1) Nothing in 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 Act authorises a local authority 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)—

(*a*) 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; or

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(*b*) belonging to Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy; or

(*c*) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(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.

(3) Nothing in this section shall prejudice or affect any statutory powers of a local authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Minister of Transport.

1950 c. 39.

Saving for Health and Safety at Work etc. Act 1974.

1974 c. 37.

142.—(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 16 (Dust, etc., from building operations);
Section 17 (Control of demolitions);
Section 51 (Fire and safety precautions in public and other buildings);
Section 53 (Fire precautions in large storage buildings), so far as it relates to conditions with respect to the matters specified in subsection (3) (*d*) of that section;
Section 57 (Oil-burning equipment).

Saving for Fire Precautions Act 1971.

1971 c. 40.

143. 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.

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Tidal works.

144.—(1) The following provisions in this section shall apply to tidal works, that is to say, works in or over tidal waters or tidal lands below the level of mean high-water springs, authorised by the following enactments:—

The Mersey Tunnel Acts 1925 to 1968;

The Wallasey Corporation Act 1927; 1927 c. cxxii.

The Crosby Corporation Act 1968; 1968 c. xxiv.

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 ".

(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 £200.

(3) (*a*) This subsection does not apply to the tidal works authorised by the Mersey Tunnel Acts 1925 to 1968.

(*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 £200.

(4) (*a*) In this subsection " appropriate authority " means, in the case of works authorised by the Mersey Tunnel Acts 1925 to 1968 or the Wallasey Corporation Act 1927, the acting conservator of the river Mersey; and in the case of works authorised by the Crosby Corporation Act 1968, the Secretary of State.

(*b*) Where a tidal work is abandoned, or suffered to fall into decay, the appropriate authority 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 appropriate authority think proper.

(*c*) 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

PART XVI —*cont.*

work on or over land above the level of high water 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 appropriate authority may include that part of the work or any portion thereof in any notice under this subsection.

(*d*) If, on the expiration of 30 days from 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 appropriate authority may execute the works specified in the notice and any expenditure incurred by them 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.

Arbitration.

145. Where under this Act any question or difference is to be determined by arbitration, then, unless otherwise provided, the question or difference shall be referred to, and settled by, a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Transitional provisions, savings, amendments and repeals.

146.—(1) The transitional provisions and savings in Part I of Schedule 3 to this Act shall have effect.

(2) The statutory provisions mentioned in Part II of the said Schedule 3 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of the Act of 1972 and of this Act.

(3) Subject to the provisions of the said Schedule 3—

(*a*) each of the statutory provisions specified in Schedule 4 to this Act, in so far as it applies in the county, shall continue so to apply but only in the area within the county in which it applied before the passing of this Act; and

(*b*) the statutory provisions specified in column (1) of Schedule 5 to this Act are hereby repealed to the extent mentioned in column (2) of that Schedule.

(4) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.

(5) The inclusion in this Act of any express transitional provisions, 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 14 (2).

SECTION 153 OF HIGHWAYS ACT 1959 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 14 OF THIS ACT

1959 c. 25.

153.—(1) No person shall construct under a highway any part of a building on land adjoining the highway or a vault, arch or cellar without the consent of the highway authority and the authority may by notice served on a person who has constructed any part of a building or a vault, arch or cellar in contravention of this section require him to remove it, or to alter or deal with it in such manner as may be specified in the notice.

(2) A person aggrieved by the refusal of a consent required by the foregoing subsection, or by a requirement of a highway authority thereunder, may appeal to a magistrates' court.

(3) A person who constructs any part of a building or a vault, arch or cellar in contravention of this section shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding five pounds, and, subject to any order made on appeal, if he fails to comply with a requirement of a notice served on him under subsection (1) thereof, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding forty shillings for each day during which the failure continues.

(4) The authority may also cause any part of a building or a vault, arch or cellar constructed in contravention of this section to be removed, altered or otherwise dealt with as they think fit, and may recover the expenses reasonably incurred by them in so doing from the offender.

(5) As soon as may be after an authority consent to the construction of any part of a building or a vault, arch or cellar under a highway they shall give notice thereof to any public utility undertakers having any apparatus under the highway.

(5A) 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.

PART II

Section 17 (2).

SECTION 29 OF PUBLIC HEALTH ACT 1961 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 17 OF THIS ACT

1961 c. 64.

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

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(*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 served on 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 service of notice under paragraph (*a*) of this subsection,

and a person contravening this subsection shall be liable to a fine not exceeding five hundred pounds:

Provided that notice need not be served under paragraph (*a*) of 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

1957 c. 56.

such longer period as the person undertaking the demolition may in writing allow, and

(*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 and to render any electric line or apparatus in or under the building electrically dead,

(*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,

(*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,

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 service of notice under subsection (3) (*a*) 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.

(5B) A person contravening such a notice requiring the deferment of part of the demolition shall be liable to a fine not exceeding five hundred pounds, 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.

(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

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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 thirty-one 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 for the rendering of any electric line or apparatus electrically dead, 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.

(9) 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.

(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.

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(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.

(12) This section shall not apply to a demolition begun before the commencement of this Act.

PART III

Section 24 (3).

SECTION 3 OF DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 24 OF THIS ACT

1906 c. 32.

3.—(1) Where a police officer or a duly authorised officer of the district council has reason to believe that any dog found in a highway or place of public resort in a district is a stray dog, 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

SCH. 1 —*cont.*

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 5p.

(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 5p.

(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 138 (1).

SCHEDULE 2

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
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 146 (1).

SCHEDULE 3

PART I

TRANSITIONAL PROVISIONS AND SAVINGS

General provisions

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 relating to the same matter in the same area.

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

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(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.

4. 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.

5. 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.

Provisions affecting water authorities

6.—(1) Notwithstanding the repeal by this Act of any statutory provision continued in force by or under the Water Act 1973 relating to functions exercisable by a water authority for the supply of water within their area— 1973 c. 37.

(*a*) the water authority may continue and maintain all waterworks authorised by that provision as if this Act had not been passed; and—

(i) for the purposes of section 3 of Schedule 3 to the Water Act 1945, the said waterworks shall be deemed to be authorised, and the lands on which those works are constructed shall be deemed to be specified, in an enactment which is for the time being in force; and 1945 c. 42.

(ii) for the purposes of section 36 of the Water Resources Act 1963, the said waterworks shall be deemed to be authorised by virtue of such an alternative statutory provision as is therein referred to; 1963 c. 38.

(*b*) the water authority may take any water which may be taken or intercepted by any of the said waterworks under and in accordance with any licences granted under Part IV of the Water Resources Act 1963 and expressed by reference to any provision so repealed.

(2) Notwithstanding the repeal by this Act of any statutory provision continued in force by the Water Act 1973 relating to any other functions exercisable by a water authority, the water authority may continue and maintain all works authorised by any such provision as if this Act had not been passed.

SCH. 3 —*cont.*

(3) Nothing in sub-paragraphs (1) and (2) above shall prejudice or affect any provision made, or which may be made, in any order under section 254 of the Act of 1972 as extended by section 34 of the Water Act 1973.

1973 c. 37.

Section 146 (2).

PART II

CONSEQUENTIAL AMENDMENTS

1966 c. xxxvi.

In the Liverpool Corporation Act 1966—

1. In subsection (1) of section 3 (Interpretation) for the definition of " the Corporation ", there shall be substituted—

" ' the Corporation ' means—

(*a*) for the purposes of Part III (Works) of this Act, the Merseyside County Council; and

(*b*) in all other cases, the Merseyside County Council and the Liverpool City Council or either of those councils;".

2. After subsection (1) of section 5 (Power to acquire lands), there shall be inserted the following:—

" (1A) Before the Liverpool City Council exercise the powers of this section to acquire compulsorily any land for the time being authorised to be so acquired by this Act they shall give notice of their intention to the Merseyside County Council specifying the land in question, and if within 28 days of the service of such notice the Merseyside County Council by counter-notice indicate that such land might reasonably be required for the purpose of the works or otherwise in connection with the exercise of their powers under this Act, the Liverpool City Council shall not exercise those powers.".

1969 c. lv.

In Part II of the Liverpool Corporation Act 1969—

In section 4 (Interpretation for Part II of Act), there shall be inserted " ' the Corporation ' means the Merseyside County Council ".

Section 146 (3) (*a*).

SCHEDULE 4

STATUTORY PROVISIONS CONTINUED IN FORCE

1921 c. lxxiv.

In the Liverpool Corporation Act 1921—

Subsection (4) of section 652 (Power to trustees of St. James' Cemetery to sell land to Cathedral Committee).

The Liverpool Corporation Act 1966, except sections 35 to 37.

1966 c. xl.

In the Liverpool Corporation (General Powers) Act 1966—

Subsection (4) of section 50 (Change of name of Liverpool School for the Indigent Blind).

1967 c. xii.

In the Wallasey Corporation Act 1967—

Section 3 (Power to remove promenade pier);

Section 6 (Repeal).

In the Liverpool Corporation Act 1969—

Part II City walkways.

SCHEDULE 5

ENACTMENTS REPEALED

Section 146 (3) (*b*).

(1) Enactment	(2) Extent of repeal	
Liscard Inclosure Act 1809	The whole Act.	1809 c. ciii.
Wallasey and West Kirby Inclosure Act 1814	The whole Act except section 35.	1814 c. lxxxvii.
Wallasey Embankment Act 1829 ...	The whole Act.	1829 c. xvi.
Saint Helens Water Act 1843	The whole Act.	1843 c. xxiii.
Liverpool Fire Prevention Act 1843 ...	The whole Act.	1843 c. cix.
Liverpool Fire Prevention Act 1844 ...	The whole Act.	1844 c. li.
Wallasey Improvement Act 1845 ...	The whole Act.	1845 c. vi.
Saint Helens Gas Act 1852	The whole Act except sections XXXVII, XLVII and XLVIII.	1852 c. lxix.
General Board of Health Provisional Order Confirmation (No. 1) Act 1853	Section III and the Wallasey Order.	1853 c. 24.
Newton District Improvement Act 1855	The whole Act.	1855 c. c.
Chorley Waterworks Transfer Act 1856	The whole Act.	1856 c. v.
Wallasey Improvement Act 1858 ...	The whole Act except section 17.	1858 c. lxiii.
Wallasey Improvement Act 1861 ...	The whole Act except section 7.	1861 c. iv.
Local Government Supplemental (No. 2) Act 1863	The Wallasey Order.	1863 c. 64.
Wallasey Improvement Act 1864 ...	The whole Act.	1864 c. cxvii.
Wallasey Embankment Act 1864 ...	The whole Act.	1864 c. clx.
Southport Improvement Act 1865 ...	The whole Act except sections 48, 49, 63, 84 and 144.	1865 c. cxcv.
Wallasey Improvement Act 1867 ...	The whole Act except sections 7 to 9, 19, 20, 23 to 29, 37 and 41 and Schedules A, B and C.	1867 c. cxxxii.
St. Helens Improvement Act 1869 ...	The whole Act except sections 24, 25, 156, 159, 165, 197, 436 to 437, 439, 440 and 442.	1869 c. cxx.
Saint Helens Gas Act 1870	The whole Act.	1870 c. cxxxvii.
Southport Improvement Act 1871 ...	The whole Act except sections 3, 19, 22, 26, 28, 52, 176 and 213 and Schedule A.	1871 c. cxl.
Wallasey Improvement Act 1872 ...	Section 16.	1872 c. cxxv.
Tramways Orders Confirmation Act 1872 (No. 4)	The Southport Order.	1872 c. clviii.
Bootle-cum-Linacre (Borough Boundary) Act 1873	The whole Act except section 11.	1873 c. xcii.
Gas Orders Confirmation Act 1874 ...	The Southport Order.	1874 c. xvii.
Southport Improvement Act 1875 ...	The whole Act except section 28.	1875 c. cxxvi.
Local Government Board's Provisional Orders Confirmation (Bristol, &c.) Act 1876	The Newton-in-Mackerfield Order.	1876 c. xcvii.
Southport Improvement Act 1876 ...	The whole Act except sections 3, 23 and 47 and Schedule 1.	1876 c. cxxvii.
Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act 1877	Sections 5 and 6 and the St. Helens Order.	1877 c. cxxxii.
Birkenhead Tramways Act 1877 ...	The whole Act.	1877 c. clxxxvii.
Local Government Board's Provisional Orders Confirmation (Caistor Union, &c.) Act 1877	The Wallasey Order (No. 2).	1877 c. ccxxvii.

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	(1) Enactment	(2) Extent of repeal
	Local Government Board's Provisional Orders Confirmation (Bristol, &c.) Act 1878	The Wallasey Order.
1878 c. viii.	Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1878	The St. Helens and Southport Orders.
1878 c. xxxvii.	Borough of Birkenhead Scheme 1879 ...	The whole Scheme except section 4 and Schedule II.
—	Local Government Board's Provisional Orders Confirmation (Abergavenny Union, &c.) Act 1879	The St. Helens Order.
1879 c. ciii.	Birkenhead Tramways Act 1879 ...	The whole Act.
1879 c. clxxxvi.	Saint Helens and District Tramways Act 1879	The whole Act except sections 6 and 7.
1879 c. cxcii.	Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1880	The Southport Order.
1880 c. xxxvi.	Liverpool Corporation Waterworks Act 1880	Section 34.
1880 c. cxliii.	Tramways Orders Confirmation (No. 1) Act 1880	The Birkdale and Southport Order.
1880 c. clxxii.	Saint Helens and District Tramways (Extension of Time) Act 1881	The whole Act.
1881 c. xlv.	Birkenhead Corporation (Gas and Water) Act 1881	The whole Act except sections 12, 13, 19, 20, 22 and 23 and the Schedule.
1881 c. clii.	Birkenhead Corporation Act 1881 ...	The whole Act except sections 133 to 137, 144, 166, 167, 200 to 231, 338, 339 and 356 and Schedules E and F.
1881 c. cliii.	Local Government Board's Provisional Orders Confirmation (Acton, &c.) Act 1881	The Wallasey Order except article 1.
1881 c. clxii.	Liverpool Improvement Act 1882 ...	The whole Act.
1882 c. lv.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1882	The St. Helens Order.
1882 c. lx.	Tramways Orders Confirmation (No. 1) Act 1882	The Birkdale and Southport Order.
1882 c. cxxxviii.	Saint Helens (Corporation) Water Act 1882	The whole Act except sections 5, 6, 15 and 17.
1882 c. cxlix.	Liverpool Improvement Act 1883 ...	Section 19.
1883 c. lxxii.	Saint Helens and District Tramways Act 1883	The whole Act except section 7.
1883 c. cxxvi.	Birkenhead Improvement Act 1884 ...	The whole Act.
1884 c. lvi.	Bootle-cum-Linacre (Fictitious Bonds) Act 1885	The whole Act.
1885 c. cxvii.	Southport Improvement Act 1885 ...	The whole Act except sections 17, 126 and 127.
1885 c. cxxii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1886	Section 2 and the Southport Order.
1886 c. viii (50 Vict.).	Local Government Board's Provisional Orders Confirmation Act 1887	The St. Helens Order.
1887 c. xlix.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1887	The Southport Order.
1887 c. cxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1888	The Wallasey and Wirral Orders.
1888 c. lxii.		

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(1) Enactment	(2) Extent of repeal	
Saint Helens Corporation Act 1889 ...	The whole Act.	1889 c. lix.
Liverpool Corporation Act 1889 ...	Section 29 and the Schedule.	1889 c. lxxv.
Local Government Board's Provisional Orders Confirmation (No. 11) Act 1889	The Newton-in-Mackerfield Order.	1889 c. cxiii.
Birkenhead Corporation (Gas and Water) Act 1890	The whole Act except section 7 and the Schedule.	1890 c. xviii.
Local Government Board's Provisional Orders Confirmation (No. 7) Act 1890	The Southport Order.	1890 c. lxxxv.
Wallasey Local Board Act 1890 ...	The whole Act except sections 74 to 76.	1890 c. cxxi.
Electric Lighting Orders Confirmation (No. 6) Act 1890	The Birkenhead Order except section 11.	1890 c. cxci.
Bootle Corporation Act 1890	The whole Act.	1890 c. ccxix.
Lancashire County (Lunatic Asylums and other Powers) Act 1891	The whole Act so far as applying to the county.	1891 c. xx.
Electric Lighting Orders Confirmation (No. 2) Act 1891	The Southport Order.	1891 c. l.
Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891	The St. Helens Order.	1891 c. lxix.
Local Government Board's Provisional Orders Confirmation (No. 8) Act 1891	Section 2 and the Southport Order.	1891 c. lxx.
Birkenhead Corporation Act 1891 ...	The whole Act except sections 19 to 21 and 23 to 25 and Schedule B.	1891 c. lxxxvii.
Local Government Board's Provisional Orders Confirmation (No. 12) Act 1891	The Newton-in-Mackerfield Order.	1891 c. clviii.
Waterloo with Seaforth Local Board Act 1892	The whole Act except section 11.	1892 c. lxxxv.
Local Government Board's Provisional Orders Confirmation (No. 12) Act 1892	Section 2 and the Wallasey Order.	1892 c. ccxxiii.
Local Government Board's Provisional Orders Confirmation (No. 9) Act 1893	The Newton-in-Mackerfield Order.	1893 c. cxvii.
Liverpool Corporation Act 1893 ...	The whole Act.	1893 c. clxxxi.
St. Helens Corporation Act 1893 ...	The whole Act except sections 29, 30 and 43.	1893 c. ccxv.
Local Government Board's Provisional Orders Confirmation (No. 2) Act 1894	The Wallasey Order.	1894 c. xx.
Electric Lighting Orders Confirmation (No. 1) Act 1894	The St. Helens Order except section 11.	1894 c. xlix.
Wallasey Embankment Act 1894 ...	The whole Act.	1894 c. ci.
Local Government Board's Provisional Orders Confirmation (No. 15) Act 1894	The St. Helens Order except article 7 (5) and (6).	1894 c. cxciii.
Local Government Board's Provisional Orders Confirmation (No. 6) Act 1895	The Southport Order.	1895 c. lxxxvii (58 & 59 Vict.)
Local Government Board's Provisional Order Confirmation (No. 10) Act 1895 Session 2	Sections 8, 10 and 12 to 16 and the Liverpool Order.	1895 c. vii (59 Vict.)
Local Government Board's Provisional Orders Confirmation (No. 4) Act 1896	The Wallasey Order.	1896 c. xxix.
Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896	The Southport Order.	1896 c. cv.

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	(1) Enactment	(2) Extent of repeal
1896 c. ccix.	Wallasey Urban District Council (Promenade) Act 1896	The whole Act except sections 41 to 44.
1897 c. lxvi.	Electric Lighting Orders Confirmation (No. 6) Act 1897	The Wallasey Order except section 11.
1897 c. lxviii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1897	The Wallasey Order.
1897 c. xcix.	Birkenhead Corporation Act 1897 ...	The whole Act except sections 18 to 28 and 42.
1897 c. ci.	Hoylake and West Kirby Improvement Act 1897	The whole Act except sections 55, 70, 71 and 74.
1897 c. civ.	Liverpool Corporation Tramways Act 1897	The whole Act.
1897 c. cxli.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1897	The St. Helens Order.
1898 c. cclviii.	St. Helens Corporation Act 1898 ...	The whole Act except section 34.
1898 c. ccli.	Liverpool Corporation Act 1898 ...	The whole Act except sections 17 and 20 and Schedule 2.
1899 c. xv.	Wallasey Tramways and Improvements Act 1899	The whole Act except sections 17 and 58.
1899 c. liii.	Birkenhead Corporation Act 1899 ...	The whole Act except sections 10 and 11.
1899 c. cx.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1899	The Southport Order (Nos. 1 and 2).
1899 c. cxlv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1899	Article III of the Wallasey Order.
1899 c. ccxxxv.	Bootle Corporation Act 1899	The whole Act.
1899 c. cclxxiii.	Tramways Orders Confirmation (No. 2) Act 1899	Section 3 and the Southport Order.
1900 c. xlvii.	Electric Lighting Orders Confirmation (No. 3) Act 1900	The Birkenhead Order.
1900 c. lv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1900	The St. Helens Order.
1900 c. lxvi.	Southport Extension and Tramways Act 1900	The whole Act.
1900 c. lxxix.	Hoylake and West Kirby Improvement Act 1900	The whole Act except sections 7, 23, 24 and 27.
1900 c. cxcix.	Tramways Orders Confirmation (No. 2) Act 1900	The St. Helens Order except article 8.
1900 c. cclxxxi.	Southport Corporation Act 1900 ...	The whole Act except sections 6, 17, 35, 38, 60 and 62.
1901 c. cliii.	Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) Act 1901	The whole Act.
1901 c. cclxi.	Wallasey Improvement Act 1901 ...	The whole Act except sections 79 and 80.
1902 c. lxii.	Birkenhead Corporation Act 1902 ...	The whole Act except section 8.
1902 c. lxxx.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1902	The St. Helens Order except article 1 and the Schedule.
1902 c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902	The Southport Order.

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(1) Enactment	(2) Extent of repeal
Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) Act 1902	The Birkenhead Order. 1902 c. lxxxix.
Tramways Orders Confirmation (No. 1) Act 1902	Section 3 and the Southport Order. 1902 c. ccii.
Local Government Board's Provisional Orders Confirmation (No. 7) Act 1902	Section 2(2), (3) and (5). 1902 c. ccix.
Local Government Board's Provisional Orders Confirmation (No. 4) Act 1903	The Southport Order. 1903 c. lxi.
Local Government Board's Provisional Orders Confirmation (No. 10) Act 1903	The Newton-in-Mackerfield Order. 1903 c. lxxviii.
Electric Lighting Orders Confirmation (No. 3) Act 1904	The Birkenhead Order. 1904 c. clxxvi.
Local Government Board's Provisional Orders Confirmation (No. 1) Act 1905	The Southport Order. 1905 c. ii.
Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905	The Birkenhead Order. 1905 c. lxxi.
Local Government Board's Provisional Orders Confirmation (No. 10) Act 1905	The Whiston Rural Order. 1905 c. lxxxv.
Local Government Board's Provisional Orders Confirmation (No. 11) Act 1905	The Southport Order. 1905 c. cvii.
Formby Urban District Council Act 1905	The whole Act except section 27. 1905 c. cli.
Bootle Corporation Act 1905	The whole Act. 1905 c. cliv.
Wallasey Tramways and Improvements Act 1906	The whole Act except sections 20, 21, 39 and 133. 1906 c. clxi.
Education Board Provisional Orders Confirmation (Surrey &c.) Act 1907	The Birkenhead Order. 1907 c. lix.
Birkenhead Corporation Water Act 1907	The whole Act except sections 14, 17, 22, 25, 27 to 29, 31 to 36, 38 to 43, 45 to 47, 51 to 53, 55 to 58, 67, 68, 77 and 84 and Schedules 1 and 2. 1907 c. cxxxi.
Local Government Board's Provisional Orders Confirmation (No. 2) Act 1907	The Birkenhead Order. 1907 c. clii.
Liverpool Corporation (General Powers) Act 1908	The whole Act. 1908 c. lxxxiv.
Wallasey Tramways and Improvements Act 1909	The whole Act. 1909 c. xli.
Local Government Board's Provisional Orders Confirmation (No. 8) Act 1909	The Birkenhead Order. 1909 c. cxxiii.
St. Helens Corporation Act 1911 ...	The whole Act except sections 30, 35 and 36. 1911 c. cxvii.
Local Government Board's Provisional Orders Confirmation (No. 10) Act 1911	The Southport Order. 1911 c. clxxxv.
Local Government Board's Provisional Orders Confirmation (No. 3) Act 1912	The Prescot Order. 1912 c. cxxix.
Local Government Board's Provisional Orders Confirmation (No. 11) Act 1912	The Wallasey Order. 1912 c. cxxxvii.

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	(1) Enactment	(2) Extent of repeal
	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1912	The Southport Order.
1912 c. clxii.		
1913 c. xciii.	Southport Corporation Act 1913 ...	The whole Act except sections 35, 48 to 50, 95 and 96.
	Local Government Board's Provisional	The whole Act.
1913 c. cxxxviii.	Order Confirmation (No. 14) Act 1913	
1914 c. lxxxvi.	Birkenhead Corporation Act 1914 ...	The whole Act except section 9.
	Local Government Board's Provisional	The Birkenhead Order.
1915 c. iii.	Orders Confirmation (No. 1) Act 1915	
	Local Government Board's Provisional	The St. Helens Order.
1915 c. xxxiv.	Orders Confirmation (No. 2) Act 1915	
	Local Government Board's Provisional	The St. Helens Order.
1916 c. xxvii.	Orders Confirmation (No. 1) Act 1916	
	Local Government Board's Provisional	The St. Helens Order.
1916 c. xxxv.	Orders Confirmation (No. 5) Act 1916	
S.R. & O.	St. Helens Corporation Gas (Standard	The whole Order.
1917/239.	of Calorific Value) Order 1917	
S.R. & O.	Birkenhead Corporation Gas (Standard	The whole Order.
1917/984.	of Calorific Value) Order 1917	
	Local Government Board's Provisional	The Birkenhead and Newton-in-Mackerfield Orders.
1918 c. xliv.	Orders Confirmation (No. 2) Act 1918	
	Local Government Board's Provisional	The Southport Order.
1918 c. xlvii.	Orders Confirmation (No. 8) Act 1918	
	Local Government Board's Provisional	The Birkenhead Order.
1919 c. lxxv.	Orders Confirmation (No. 1) Act 1919	
S.R. & O.	St. Helens Water (Temporary Increase	The whole Order.
1919/1180.	of Charges) Order 1919	
	Ministry of Health Provisional Orders	The Birkenhead Order.
1920 c. xlv.	Confirmation (No. 1) Act 1920	
	Ministry of Health Provisional Orders	The St. Helens Order.
1920 c. xlvi.	Confirmation (No. 2) Act 1920	
	Liverpool Corporation Waterworks Act	The whole Act.
1920 c. lviii.	1920	
1920 c. lxiii.	Bootle Corporation Act 1920	The whole Act.
1920 c. cxxviii.	Wallasey Corporation Act 1920 ...	The whole Act except section 16(1).
	Ministry of Health Provisional Orders	The Whiston Order.
1921 c. lx.	Confirmation (No. 4) Act 1921	
	Ministry of Health Provisional Orders	The Newton-in-Mackerfield Order.
1921 c. lxx.	Confirmation (No. 7) Act 1921	
1921 c. lxxiii.	St. Helens Corporation Act 1921 ...	The whole Act.
1921 c. lxxiv.	Liverpool Corporation Act 1921 ...	The whole Act except sections 53, 57, 58, 60, 64 to 66, 68 (5) to (8), 69 (5) to (7), 70, 72 to 85, 87, 88, 91, 110, 112 to 114, 120, 156, 158 to 162, 170, 172, 173, 174 (1) and (3), 180 to 182, 184, 186, 191, 196, 199, 201 to 205, 207, 326, 327, 332, 335, 337, 338, 623 and 652(4).
	Ministry of Health Provisional Orders	The Southport Order.
1921 c. xcvii.	Confirmation (No. 8) Act 1921	
	Ministry of Health Provisional Orders	Section 1 of the Birkenhead Order.
1922 c. xxxix.	Confirmation (No. 2) Act 1922	

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(1) Enactment	(2) Extent of repeal	
St. Helens Gas (Charges) Order 1922 ...	The whole Order.	S.R. & O. 1922/91
Wallasey Embankment Act 1923 ...	The whole Act.	1923 c. iii.
Bootle Corporation Act 1923	The whole Act.	1923 c. xvi.
Birkenhead Corporation Act 1923 ...	The whole Act except sections 5, 13, 17, 80, 81, 84 and 86.	1923 c. lxxi.
St. Helens Corporation (Trolley Vehicles) Order Confirmation Act 1924	The whole Act.	1924 c. lxxxiv.
Ministry of Health Provisional Orders Confirmation (No. 3) Act 1925	The Newton-in-Mackerfield Order.	1925 c. lxxviii.
Hoylake and West Kirby Urban District Council Act 1925	The whole Act except sections 13, 16 and 116 and Schedule 4.	1925 c. xci.
Mersey Tunnel Act 1925	The whole Act except sections 44, 49 to 54, 58, 63 and 64.	1925 c. cx.
Birkenhead Electricity (Extension) Special Order 1925	The whole Order.	—
Wirral and Neston Electricity Special Order 1925	The whole Order.	—
Birkenhead Corporation Act 1926 ...	The whole Act.	1926 c. viii.
St. Helens Electricity (Extension) Special Order 1926	The whole Order.	—
Ministry of Health Provisional Orders Confirmation (No. 2) Act 1926	The St. Helens Order.	1926 c. xx.
Birkenhead Corporation Gas Order 1926	The whole Order except section 7 (*b*).	S.R. & O. 1926/959.
St. Helens Corporation (Trolley Vehicles) Order Confirmation Act 1927	The whole Act except section 6 in the schedule.	1927 c. lvii.
Liverpool Corporation Act 1927 ...	The whole Act except sections 105, 142, 144, 217 and 218 and Schedules 6 and 7.	1927 c. lxxxviii.
Mersey Tunnel Act 1927	The whole Act except sections 16 and 17.	1927 c. xciii.
Birkenhead Extension Act 1927 ...	The whole Act except section 65.	1927 c. cv.
Wallasey Corporation Act 1927 ...	The whole Act except sections 11, 41, 64, 108 and 165.	1927 c. cxxii.
Mersey Tunnel Act 1928	The whole Act except sections 16 to 18.	1928 c. iii.
Ministry of Health Provisional Orders Confirmation (No. 1) Act 1928	The St. Helens Order.	1928 c. x.
Lancashire Quarter Sessions Act 1928 ...	The whole Act so far as applying to the county.	1928 c. xxx.
Birkenhead Corporation Tramways Order 1928	The whole Order.	S.R. & O. 1928/201.
Birkenhead Corporation Water Act 1929	The whole Act except section 3.	1929 c. xxxvi.
St. Helens Electricity (Extension) Special Order 1929	The whole Order.	—
Birkenhead Gas (Charges) Order 1929	The whole Order.	S.R. & O. 1929/954.
Liverpool Corporation (Works) Act 1930	The whole Act except sections 19, 24, 29 and 30.	1930 c. liv.
Birkenhead Corporation Act 1930 ...	The whole Act except sections 33 and 87.	1930 c. lxxxii.
Liverpool Corporation (General Powers) Act 1930	The whole Act except sections 20, 24 and 25.	1930 c. cxii.

SCH. 5 —*cont.*

(1) Enactment	(2) Extent of repeal
St. Helens Corporation (Trolley Vehicles) Order Confirmation Act 1930	The whole Act.
1930 c. cxxxvii.	
1930 c. clxxxvi. Bootle Corporation Act 1930	The whole Act.
1930 c. clxxxviii. Southport Corporation Act 1930 ...	The whole Act except sections 29 to 31, 34 and 200.
St. Helens Electricity (Extension) Special Order 1930	The whole Order.
—	
S.R. & O. 1930/165. Birkenhead Gas Order 1930	The whole Order.
S.R. & O. 1930/1088. St. Helens Gas Order 1930	The whole Order except articles 4, 6 and 7 and the Schedule.
Ministry of Health Provisional Orders Confirmation (Birkenhead and Chepping Wycombe) Act 1931	The Birkenhead Order.
1931 c. xxxix.	
Wallasey Corporation (Trolley Vehicles) Order Confirmation Act 1931	The whole Act.
1931 c. xlii.	
Ministry of Health Provisional Orders Confirmation (St. Helens and York) Act 1931	The St. Helens Order.
1931 c. lxxix.	
1932 c. lxxxi. Birkenhead Corporation Act 1932 ...	The whole Act except section 9.
S.R. & O. 1932/100. St. Helens Gas (Bordering Premises) Order 1932	The whole Order.
S.R. & O. 1933/779. Wallasey Gas Order 1933	The whole Order except article 10.
1933 c. xxxix. Mersey Tunnel Act 1933	The whole Act except sections 5, 6 and 17.
1933 c. lxxv. St. Helens Corporation Act 1933 ...	The whole Act except section 70.
1933 c. lxxix. Bootle Corporation Act 1933	The whole Act.
S.R. & O. 1933/1232. County of Chester Review Order 1933 (Wallasey)	The whole Order except sections 46 (2) and 112.
Wallasey Electricity (Extension) Special Order 1934	The whole Order.
—	
St. Helens Corporation (Trolley Vehicles) Order Confirmation Act 1934	The whole Act except section 6 in the Schedule.
1934 c. xlix.	
Hoylake Urban District Council Act 1935	The whole Act except sections 96, 97, 99 to 103, 107, 111 and 113.
1935 c. cxx.	
Birkenhead Electricity (Extension) Special Order 1935	The whole Order.
—	
Ministry of Health Provisional Order Confirmation (St. Helens) Act 1936	The whole Act.
1936 c. xcviii.	
St. Helens Electricity (Extension) Special Order 1936	The whole Order.
—	
1936 c. cxxii. Liverpool Corporation Act 1936 ...	The whole Act except sections 10, 14, 33, 39, 42 to 45 and 58.
S.R. & O. 1936/212. St. Helens Gas (Bordering Premises) Order 1936	The whole Order.
S.R. & O. 1937/1000. St. Helens Gas (Bordering Premises) Order 1937	The whole Order.
Lancashire County Council (Rivers Board and General Powers) Act 1938	The whole Act so far as applying to the county.
1938 c. xciv.	
S.R. & O. 1938/713. St. Helens Gas Order 1938	The whole Order except article 15 and Schedule A in Schedule 2.
St. Helens Corporation (Trolley Vehicles) Order Confirmation Act 1939	The whole Act except section 6 in the Schedule.
1939 c. xlix.	

SCH. 5 —*cont.*

(1) Enactment	(2) Extent of repeal	
Bootle Corporation Act 1939	The whole Act except section 166.	1939 c. lxxxv.
Hoylake (Food) Order 1940	The whole Order.	—
Wallasey Corporation Act 1945 ...	The whole Act except sections 4 and 5.	1945 c. xiii (9 & 10 Geo. 6).
Ministry of Health Provisional Order Confirmation (Wallasey) Act 1946	The whole Act.	1946 c. xxxiv.
St. Helens Corporation (Electricity and General Powers) Act 1948	The whole Act except sections 5 to 25 and 37.	1948 c. xlviii.
St. Helens Gas Order 1948	The whole Order except article 6.	S.R.&O. 1948/600.
Wallasey Gas Order 1948	The whole Order except article 5.	S.R.&O. 1948/841.
St. Helens Gas (Extension) Order 1948	The whole Order.	S.R.&O. 1948/1373
Mersey Tunnel Act 1949	The whole Act.	1949 c. xxxii.
Southport (Food) Order 1949	The whole Order.	—
Bootle Extension Act 1950	The whole Act except section 36.	1950 c. lxiii.
Lancashire County Council (General Powers) Act 1951	The whole Act so far as applying to the county.	1951 c. xxxv.
Liverpool Extension Act 1951	The whole Act.	1951 c. xlvi.
Birkenhead and Wallasey Water Order 1952	The whole Order except sections 3, 6 and 7 and the Schedule.	S.I. 1952/2273.
Cheshire County Council Act 1953 ...	The whole Act so far as applying to the county.	1953 c. xl.
Birkenhead Corporation Act 1954 ...	The whole Act except sections 23 to 25, 166 and 167.	1954 c. xlvii.
St. Helens (Extension) Order 1954 ...	The whole Order.	S.I. 1954/202.
Wallasey (Repeal of Local Enactments) Order 1954	The whole Order.	S.I. 1954/897.
Mersey Tunnel Act 1955	The whole Act except sections 4 and 5.	1955 c. vii.
Liverpool Corporation Act 1955 ...	The whole Act.	1955 c. xvi.
Southport (Repeal of Local Enactments) Order 1955	The whole Order.	S.I. 1955/497.
Crosby Corporation Act 1956	The whole Act.	1956 c. xxxii.
Liverpool Corporation Act 1957 ...	The whole Act except sections 5, 7 to 11, 15, 16, 17, 18, 20, 21, 28 to 31, 33, 34 (1), (2) and (4), 39, 40, 48, 51, 53 to 58, 65 to 70, 72, 74, 76, 79 to 81, 83 to 85 and 87 to 92 and Schedules 1 and 3.	1957 c. xlii.
Wallasey Corporation Act 1958 ...	The whole Act except sections 14, 51, 67, 72, 156 to 162, 213 and 223 (1) and Schedules 3 and 4.	1958 c. l.
Wallasey Water Order 1958	The whole Order.	S.I. 1958/271.
Bootle Corporation Act 1959	The whole Act except sections 21 to 23, 25, 27, 39, 94, 95 and 141 (1) and (2).	1959 c. xli.
Bala to Trawsfynydd Highways (Liverpool Corporation Contribution) Act 1960	The whole Act.	1960 c. xiv.
Lancashire County Council (Industrial Development etc.) Act 1960	The whole Act so far as applying to the county.	1960 c. xxxiii.
Mersey Tunnel Act 1961	The whole Act.	1961 c. vii.
Lancashire Quarter Sessions Act 1961 ...	The whole Act so far as applying to the county.	1961 c. xiv.

SCH. 5 —*cont.*

(1) Enactment	(2) Extent of repeal
1962 c. xiii. Wallasey Corporation Act 1962 ...	The whole Act.
S.I. 1963/1508. Wirral Water Board Order 1963 ...	The whole Order except sections 19 and 20 and Schedules 3, 4 and 6.
H.L.G. 15382. The Liverpool Rating Scheme Amendment Order 1964	The whole Order.
1965 c. xxxviii. Birkenhead Corporation (Mersey Tunnel Approaches) Act 1965	The whole Act except sections 42 and 44.
1965 c. xl. Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965	The whole Act except sections 11, 44, 46 and 47.
1966 c. xiv. Huyton-with-Roby Urban District Council Act 1966	Section 6.
1966 c. xxxvi. Liverpool Corporation Act 1966 ...	Sections 35 to 37.
1966 c. xl. Liverpool Corporation (General Powers) Act 1966	The whole Act except sections 17, 47 and 50 (4).
1967 c. xii. Wallasey Corporation Act 1967 ...	The whole Act except sections 3 and 6.
1968 c. xii. Mersey Tunnel (Liverpool/Wallasey) Act 1968	The whole Act except section 11 so far as it applies to sections 44, 46 and 47 of the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965.
1968 c. xxiv. Crosby Corporation Act 1968	The whole Act except section 31.
1968 c. xxix. Lancashire County Council (General Powers) Act 1968	The whole Act so far as applying to the county.
1968 c. xxxvi. Cheshire County Council Act 1968 ...	The whole Act so far as applying to the county.
S.I. 1968/527. Bootle (Extension) Order 1968 ...	The whole Order.
1969 c. lv. Liverpool Corporation Act 1969 ...	The whole Act except Part II.
1970 c. xvii. Wallasey Corporation Act 1970 ...	The whole Act.
1970 c. lxxiii. Liverpool Corporation Act 1970 ...	The whole Act.
1970 c. lxxx. Bootle Corporation Act 1970 ...	The whole Act.
1971 c. xxxii. Lancashire County Council (General Powers) Act 1971	The whole Act so far as applying to the county.
1972 c. xvi. Mersey Tunnel Act 1972	The whole Act.
1972 c. xli. Liverpool Corporation Act 1972 ...	The whole Act except section 51.
S.I. 1973/494. The Liverpool Rating Scheme (Amendment) Order 1973	The whole Order.

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