

Greater Manchester Act 1981

CHAPTER ix

LONDON
HER MAJESTY'S STATIONERY OFFICE

Greater Manchester Act 1981

CHAPTER ix

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ELIZABETH II



1981 CHAPTER ix

An Act to re-enact with amendments and to extend certain local enactments in force within the metropolitan county of Greater Manchester; to confer further powers on the Greater Manchester County Council, the Borough Council of Bolton, the Council of the Metropolitan Borough of Bury, the Council of the City of Manchester, the Oldham Borough Council, the Rochdale Borough Council, the Council of the City of Salford, the Metropolitan Borough Council of Stockport, the Tameside Metropolitan Borough Council, the Trafford Borough Council and the Wigan Borough Council; to make further provision with regard to the environment, local government and improvement of the county; and for other purposes. [15th April 1981]

WHEREAS by virtue of the Local Government Act 1972 (hereinafter referred to as "the Act of 1972") the metropolitan county of Greater Manchester (hereinafter referred to as "the county") was constituted on 1st April 1974 so as to consist of an area comprising the following districts described by reference to administrative areas existing immediately before the passing of the Act of 1972:— 1972 c. 70.

The metropolitan borough of Bolton—

The county borough of Bolton;

In the administrative county of Lancaster—

the borough of Farnworth;

the urban districts of Blackrod, Horwich, Kearsley, Little Lever and Westhoughton;

in the urban district of Turton, the Bradshaw North, Bradshaw South, Bromley Cross and Eagley wards and so much of the Egerton ward as lies south of the boundary specified in respect of that ward by the Divided Areas (Boundaries) Order 1973: S.I. 1973/297.

The metropolitan borough of Bury—

The county borough of Bury;

In the administrative county of Lancaster—

the boroughs of Prestwich and Radcliffe;

the urban districts of Tottington and Whitefield;

in the urban district of Ramsbottom, the Central, East, South and West wards:

The city of Manchester—

The county borough of Manchester;

In the administrative county of Chester, in the rural district of Bucklow, the parish of Ringway:

The metropolitan borough of Oldham—

The county borough of Oldham;

In the administrative county of Lancaster, the urban districts of Chadderton, Crompton, Failsworth, Lees and Royton;

In the administrative county of Yorkshire, West Riding, the urban district of Saddleworth:

The metropolitan borough of Rochdale—

The county borough of Rochdale;

In the administrative county of Lancaster—

the boroughs of Heywood and Middleton;

the urban districts of Littleborough, Milnrow and Wardle:

The city of Salford—

The county borough of Salford;

In the administrative county of Lancaster—

the boroughs of Eccles and Swinton and Pendlebury;

the urban districts of Irlam and Worsley:

The metropolitan borough of Stockport—

The county borough of Stockport;

In the administrative county of Chester, the urban districts of Bredbury and Romiley, Cheadle and Gatley, Hazel Grove and Bramhall and Marple:

The metropolitan borough of Tameside—

In the administrative county of Chester—

the boroughs of Dukinfield, Hyde and Stalybridge;

the urban district of Longdendale;

In the administrative county of Lancaster—

the boroughs of Ashton-under-Lyne and Mossley;

the urban districts of Audenshaw, Denton and Droylsden:

The metropolitan borough of Trafford—

In the administrative county of Chester—

the boroughs of Altrincham and Sale;

the urban districts of Bowdon and Hale;

in the rural district of Bucklow, the parishes of Carrington, Dunham Massey, Partington and Warburton;

In the administrative county of Lancaster—

the borough of Stretford;

the urban district of Urmston:

The metropolitan borough of Wigan—

The county borough of Wigan;

In the administrative county of Lancaster—

the borough of Leigh;

the urban districts of Abram, Aspull, Atherton, Hindley, Ince-in-Makerfield, Orrell, Standish-with-Langtree and Tyldesley;

the urban district of Ashton-in-Makerfield, except the ward in Merseyside;

the urban district of Golborne, except the wards in Cheshire;

in the urban district of Billinge-and-Winstanley, the Billinge Higher End ward and the Winstanley ward except the detached parts;

in the rural district of Wigan, the parishes of Haigh, Shevington and Worthington:

And whereas numerous local enactments were in force in parts of the said area and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before 1st April 1974:

And whereas it was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1979:

And whereas it is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole of the county:

And whereas it is expedient at the same time to extend and enlarge in various respects the powers of the Greater Manchester County Council, the Borough Council of Bolton, the Council of the Metropolitan Borough of Bury, the Council of the City of Manchester, the Oldham Borough Council, the Rochdale Borough Council, the Council of the City of Salford, the Metropolitan Borough Council of Stockport, the Tameside Metropolitan Borough Council, the Trafford Borough Council and the Wigan Borough Council:

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

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

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 Greater Manchester Act 1981.

(2) This Act shall come into operation on 29th June 1981.

Interpretation.

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

" the Act of 1890 " means the Public Health Acts Amendment Act 1890;

1890 c. 59.

1936 c. 49.

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

PART I —*cont.*

" the Act of 1946 " means the Acquisition of Land (Authorisation Procedure) Act 1946; 1946 c. 49.

" the Act of 1955 " means the Food and Drugs Act 1955; 1955 c. 16

" the Act of 1961 " means the Public Health Act 1961; (4 & 5 Eliz. 2).

" the Act of 1964 " means the Licensing Act 1964; 1961 c. 64.

" the Act of 1967 " means the Road Traffic Regulation Act 1967; 1964 c. 26.

" the Act of 1971 " means the Town and Country Planning Act 1971; 1967 c. 76.

" the Act of 1972 " means the Local Government Act 1972; 1971 c. 78.

" the Act of 1976 " means the Local Government (Miscellaneous Provisions) Act 1976; 1972 c. 70.

" the Act of 1980 " means the Highways Act 1980; 1976 c. 57.

" the appointed day " has the meaning assigned to that expression by section 3 of this Act; 1980 c. 66.

" the Bolton council " means the Borough Council of Bolton;

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

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

" the county " means the metropolitan county of Greater Manchester;

" the county council " means the county council of the county;

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

" district " means a district in the county;

" district council " means the council of a district;

" the electricity board " means the Merseyside and North Wales Electricity Board and the North Western Electricity Board, or either of them, as the case may be;

" enactment " includes an enactment in this Act or in any general or local Act and any orders, byelaws, schemes or regulations for the time being in force within the county;

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

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

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

" industrial building " has the meaning given by section 66 of the Act of 1971 and " industrial undertaking " has a corresponding meaning;

PART I —*cont.*

" local authority " means, except in Part XII (Aviation), the county council or a district council;

" the Manchester council " means the Council of the City of Manchester;

" officer " includes servant;

" operational land " in relation to statutory undertakers other than the Post Office has the same meaning as in section 222 of the Act of 1971 and in relation to the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969;

1969 c. 48.

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

" parish council " means a parish or town council in the county;

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

" public service vehicle " has the meaning given by section 2 of the Transport Act 1980;

1980 c. 34.

" the Rochdale council " means the Rochdale Borough Council;

" statutory undertakers " means the British Gas Corporation, the electricity board, the generating board, the Post Office and the water authority, or any of them, as the case may be;

" street ", except in section 122 (Interpretation of Head A of Part XV) of this Act, has the meaning given by section 329 of the Act of 1980;

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

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

" the Wigan council " means the Wigan Borough Council.

(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 for that area, as the case may be.

(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 29th June 1981) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council or, as the case may be, the 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 one month 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 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."; and

(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.".

Loans for management of land.

5.—(1) The county council and the Manchester council or either of them may make a loan to the owner or intended owner or lessee or intended lessee of any land in the city of Manchester for

PART II —*cont.*

the purpose of assisting him in or in connection with the management or use of a building on that land.

(2) A loan made under this section shall not exceed nine-tenths of the value which it is estimated will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

Grants for industrial purposes.

6.—(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.

7.—(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.

8. 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.

Duration of Part II.

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

PART III

LANDS, OPEN SPACES AND MUNICIPAL PROPERTY

Disposal of lost and uncollected property.

10.—(1) If any lost or uncollected property within three months of coming into the custody of the local authority be not proved to the reasonable satisfaction of the local authority to belong to any claimant it shall thereupon vest in the local authority:

PART III —*cont.*

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may notwithstanding that it has not vested in the local authority under this section be destroyed or disposed of at such time and in such manner as the local authority may think fit and if it is sold the proceeds of sale shall vest in the local authority at the expiration of three months from the date on which the property came into their custody.

(2) Where any lost property becomes vested in a local authority in pursuance of this section the local authority may if they think fit deliver to the person whether an employee of the local authority or not who placed the lost property in the custody of the local authority the whole or any part of such property or of the estimated value thereof in cash.

(3) This section shall in the case of uncollected property placed in the custody of the local authority on express terms inconsistent with the rights of the local authority under this section have effect subject to those terms.

(4) This section shall not apply to any uncollected property—

(*a*) deposited in any cloakroom, parcels store or market storeroom unless there is exhibited in the room or store a notice containing a statement to the effect of subsections (1) and (2) above;

(*b*) which is subject to the Public Service Vehicles (Lost Property) Regulations 1978. S.I. 1978/1684.

(5) In this section—

" lost property " means any property including money coming into the custody of the local authority after being left on or in any premises occupied by the local authority to which the public have access in circumstances where the owner is not known; and

" uncollected property " means—

(*a*) any property deposited in any cloakroom or parcels store provided by the local authority for the use of the public; or

(*b*) any containers deposited in any market storeroom provided by the local authority.

Byelaws as to leisure centres.

11.—(1) A local authority may make byelaws for all or any of the following purposes:—

(*a*) the good and orderly conduct of persons resorting to any leisure centre;

PART III —*cont.*

(*b*) regulating the movement and parking of vehicles at any leisure centre;

(*c*) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a road as defined in section 257 of the Road Traffic Act 1960.

1960 c. 16.

(2) Byelaws made under paragraph (*a*) of subsection (1) above may provide for the removal from the leisure centre of any person infringing any such byelaw by any proper officer of the local authority.

(3) In this section " leisure centre " means any place owned or managed by a local authority (whether alone or in conjunction with any other local authority or body) at which recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Act of 1976 are provided.

(4) In this section " local authority " includes a parish council.

Closure of parks.

12.—(1) Subsection (1) of section 44 of the Act of 1890 (parks and pleasure grounds) shall have effect in its application to—

(*a*) a park to which this paragraph applies as if the reference to six consecutive days (excluding Sundays) and the provision for computing any such period of six consecutive days were omitted;

(*b*) any park or pleasure ground in a district (other than a park to which paragraph (*a*) above applies) as if for so much of the said subsection as restricts the power of closing a park or pleasure ground on any one occasion to six consecutive days (excluding Sundays), and provides for the computation of any such period of six consecutive days, there were substituted a provision restricting the closing on any one occasion to six consecutive days, including Sundays; and

(*c*) any park or pleasure ground in a district as if for so much of the proviso to the said subsection as prohibits the closing of a park or pleasure ground on a Sunday there were substituted a provision restricting the closing of such park or pleasure ground to no more than two Sundays in any one calendar year.

(2) Where a district council or a parish council propose to close to the public a park or pleasure ground under subsection (1) of the said section 44, so far as it has effect by virtue of this section, the council shall give reasonable notice thereof by publishing a

notice in a newspaper circulating in their area and shall affix a copy or copies of the notice to some conspicuous object or objects in the park or pleasure ground.

(3) Paragraph (*a*) of subsection (1) above applies to—

(*a*) Leverhulme Park, Bolton;

(*b*) Goshen Fields, Bury and St. Mary's Park, Prestwich; and

(*c*) Platt Fields Park, Manchester.

(4) In subsections (5) to (9) below, the expression " the appropriate authority " means, in relation to a park in the metropolitan borough of Bolton, the Bolton council; in relation to a park in the metropolitan borough of Bury, the Council of the Metropolitan Borough of Bury; and in relation to a park in the city of Manchester, the Manchester council.

(5) The appropriate authority may, by resolution passed in accordance with the following provisions of this section, designate some other park in their district in substitution for a park to which paragraph (*a*) of subsection (1) above applies or for any other park previously designated under this subsection, as the case may be; and thereafter the said paragraph (*a*) shall apply to any park specified in the resolution.

(6) Where the appropriate authority propose to pass a resolution under subsection (5) above, they shall publish notice of their proposal containing a draft of the resolution—

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

(*b*) by posting it in a conspicuous position at the park referred to in the draft to which it is proposed that paragraph (*a*) of subsection (1) above shall apply.

(7) The notice shall indicate the effect of the proposed resolution and state that objections to the proposed resolution may be made in writing to the appropriate authority before such day, not earlier than twenty-eight days after the appropriate authority have complied with subsection (6) above, as may be specified in the notice.

(8) The appropriate authority shall, after taking into consideration objections made as provided in subsection (7) above, either—

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

(*b*) proceed no further on the draft resolution.

(9) Where the appropriate authority have passed a resolution under subsection (8) above they shall publish notice of it in manner required by subsection (6) above for notice of the draft.

PART III —*cont.*

Provision of parking places in parks, etc.

13.—(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 (not exceeding the prescribed 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.

(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.

(4) In this section " the prescribed area " means—

(*a*) in the case of a park, pleasure ground or open space of 4 hectares or less, one-eighth of the area of the park, pleasure ground or open space;

(*b*) in the case of a park, pleasure ground or open space exceeding 4 hectares but not exceeding 6 hectares, one half hectare;

(*c*) in any other case, one-twelfth of the area of the park, pleasure ground or open space.

(5) A local authority shall consult the British Railways Board before exercising the powers of subsection (1) of this section in relation to an area of any park, pleasure ground or open space which is situated upon, across or over or within 15 metres (measured in any direction) from any railway of that board.

Provision of vehicles in parks, etc.

14.—(1) A local authority may provide and maintain motor or other vehicles for the conveyance of passengers in any park, pleasure ground, recreation ground or open space belonging to or controlled by them.

(2) A local authority may, on such terms and conditions as they may think fit, carry passengers on any such vehicles and may demand and take for any passenger so carried such fares as they may from time to time determine.

(3) The drives, roads and paths in any public park, pleasure ground, recreation ground or open space belonging to or controlled by a local authority shall be deemed not to be roads for the purposes of Part III of the Road Traffic Act 1960.

1960 c. 16.

(4) The operation of vehicles in pursuance of this section shall not, for the purposes of section 101 (1) of the Road Traffic Act 1930, be regarded as the operation of a tramway, light railway, trolley vehicle or omnibus undertaking.

1930 c. 43.

PART III —*cont.*

Contribution towards provision of recreational facilities.

15. A local authority or a parish council may contribute by way of grant or loan towards the expenses incurred or to be incurred by any person in providing any recreational facilities which the authority or council have power to provide by virtue of section 19 (1) of the Act of 1976 (recreational facilities).

As to certain parks and recreation grounds.

16. The parks and recreation grounds mentioned in column (1) of Schedule 1 to this Act which, immediately before the coming into operation of this section, were held under the enactments mentioned in column (2) thereof, shall, subject to any charitable trusts upon which any such park or recreation ground was then held, be deemed to be held under section 164 of the Public Health Act 1875.

1875 c. 55.

PART IV

HIGHWAYS

Highway amenities.

17.—(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;

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

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

(*d*) roads the use of which by vehicular traffic is prohibited by a traffic regulation order made under section 1 of the Act of 1967;

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 ".

PART IV —*cont.*

(3) For the purpose of subsection (1) (*d*) above, use by vehicular traffic is prohibited where the prohibition applies to the whole width of the road and is so prohibited notwithstanding that the traffic regulation order 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 (6) and (7) 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 works or apparatus belonging to or maintained or used by statutory undertakers.

(6) Where a competent authority propose—

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

(*b*) to consider an application for permission to provide facilities for recreation or refreshment pursuant to subsection (4) above for more than twenty-eight days in a calendar year;

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

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

PART IV —*cont.*

(7) Notice for the purpose of subsection (6) 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 ".

(8) 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 (6) above until they have taken into consideration all representations made in accordance with that subsection.

(9) 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 (6) above.

(10) 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.

Regulation of placing things on footway.

18.—(1) The highway authority may permit, either unconditionally or subject to such conditions as may be specified in the permission, any person to place on the footway of any highway in the county any structure or article which in the opinion of the highway authority will not unreasonably impede the passage of vehicles or pedestrians.

(2) The conditions which may be imposed under subsection (1) above shall include, in relation to the structure or article, conditions relating to—

(*a*) its siting;

(*b*) its dimensions;

(*c*) its maintenance;

(*d*) its visibility to traffic and pedestrians; and

(*e*) its removal at the end of the period of the permission.

PART IV —*cont.*

(3) Subsections (6) to (8) of section 17 (Highway amenities) of this Act shall apply to any proposal of the highway authority to exercise the powers of subsection (1) above for the placing of any structure or article on a footway as if that structure or article were placed in exercise of the powers of section 213 of the Act of 1971 as having effect in accordance with the said section 17.

(4) Where a structure or article has been placed on a footway in accordance with a permission granted under this section, the person to whom the permission was granted shall secure that any condition subject to which that permission was granted is complied with and if he fails to do so without reasonable excuse he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(5) Where a person places a structure or article on a footway in accordance with a permission granted under this section or contravenes any condition subject to which that permission was granted, he shall not thereby be guilty of an offence under section 28 of the Town Police Clauses Act 1847.

1847 c. 89.

(6) In any case in which proceedings can be taken either under this section or under Part X (Street trading) or Head A (Street trading in Manchester) of Part XV (Manchester provisions) of this Act those proceedings shall be taken under the said Part X or Head A of the said Part XV, as the case may be, and not under this section.

(7) The highway authority shall not exercise the powers of this section in relation to the footway of any highway belonging to or repairable by the British Railways Board, the footway of any part of a street which is carried over any railway of that board by means of a bridge or any part of a footway which abuts on any retaining wall or cutting slope forming part of any such railway or which is directly beneath an arch or span of a bridge carrying any such railway over that footway 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.

(8) Nothing in this section shall relieve the highway authority, or any person acting in accordance with a permission or requirement of the highway authority, from liability for damage caused to any works or apparatus belonging to or maintained or used by statutory undertakers, and the powers of this section shall be so exercised as not unreasonably to obstruct or render less convenient the access to any such works or apparatus or operational land of statutory undertakers.

Power to provide kiosks, etc.

19.—(1) The appropriate authority may provide in any street in the county kiosks, show cases or other similar structures for the sale of articles, the display of articles for sale or the display

of posters, and may let any such structure on such terms and conditions as they think fit.

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

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

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

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

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

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

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

(4) (*a*) Subsection (5) of section 17 (Highway amenities) of this Act shall apply to this section.

(*b*) Subsections (6) to (8) of the said section 17 shall apply to any proposal of the appropriate authority to exercise the powers of subsection (1) or (3) above for the provision of any structure in a street as if that structure were provided in exercise of the powers of section 213 of the Act of 1971 as having effect in accordance with the said section 17.

(5) (*a*) The appropriate authority 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.

(*b*) Nothing in this subsection shall prevent the appropriate authority from using or permitting the use of any such structure for the purpose of any of their functions under the Lotteries and Amusements Act 1976 or any regulations made thereunder. 1976 c. 32.

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

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

PART IV —*cont.*

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

(7) The appropriate authority shall not exercise the powers of this section in relation to any street belonging to or repairable by the British Railways Board or any part of a street which is carried over any railway of that board by means of a bridge or which abuts on any retaining wall or cutting slope forming part of any such railway or which is directly beneath the arch or span of a bridge carrying any such railway over that street 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.

Buildings under highways.

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

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

" a vault, arch or cellar under—

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

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

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

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

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

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

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

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

1950 c. 39.

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

" For the purposes of this section the appropriate authority, in relation to a street which is a highway, is the highway

authority for the street and, in relation to any other street, is the local authority in whose area the street is situated.". PART IV —*cont.*

Recovery of street works charges where owner unknown.

21.—(1) Where any street works in the county have been completed but the street works authority are unable to recover the amount due in respect of the expenses of such works from the owner of any premises or otherwise under Part XI of the Act of 1980 (making up of private streets) or any local enactment by reason of the fact that such owner is unknown and cannot, after diligent inquiry made when the said amount becomes due and at reasonable intervals thereafter, be found, the street works authority may, at any time after the expiration of twelve years after the date when the said amount becomes due, apply to the county court, and—

(*a*) the county court may, on being satisfied that the provisions of this subsection have been complied with, make an order vesting the said premises in the street works authority absolutely; and

(*b*) upon the making of the order the street works authority may appropriate the said premises subject to, and in accordance with, the provisions of section 122 of the Act of 1972 as if the said premises were land which was not required for the purposes for which it was held immediately before the appropriation.

(2) Where the county court makes an order under subsection (1) above, the Lands Tribunal shall, for the purpose of determining the value of the said premises, nominate one of their members selected in accordance with section 1 (6) of the Lands Tribunal Act 1949, and the member nominated shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof. 1949 c. 42.

(3) Upon the determination of the value of any premises under subsection (2) above, the street works authority shall pay into court a sum equal to the amount of that value, after deduction of the aggregate of—

(*a*) the amount due as aforesaid;

(*b*) interest on that amount for a period of six years at the rate chargeable in respect of the said amount; and

(*c*) all costs and expenses reasonably incurred by the street works authority.

(4) Any payment into court under subsection (3) above shall be made in accordance with section 25 of the Compulsory Purchase Act 1965 and section 9 (5) of that Act shall apply to any such payment into court. 1965 c. 56.

PART IV —*cont.*

(5) The powers conferred by subsection (1) above shall b exercisable by the street works authority in addition to an existing rights, powers and remedies for the recovery of expense and shall be exercisable by the street works authority in respec of all street works, whether completed before or after the com mencement of this Act.

Street numbers.

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

1847 c. 34.

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

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

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

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

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

(5) A district council may, instead of requiring a building to b marked with a number or numbers under this section, require i 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 reasonabl excuse—

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

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

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

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

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

PART IV —*cont.*

(*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.

Interference with property of local authorities, etc.

23.—(1) No person shall without lawful authority or reasonable excuse remove or otherwise interfere with any property vested in a local authority, a parish council or the police authority in any street or public place within the county.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(3) No proceedings shall be instituted for an offence under this section if the removal or interference with property constitutes an offence under section 131 (2) of the Act of 1980, the Theft Act 1968 or the Criminal Damage Act 1971.

1968 c. 60.
1971 c. 48.

Provision of trees and shrubs.

24.—(1) The powers in section 96 of the Act of 1980 shall in the county—

(*a*) be exercisable with respect to any street that is a highway, whether or not maintainable at the public expense; and

(*b*) be exercisable not only by the highway authority but also, with the consent of the highway authority, by a district or parish council with respect to any such street in their district or parish.

(2) The power in the said section 96 (as extended by this section) to plant trees and shrubs in the highway, and the power in section 142 of the Act of 1980 to license the planting of trees or shrubs in the highway, shall in the county include power to provide or, as the case may be, license the provision of trees or shrubs planted in tubs or other containers; and any such tub or other container may be attached to a post or standard with the consent of the owner thereof.

(3) The highway authority or a district or parish council shall not exercise the powers of section 96 of the Act of 1980 as it has effect by virtue 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.

(4) Without prejudice to the code in Part II of the Public Utilities Street Works Act 1950 (which regulates the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) any works proposed to be done by the highway authority or by a district or parish council in exercise of the powers conferred on them by this

1950 c. 39.

PART IV —*cont.*

section shall, for the purposes of section 7 of the Telegraph Act 1878, be deemed to be work proposed to be done in the execution of an undertaking authorised by an Act of Parliament and the authority or council carrying out the works shall be deemed to be the undertakers.

1878 c. 76.

Improvement lines.

25.—(1) As from the appointed day, all improvement lines in the county, whether prescribed under section 72 of the Highways Act 1959, section 73 of the Act of 1980 or under any local enactment at any time in force in the county, are hereby revoked.

1959 c. 25.

(2) Where the county council have appointed a day for the purposes of this section they shall as soon as practicable notify each registering authority in the county to that effect.

(3) In this section " registering authority " has the meaning given by section 3 of the Local Land Charges Act 1975.

1975 c. 76.

Prohibition of parking of goods vehicles in residential streets.

26.—(1) In this section—

" goods vehicle " means a vehicle, whether mechanically propelled or not, constructed or adapted for the carriage of goods not being a vehicle falling within paragraph (*a*) of the definition of small goods vehicle in section 60 (4) of the Transport Act 1968 or a dual purpose vehicle as defined in paragraph 14 of Schedule 5 to the Act of 1967;

1968 c. 73.

" prescribed hours " means the hours between 9.0 p.m. and 8.0 a.m.;

" residential street " means a street most of the buildings fronting which are either—

(*a*) residential or mainly residential buildings; or

(*b*) school buildings.

(2) (*a*) If, after the appointed day in any district, it appears to the county council in consequence of a representation made to the county council in accordance with paragraph (*b*) below that the amenities of any part of the district are prejudicially affected by the use during the prescribed hours of any residential street in the district as a parking place for one or more goods vehicles, the county council may, by an order made in accordance with this section, prohibit the use as a parking place for goods vehicles during the prescribed hours of the residential street to which the representation relates.

(*b*) A representation under paragraph (*a*) above shall be made in writing and signed by local government electors residing in not less than five dwelling-houses, being dwelling-houses in the residential street concerned, or dwelling-houses in any other such street which are within 100 metres thereof.

PART IV —*cont.*

(3) (*a*) If the county council propose to make an order under this section, they shall—

(i) publish a notice stating the effect of the proposal in a newspaper circulating in the district; and

(ii) post copies of the notice in a conspicuous position at each end of the residential street to which the proposal relates; and

(iii) serve a copy of the notice and a statement of the nature of the representation made under subsection (2) above on the owner or occupier of every dwelling-house in the street to which the draft order relates.

(*b*) The notice under paragraph (*a*) above shall state where the draft order can be inspected and copies purchased and that objections to the order may be made in writing to the county council before such day, not earlier than twenty-eight days after the county council have complied with paragraph (*a*) above, as shall be specified in the notice.

(*c*) Before making the order the county council shall—

(i) consider all objections made as provided in paragraph (*b*) above;

(ii) consult the district council concerned and the chief officer of police; and

(iii) afford to the owner or occupier of every dwelling-house in the street to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee or sub-committee of the county council.

(4) If, after considering objections made under subsection (3) above, the county council determine to make the order, they may make the order in the terms of the draft, or in those terms as modified to meet in whole or in part all or any of the objections, but if the county council consider that any person may be adversely affected by any such modification they shall, before making the order, take such steps as appear to them to be appropriate for informing the persons likely to be so affected of the modification, for giving those persons an opportunity to make representations and for ensuring that any such representations are duly considered by the county council.

(5) When an order has been made by the county council under this section they shall publish notice of it, and of the right of appeal under subsection (7) below, in the manner required by subsection (3) (*a*) above for notice of a proposal.

(6) (*a*) Any order made under this section shall come into operation at the expiration of the period of twenty-eight days after the county council have published notice of the making of

PART IV —*cont.*

the order pursuant to subsection (5) above or, if an appeal is lodged under subsection (7) below, when the appeal is disposed of or withdrawn or fails for want of prosecution.

(*b*) Any such order shall have effect for such period, not exceeding five years, as the county council may determine, but this paragraph does not prejudice the power of the county council to make a further order.

(7) (*a*) A person who is aggrieved by an order under this section may, within twenty-eight days after the first publication of the notice of the making of the order under subsection (5) above, appeal to the county court.

(*b*) On an appeal to the county court under this subsection the judge may make such order, either confirming or quashing or varying the order as he thinks fit, but shall not so vary the order that it is more onerous than the order made by the county council.

(8) Nothing in any order made under this section shall prevent the waiting of a goods vehicle during the prescribed hours on any residential street for any period not exceeding one hour or for such period as is reasonably necessary for dealing with a breakdown or other emergency.

(9) Nothing in any order made under this section shall prevent the waiting of a goods vehicle in a residential street for so long as may be necessary to enable the vehicle, if it cannot reasonably be used for such purpose without waiting in that street, to be used in connection with the erection, laying, placing, maintenance, testing, alteration, repair, renewal or removal of—

(*a*) any structure, works or apparatus in, on, under or over the street; or

(*b*) any structure, works or apparatus of statutory undertakers or the British Railways Board in land adjacent to the street in any case where it is reasonably necessary to carry out those operations during the prescribed hours.

(10) For the purposes of this section a vehicle having an unladen weight exceeding 1,525 kg. in which there is installed freezing equipment designed or used for the manufacture of ice-cream or any similar commodity and which but for the installation of that equipment would have had an unladen weight of 1,525 kg. or less shall be deemed not to be a goods vehicle, but the exemption afforded to such a vehicle by this subsection shall only have effect—

(*a*) if and so long as the equipment is not in operation; or

(*b*) if the equipment is in operation, if and so long as it is so operated as not to cause a nuisance by reason of the noise of the equipment in operation or the smell emanating from it.

(11) If any person parks a goods vehicle in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(12) Notice of the effect of any order made under this section shall be given by traffic signs displayed in conspicuous positions in the street to which it relates.

Control of verges.

27.—(1) The highway authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, either of the following things:—

(*a*) allowing horses or cattle to enter land to which this section applies; or

(*b*) driving or riding a vehicle on such land.

(2) The land to which this section applies is—

(*a*) land provided by the highway authority and mown or otherwise maintained in an ornamental condition; or

(*b*) land accessible from a highway being land provided by a person other than the highway authority and laid out, used, mown or maintained as aforesaid:

Provided that notice shall not be given in respect of land such as is mentioned in paragraph (*b*) above, except with the consent of the person concerned or his representatives.

(3) A prohibition under subsection (1) (*b*) above shall not extend to going on foot or on or in a vehicle—

(*a*) in the course of building operations; or

(*b*) by statutory undertakers or the British Railways Board where reasonably necessary for the exercise of their statutory powers:

Provided that the exemption afforded by paragraph (*a*) above shall be conditional upon means being taken to the satisfaction of the highway authority to minimise injury to the land and to protect persons on the land.

(4) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(5) Notice of a prohibition contained in subsection (1) (*b*) above if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 99 of the

PART IV —*cont.*

Act of 1967) shall be indicated by such traffic sign as shall be prescribed in regulations made by the Secretary of State under the powers contained in sections 54 and 55 of the Act of 1967 or be specially authorised on behalf of the Secretary of State.

(6) A person who without reasonable excuse contravenes a notice given under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(7) Where land to which a prohibition contained in subsection (1) (*a*) or (*b*) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

(*a*) limit any right of way, public or private, over land;

(*b*) restrict the exercise by any person of any statutory right to enter upon land.

Temporary stoppage of footpaths and bridleways.

28.—(1) For the purpose of the execution of any works to which this section applies on or near a footpath or bridleway in the county the highway authority may restrict or prohibit for any period not exceeding eighteen months the use of that footpath or bridleway or any part thereof:

Provided that—

(*a*) the highway authority shall not exercise the powers of this section so as to deprive persons bona fide going to or from any building or land of reasonable access to the building or land;

(*b*) the exercise by the highway authority of the powers of this section in the county shall not prevent statutory undertakers from obtaining access to any apparatus nor prejudice or affect the right of any statutory undertakers—

(i) to place, erect, maintain, inspect, repair, renew or remove any telegraphic line or apparatus in, under, upon, over, along or across the footpath or bridleway or part thereof, as the case may be; or

(ii) for the purpose of such placing, erection, maintenance, inspection, repair, renewal or removal, to enter upon or break open that footpath or bridleway or part thereof, as the case may be.

(2) Where the use of a footpath or bridleway or part thereof is prohibited under this section, it shall be the duty of the highway authority to provide, if it is reasonably practicable to do so, an alternative route or routes for the use of persons who will be affected thereby.

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(3) (*a*) Not less than seven days before exercising the powers of subsection (1) above to restrict or prohibit the use of a footpath or bridleway the highway authority shall cause notice of their intention to do so to be published in one or more newspapers circulating in the district in which the footpath or bridleway or part thereof is situate, and shall also, within a period of seven days after exercising those powers, cause a notice stating the effect of the restriction or prohibition to be published in the like manner.

(*b*) Every such notice shall contain a description of any alternative route which is available.

(4) So long as the use of any footpath or bridleway is restricted or prohibited under this section, a notice stating the effect of the restriction or prohibition and containing a description of any alternative route which is available shall be kept posted in a conspicuous manner at each end of the footpath or bridleway or part thereof to which the restriction or prohibition relates.

(5) This section applies to any works on land which appears to the highway authority to be derelict, neglected or unsightly where the purpose of the works is to enable the land to be brought into use or to improve its appearance.

Vesting of former highway land.

29.—(1) Where under or by virtue of any enactment a highway has been stopped up or diverted and it appears to the highway authority that no person can establish a title to the site of such former highway or any part thereof the highway authority may apply to the county court for an order vesting the land forming the site of such former highway or part thereof for an estate in fee simple absolute free from incumbrances in the highway authority or, with his consent, in such other person as the court may determine.

(2) The county court shall not make an order under subsection (1) above unless it is satisfied that not less than twenty-one days before hearing the application for the order a notice of their intention to apply for the order—

(*a*) has been served by the highway authority on every owner, lessee and occupier of lands adjoining, on the district council concerned and on all statutory undertakers having apparatus under, in, upon, over, along or across the former highway; and

(*b*) has been displayed in a prominent position at each end of the former highway.

(3) Where the county court makes an order under subsection (1) above the land forming the site of the former highway or part thereof together with the right to enter upon and take possession of it shall vest in the highway authority or other person named

PART IV —*cont.*

in the order for an estate in fee simple absolute free from incum brances as if circumstances in which under Part I of the Com pulsory Purchase Act 1965 an authority authorised to purchas land compulsorily have power to execute a deed poll had arise in respect of the land and all interests therein, and as if th acquiring authority had duly exercised that power accordingl on the date of the court order.

1965 c. 56.

(4) Where the county court makes an order vesting the site o a former highway or part thereof under subsection (1) above an within a period of twelve years from the date of such order person establishes a title to such site or part thereof the highwa authority or other person in whom the former highway or par thereof is vested or their successors in title, as the case may be, shal pay compensation to such person, and the Land Compensatio Act 1961 shall apply to the assessment of such compensation.

1961 c. 33.

(5) Nothing in any order made by the county court unde subsection (1) above shall prejudice or affect any rights of th generating board or the electricity board with respect to an apparatus of theirs under, in, upon, over, along or across the lan forming the site of the former highway.

(6) In this section—

" highway " does not include a footpath, bridleway, cartway a road used as a public path or a byway open to al traffic; and

" road used as a public path " and " byway open to al traffic " have the same meanings as in the Countrysid Act 1968.

1968 c. 41.

PART V

PUBLIC HEALTH

Hairdressers and barbers.

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

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

PART V —*cont.*

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

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

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

Registration of hawkers of food and their premises.

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

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

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

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

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

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

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

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

PART V *—cont.*

(5) This section shall not apply to—

(*a*) the sale or offer or exposure for sale of food by a person in an open shop or by a person employed and in the course of his employment by such a person, or to the use by a person of either of the foregoing descriptions, and in connection with such a shop, of any premises as storage accommodation for food intended for sale;

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

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

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

(6) In this section—

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

" food " does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination;

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

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

Acupuncturists, tattooists, ear-piercers, electrolysists, etc.

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

PART V —*cont.*

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

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

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

(*a*) the cleanliness of premises required to be registered under this section and of the instruments, towels, materials and equipment used therein; and

(*b*) the cleanliness of persons employed in such premises in regard to both themselves and their clothing;

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

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

(5) 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.

(6) Any person who contravenes any byelaw made under subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and, if he is registered under this section, the court by which he is convicted may, instead of, or in addition to, imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(7) A court ordering the suspension or cancellation of registration under subsection (6) above may suspend the operation of the order until the expiration of the period prescribed under section 14 of the Courts Act 1971 for giving notice of appeal to the Crown Court: 1971 c. 23.

PART V —*cont.*

Provided that if notice of appeal is given within the said period an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(8) Where the registration of any person is cancelled by order of a court under subsection (6) above—

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

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

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

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

Definition of " inhabitant " in Act of 1936.

1956 c. 52.

33.—(1) In section 92 (1) (*d*) of the Act of 1936 (statutory nuisances) and in section 16 of the Clean Air Act 1956 (abatement of smoke nuisances) in their application to a district the expression " inhabitants of the neighbourhood " includes persons who work within the neighbourhood.

(2) Nothing in this section shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

Dust, etc., from building operations.

34.—(1) This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air except that, in any district in which section 29 of the Act of 1961 has effect in accordance with section 39 (Control of demolitions) of this Act, this section does not apply to any demolition to which subsection (1) of the said section 29 applies.

PART V —*cont.*

(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 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.

PART V —*cont.*

(*c*) If the district council do not, within twenty-one 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.

Carrying or storage of waste food.

35.—(1) No person shall in any street or public place in a district carry waste food by way of trade otherwise than in a suitably covered container suitable for the purpose.

(2) No person shall deliver by way of trade to any premises in a district for the purpose of use for the storage of waste food a sack, bin or container which is not clean or is in an offensive condition.

(3) Any person who contravenes a provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(4) In this section the expression " waste food " means a substance not intended for human consumption which has been, or has been part of, food used or intended for human consumption, and includes waste food which is mixed with other refuse.

Power to order alteration of chimneys.

36.—(1) If, upon a complaint by a district council or any person aggrieved 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 to cause such means for remedying the cause of complaint to be adopted as the court thinks fit.

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

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

(*b*) in any other case, £1,500;

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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.

Control of rats and mice.

37.—(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.

(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. 1949 c. 55.

(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.

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

38. 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

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(*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*) above.

(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.".

Control of demolitions.

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

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

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

(*a*) a notice specifying the building and the works of demolition intended to be carried out has been 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. ";

PART V —*cont.*

(*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;

(*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 render any electric line or apparatus in or under the building to be demolished, or the part to be demolished, electrically dead and, as respects any such line or apparatus which belongs to the electricity board, to make arrangements in that behalf with that board;

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.

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(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 31 of the Gas Act, 1972;

1972 c. 60.

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

(*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.";

(*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"; and

(*k*) subsection (12) were omitted.

(2) Section 29 of the Act of 1961 as that section has effect in accordance with subsection (1) above is set out in Schedule 2 to this Act.

Protection of damaged buildings.

40.—(1) Where it appears to a district council that a building in their district is, by reason of damage to the building, not secured against entry by trespassers and that the occupier of the building is absent from the building, the district council may do such things as are reasonably required to render the building

secure and recover from the owner or occupier the expenses reasonably incurred by them in so doing.

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

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

Securing unoccupied buildings.

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

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

Control of stray dogs. 1906 c. 32.

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

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

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

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

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

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

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

Repair of walls, etc., of yards.

43.—(1) If it appears to a district council that any party or boundary wall of any court, courtyard or yard attached to or forming part of any house in their district which is let or the fence or door of any such court, courtyard or yard—

(*a*) has collapsed or been pulled down or is in danger of collapsing; or

(*b*) is otherwise in a ruinous or dilapidated condition;

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and is thereby a source of serious inconvenience to the inhabitants of the house, the district council may by notice require the owner of the house to carry out such works (including the rebuilding, reinstatement, removal or repair of any such wall, fence or door) as are reasonably necessary:

Provided that in the case of any property in respect of which there is in force a notice served by the National Coal Board under section 3 of the Coal-Mining (Subsidence) Act 1957, no works shall be required by notice served under this section in relation to any wall, fence or door comprised in such property other than emergency works (as defined in section 1 (5) of the said Act) or other works specified in the notice served under the said section 3. 1957 c. 59.

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

Temporary repair of defective premises.

44. In its application to a district section 26 of the Act of 1961 (defective premises) shall have effect as if after subsection (5) there were inserted the following subsection:—

"(5A) Without prejudice to any action or proceeding which a local authority may take under the foregoing provisions of this section or under any other enactment, where in relation to any premises to which this section applies the medical officer of health or a public health inspector certifies that temporary repairs are immediately necessary to avoid danger to health the local authority may enter upon the premises and execute such repairs and the local authority shall be entitled to recover the expenses incurred by them in so doing from any person on whom notice could be served under subsection (1) of this section:

Provided that—

(*a*) where the name and address of the person concerned are known to or can reasonably be ascertained by the medical officer of health or the public health inspector (as the case may be) he shall—

(i) as soon as reasonably practicable forward to the person concerned a copy of the certificate which shall specify the nature and extent of the temporary repairs which the local authority propose to execute; and

(ii) inform the person concerned after such repairs have been executed;

(*b*) in any proceedings to recover such expenses—

(i) the court shall inquire whether the medical officer of health or the public health inspector,

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as the case may be, was justified in concluding that the execution of temporary repairs was immediately necessary to avoid danger to health or that unreasonable delay would have been occasioned by following the procedure prescribed by subsections (1) to (3) of this section and if the court determines that the medical officer of health or the public health inspector, as the case may be, was not justified in either of the conclusions mentioned in this sub-paragraph the local authority shall not recover the expenses or any part of them;

(ii) the provisions of subsection (5) of this section shall apply;

(*c*) before entry on any operational railway line of the British Railways Board not less than twenty-four hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway 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.".

Extension of section 25 of Act of 1976.

45.—(1) This section applies to any watercourse in a district which is accessible to the public from a highway or a place of public resort and which, by reason of its being unenclosed or inadequately enclosed, is in the opinion of the district council a danger to the public.

(2) In this section " watercourse " means any river, stream, ditch, pond, well or reservoir or any part thereof.

(3) A district council may, in relation to a watercourse to which this section applies, carry out such works of repair or enclosure as may be necessary in accordance with section 25 of the Act of 1976 (powers with respect to dangerous excavations) as if that watercourse were such an excavation as is mentioned in paragraph (*a*) of subsection (1) of that section and section 26 of that Act shall have effect accordingly.

(4) Nothing in this section shall authorise a district council—

(*a*) to carry out any works otherwise than in accordance with byelaws made under section 34 of the Land Drainage Act 1976; or

1976 c. 70.

(*b*) except as provided in this paragraph or in any such byelaws, to carry out works affecting any watercourse under the jurisdiction or control of the water authority

PART V —*cont.*

without their consent, which shall not be unreasonably withheld, any question whether it is so withheld being determined by arbitration:

Provided that, in any case to which paragraph (*b*) (ii) of subsection (1) of the said section 25 applies, this paragraph shall not prevent a district council from carrying out without the consent of the water authority works under this section affecting any watercourse (other than a reservoir belonging to or occupied by the water authority), but in any case as aforesaid the district council shall notify the water authority before, or, if that is not reasonably practicable, as soon as possible after, the carrying out of the works.

Extension of summary power to remedy stopped-up drains.

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

Urgent repairs to water, gas and electricity apparatus.

47.—(1) Where a district council are satisfied that, by reason of any injury to, or defect in, any apparatus used for supplying water, gas or electricity to any premises in the district, the premises or any part thereof have ceased to be supplied with water, gas or electricity sufficient for the domestic purposes of the occupants and that there is an urgent need for the supply to be restored, 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 apparatus or execute such works and provide or repair such fittings and do such other things as they may consider necessary to secure that a sufficient supply of water, gas or electricity is restored and recover from the owner or owners of the premises, as the case may be, the expenses necessarily incurred by them in so doing not exceeding in the case of each owner £200 or such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(2) (*a*) Where the occupier of any premises is also the owner the powers of subsection (1) above shall not be exercised in relation to those premises except with his consent.

(*b*) Subject to paragraph (*a*) above, before or, in case of emergency, as soon as possible after exercising the powers of subsection (1) above in relation to any premises, the district council shall (unless his name and address is not ascertainable by reasonable inquiry) give notice to the owner of the intended exercise of those powers or, as the case may be, of their having been exercised.

(*c*) Except in cases of emergency, admission to any premises shall not be demanded as of right for the purpose of doing any

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work under subsection (1) above unless not less than twenty-four hours' notice of the intended entry has been given to the occupier.

(3) (*a*) In proceedings to recover expenses under subsection (1) 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.

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

(5) The powers conferred by this section shall not be exercisable in relation to any apparatus belonging to the electricity board.

(6) (*a*) Except as provided in subsection (7) below, the powers conferred by this section shall not be exercisable in relation to any premises without the consent of the water, gas or electricity undertakers, as the case may require, within whose limits of supply the premises are situated, which consent shall not be unreasonably withheld, and in giving their consent the undertakers—

(i) may attach thereto such reasonable conditions as they think fit; and

(ii) may, without prejudice to any action or proceedings which they may take under any other enactment, elect to carry out on behalf of the district council any repair, renewal or other works proposed by the district council, in which case the expenses reasonably incurred by the undertakers in so doing shall be repaid to them by the district council.

(*b*) Any difference which may arise between any water, gas or electricity undertakers and a district council under this subsection, other than a difference as to the meaning or construction thereof, shall be determined by arbitration.

(7) In case of emergency subsection (6) above shall not apply but, in any such case, as soon as possible after exercising the powers of subsection (1) above in relation to any premises the district council shall notify the water, gas or electricity undertakers, as the case may require, within whose limits of supply the premises are situated.

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Artificial lighting in habitable rooms, etc.

48.—(1) In every dwelling in a district, which is let for human habitation and to which a supply of electricity has been made available, adequate means of lighting shall be provided and maintained in every habitable room, stairway or passage in that dwelling.

(2) If adequate means of lighting are not so provided and maintained the district council may serve on the owner a notice requiring him within such time, not being less than twenty-one days, as may be specified in the notice to execute such works as may be necessary to comply with subsection (1) above and as respects any such works which require interference with, or connection into, any electric line, electricity main or fittings belonging to the electricity board to make arrangements in that behalf with that board.

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

(*a*) the following paragraph were inserted at the end of subsection (3):—

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

(*b*) in subsection (6) the words from " and " where it secondly occurs to the end of the subsection were omitted.

(4) In this section—

" adequate means of lighting " in relation to a room, stairway or passage means adequate means of lighting the same by electricity and includes the provision in the room, stairway or passage of adequate electric lines connected with an electricity main but does not include—

(*a*) the supply of electricity; or

(*b*) the provision of lamps;

" dwelling " means a building or part of a building occupied or intended to be occupied as a separate dwelling;

" habitable room " includes a room used or intended to be used as a living room, sleeping room, bathroom, kitchen or for a sanitary convenience, and includes any cellar or room comprised in a dwelling and used as a fuel store.

(5) This section shall not apply to a dwelling—

(*a*) in an area declared by the district council to be a clearance area; or

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1957 c. 56.

(*b*) as respects which the proper officer has made an official representation under section 157 of the Housing Act 1957 either that it is unfit for human habitation or that it is in an area which should be dealt with as a clearance area, and the representation is under consideration; or

(*c*) as respects which notice has been served under subsection (1) or (1A) of section 9 of the said Act of 1957 on the person having control of the dwelling and the works required pursuant to the notice have not been executed; or

(*d*) as respects which notice has been served under section 16 of the said Act of 1957 and works required to render the dwelling fit for human habitation have not been carried out to the satisfaction of the district council.

(6) Nothing in any notice served under subsection (2) above shall be construed as authorising any person to interfere with, or connect into, any electric line, electricity main or fittings belonging to the electricity board.

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

Trees impeding natural light to houses, shops and offices.

49.—(1) Subject to the provisions of this section a tree or shrub which impedes or excludes the access of natural light to a dwelling-house, shop or office premises to such an extent as to be prejudicial to the health of the occupiers of the dwelling-house, shop or office premises shall be a statutory nuisance for the purpose of Part III of the Act of 1936 in its application to a district, and the provisions of that Act shall have effect accordingly as if the provisions of this section were provisions of the said Part III.

(2) In proceedings brought by virtue of subsection (1) above in respect of a tree or shrub which is alleged to impede or exclude the access of natural light to a dwelling-house, shop or office premises, the court shall have regard to the question whether or not immediately after the construction, erection or extension of the dwelling-house, shop or office premises, the tree or shrub or one or more trees or shrubs having a substantially similar effect impeded or excluded the access of natural light thereto and the extent of any such impeding or exclusion.

(3) In this section—

" dwelling-house " means a building or part of a building intended to be occupied as a separate dwelling;

" office premises " has the same meaning as in the Offices, Shops and Railway Premises Act 1963;

1963 c. 41.

" shop " has the same meaning as in the Shops Act 1950.

1950 c. 28.

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Weather-proofing of property. 1957 c. 56.

50. Where a district council—

(*a*) serve a notice under section 29 (1) of the Act of 1961 (requirements on demolition of buildings) in respect of a building for the demolition of which they have made an order under section 17 of the Housing Act 1957 (duty of local authority to make demolition order where no undertaking accepted); and

(*b*) enter and demolish that building under section 23 (1) of the said Act of 1957 (enforcement of demolition orders);

they may take any action required by the notice to weatherproof the surfaces of, or make good damage to, an adjacent building and the expenses incurred in taking any such action shall be recoverable in accordance with the provisions of section 29 of the Act of 1961.

Closure of insanitary food premises and stalls.

51.—(1) If upon a complaint by a district council under this section, a magistrates' court is satisfied that any premises in the district at which open food is stored, sold or offered or exposed for sale for human consumption (whether on or off the premises) are by reason of the insanitary or defective condition of the structure or fittings or fixtures or equipment or by reason of infestation of vermin or accumulation of refuse in such a condition that the carrying on of a food business in or at those premises would contravene regulations made under section 13 of the Act of 1955 and would be dangerous to health, the court shall by order prohibit the storage, sale or offer or exposure for sale at those premises of open food for human consumption until the state of the premises be remedied.

(2) (*a*) Where a complaint has been made under subsection (1) above the court may on application by the district council, if it appears to the court that the premises to which the application relates are in such a condition as is mentioned in subsection (1) above, make an interim order prohibiting the storage, sale or offer or exposure for sale at those premises of open food for human consumption until the earliest opportunity for hearing and determining the proceedings to which the complaint gave rise or until a certificate is given under subsection (5) below, whichever is the earlier.

(*b*) In exercising its powers under this subsection the court may be composed of a single justice.

(*c*) Before making application under this subsection the district council shall give not less than twenty-four hours' notice to the person who is carrying on a food business in or at the premises and, if that person is not the owner of the premises, to the owner,

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and any person to whom such notice is given shall, if he attends before the court upon the application, be entitled to be heard and to call witnesses:

Provided that any notice required by this paragraph to be given to a person carrying on a food business in or at the premises to which the notice relates shall not be sent by post but shall be delivered to the person or delivered at his usual or last known residence or at the premises or, in the case of an incorporated company or body, shall be delivered at their registered or principal office or at the premises.

(*d*) As soon as practicable after the making of an interim order under this subsection the district council shall serve a copy of the order upon the person who immediately before the date of the order was carrying on a food business in or at the premises to which the order relates and, if that person is not the owner of the premises, upon the owner, and shall affix a copy of the order in or on the premises in a conspicuous position.

(3) (*a*) If on the hearing and determining of the proceedings under subsection (1) above in respect of which an interim order has been made under subsection (2) above, the court determines that the condition of the premises at the time of the making of the interim order was not such as to justify the making of that order, the court may order the district council to pay to the person who immediately before the date of the interim order was carrying on a food business in or at the premises, or to the owner of the premises, or to both such person and such owner, such compensation as in the opinion of the court represents any loss which he or they respectively have suffered from the making of the interim order.

(*b*) The district council or a person aggrieved by an order of a magistrates' court under this section may appeal to the Crown Court.

(4) Any person who contravenes an order or an interim order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(5) (*a*) Any person who intends to carry on a food business in or at any premises with respect to which an order or an interim order has been made under this section may make application to the district council who, if satisfied that the state of the premises has been remedied, shall give to the applicant a certificate to that effect and such a certificate shall be conclusive evidence that the state of the premises has been so remedied.

(*b*) Any person aggrieved by a refusal or failure of the district council to give a certificate under this subsection may appeal to a magistrates' court who may either dismiss the appeal or order the district council to give the certificate.

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(*c*) Section 173 (Suspension of proceedings pending appeal) of this Act shall not apply in respect of a refusal or failure of the district council to give a certificate under this subsection.

(6) In this section—

" equipment ", " food business ", " open food " and " stall " have the respective meanings assigned to them by the regulations made under section 13 of the Act of 1955 which apply to the premises or stall (as the case may require);

" premises " includes a stall.

Application of certain enactments to vessels and floating structures.

52.—(1) Part IX (Entertainment clubs) and Head B (Night cafés in Manchester) of Part XV shall apply to vessels and floating structures as if they were premises.

(2) The enactments mentioned in Parts I and II of Schedule 3 to this Act in their application to a district shall apply in relation to a vessel or floating structure used for human habitation as if that vessel or floating structure were a house, building or premises.

(3) The enactments mentioned in Part I of Schedule 3 to this Act in their application to a district shall apply in relation to a vessel or floating structure used for the sale of food as if that vessel or floating structure were a house, building or premises.

(4) In relation to any vessel or floating structure used for human habitation or for the sale of food the enactments applied by the foregoing provisions of this section shall have effect as if the person in charge of the vessel or floating structure were the occupier.

(5) This section shall not apply to any vessel which is being used for the purpose of navigation.

Prohibition of interference with bird traps.

53.—(1) Where a district council have lawfully set down in the district any substance or apparatus for killing or taking wild birds, any person, other than an authorised person, who—

(*a*) interferes with the substance or apparatus; or

(*b*) knowingly interferes with the efficient operation of the substance or apparatus;

knowing it to have been set down by the council for that purpose, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(2) In this section the expression " authorised person " means an authorised officer of the district council or a police constable or an inspector duly appointed by any incorporated society or body whose objects include the prevention or suppression of cruelty to animals or birds.

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Dealers in second-hand goods.

54.—(1) A person shall not in a district carry on the business of a dealer in second-hand goods when he is not registered by the district council under this section or exempted from registration by, or by virtue of, subsection (9) below and, when he is not so exempted, he shall not carry on such a business in premises occupied by him when the premises are not so registered.

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

(3) (*a*) 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.

(*b*) Any book kept by a person in pursuance of paragraph (*a*) above shall be retained by him until the end of the period of one year beginning with the day on which the last entry was made in the book.

(4) Registration under this section shall remain in force for three years from the date thereof.

(5) 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.

(6) 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.

(7) (*a*) An authorised officer of the district council, 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 for or in connection with the business of a dealer in second-hand goods and any book kept in accordance with subsection (3) (*a*) 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.

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

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(8) (*a*) If a person registered under this section acquires any second-hand goods from a person whom he knows to be under the age of 16, whether those goods are offered by that person on his own behalf or on behalf of another person, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(*b*) Any person who, on selling second-hand goods to a person registered under this section, gives that person a false name or false address shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(9) This section shall not apply to—

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

(*d*) 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

(*e*) 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; or

(*f*) 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

(*g*) a person whose sole or principal business is the sale or purchase of, or dealing in, motor vehicles as defined in section 190 (1) of the Road Traffic Act 1972; 1972 c. 20.

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.

Safety of ceilings in bingo halls.

55.—(1) Where premises in a district are used as bingo club premises all ceilings in those parts of the premises in which gaming takes place shall be inspected at least once in every five years by a

PART V —*cont.*

competent person appointed by or on behalf of the occupier of the premises and a certificate concerning the condition of the ceilings shall after each inspection be forwarded to the licensing authority by or on behalf of the occupier.

(2) Contravention of subsection (1) above shall constitute a further ground in paragraph 20 of Schedule 2 to the Gaming Act 1968 upon which the licensing authority may refuse to grant or renew a licence under that Act.

1968 c. 65.

(3) In this section the expressions " bingo club premises " and " licensing authority " have the meanings respectively assigned to them by section 20 (1) and paragraph 1 of Schedule 2 to the Gaming Act 1968.

PART VI

PUBLIC ORDER AND PUBLIC SAFETY

Notice of street processions.

56.—(1) (*a*) No person shall organise or conduct a procession through any street in a district unless there has been served on the chief officer of police at any police station in the district through which the procession is intended to pass, a notice stating the route by which and the date and time on and at which it is intended that it should pass.

(*b*) Notice under paragraph (*a*) above shall be served at a time not less than seventy-two hours before the procession starts to pass through any street or as soon as reasonably practicable after that time.

(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 officer of police 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).

(3) Nothing in this section shall apply to a procession—

(*a*) commonly or customarily held; or

(*b*) 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.

(4) For the furtherance of co-operation between the organisers of processions and the police, the chief officer of police shall issue a code of practice giving guidance to the organisers of processions on any matters which he deems to be relevant, and in particular drawing attention to—

(*a*) the desirability of notifying the police as early as possible when a procession is planned and publicised; and

(*b*) the need to make arrangements for stewarding and to agree the route with the police. PART VI —*cont.*

(5) Proceedings shall not be instituted for any offence under this section unless the proceedings are instituted by or with the consent of the Director of Public Prosecutions.

Enforcement of byelaws.

57. 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 or parish council.

Safety of stands.

58.—(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 of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations; or

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

(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 twenty or more persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

(3) Any person who intends to erect in the district a stand to which this section applies for the accommodation of twenty 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 seven 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

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the person by whom the particulars, plan or section were submitted notice specifying—

(*a*) such modifications of any plan, section 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.

(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.

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Byelaws with regard to certain temporary structures.

59.—(1) A district council may, after consultation with the fire authority, make byelaws with regard to structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—

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

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

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

(*d*) the stability of the structure; and

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

(2) (*a*) 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 structure to which this section applies and any land giving access thereto for the purpose of ascertaining whether there is, or has been, in or in connection with the structure, a contravention of the provisions of any byelaw made under this section.

(*b*) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to a structure and any land giving access thereto for the purposes of this subsection as they apply to entry to premises for the purpose of subsection (1) of that section.

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

Provided that this section shall not apply to any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Act of 1961.

Touting, hawking, photographing, etc.

60.—(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;

PART VI —*cont.*

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

Provided that—

(i) a district council shall not designate—

(A) for the purpose of subsection (2) (*b*) below, any highway specified in a control order under section 7 of the Act of 1976; or

(B) for the purposes of subsection (2) (*c*) (ii) below, any street;

(ii) a district council (other than the Manchester council) shall not designate for the purpose of subsection (2) (*b*) below, any street which is a licensed traders' street or a prohibited street under Part X (Street trading) of this Act;

(iii) the Manchester council shall not designate for the purpose of subsection (2) (*b*) below, any street in the city of Manchester.

(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.

PART VI —*cont.*

(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.

(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 twenty-eight 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 twenty-eight days after the day on which the 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

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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

FIRE PRECAUTIONS

Parking places: safety requirements.

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

1928 c. 32.

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

(*a*) construction of the vehicular approaches;

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

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

(*d*) means of ventilation;

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

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

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

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

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

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

(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;

(*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

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

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

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

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

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

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

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

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

(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.

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

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

Firemen's switches for luminous tube signs.

62.—(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 a 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 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 twenty-one 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 occupier of the premises where it is installed shall, not more than twenty-one days after the appointed day, give notice to the fire authority

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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 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.

(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 occupier of premises

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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.

63.—(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 64 (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) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

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

Fire precautions in high buildings.

64.—(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

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(*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.

(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.

(7) In the case of a building or part of a building used or to be used only by the Post Office as a postal sorting office or for the accommodation or support (other than by way of storage only)

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of apparatus used for the operation of Post Office telecommunication services, a condition imposed under this section 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.

Fire precautions in large storage buildings.

65.—(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 61 (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 7,000 cubic metres by compartment walls or compartment

PART VII —*cont.*

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 requirements of section 9A of the Fire Precautions Act 1971,

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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 64 (Fire precautions in high buildings) of this Act, those conditions imposed under this section shall not have effect.

(*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 specifying 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.

(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—

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(*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.

Fire and safety precautions in public and other buildings.

66.—(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 in order 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 after consultation with the fire authority 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 requirement 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 Act of 1890, Part XIII (Licensing of public entertainments) of this Act, the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968, 1968 c. 54. is for the time being in force.

PART VIII

STORAGE OF FLAMMABLE MATERIAL

Interpretation of Part VIII.

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

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

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

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

(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 this Part applies.

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

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

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

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

(*a*) paper or cardboard;

(*b*) plastics;

(*c*) rags;

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

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

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

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

(i) 3 metres in height;

(ii) 50 cubic metres in capacity;

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(*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;

(*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 under-

PART VIII —*cont.*

taking 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.

69.—(1) Subject to subsection (2) of section 73 (Transitional provisions for Part VIII) of this Act, as from the appointed day in the county it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.

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

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

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

(*a*) they may—

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

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

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

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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.

Part VIII appeals.

70. A person aggrieved by the county council's refusal of consent, or by any condition imposed on such a consent, under section 69 (Unlawful stacks) of this Act may, within twenty-eight days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

Powers of entry for Part VIII.

71. 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 VIII.

72. Where a stack is on any premises in contravention of subsection (1) of section 69 (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 VIII.

73.—(1) Where under subsection (4) of section 69 (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 forty-two 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

PART VIII —*cont.*

expiration of forty-two 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 69 (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 and section 70 (Part VIII appeals) of this Act shall apply to such an appeal with the necessary modifications.

PART IX

ENTERTAINMENT CLUBS

Interpretation of Part IX.

74. In this Part "entertainment club" means, subject to section 81 (Exemption of premises) of this Act, any premises in a district which are used by the members of a club, organisation 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.

75. 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.

76. 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.

PART IX —*cont.*

Application for registration.

77.—(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 and his trade or calling during the six months preceding the application;

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

(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 officer of police, 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 fourteen days beginning with the date of the application; and

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

PART IX —*cont.*

Registration of entertainment clubs.

78.—(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 twenty-one 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 the grounds that—

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

(*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 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), under Head B (Night cafés in Manchester) of Part XV or under this Part;

1971 c. 38.

(*f*) 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; or

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

and shall refuse to register or renew the registration of any premises if they are satisfied that a disqualification order is for the time being in force under section 100 of the Act of 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. 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; and

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

(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.

(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 seven 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.

PART IX —*cont.*

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

Part IX appeals.

79.—(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 twenty-one days after the day on which notice is given to him under subsection (6) of section 78 (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 so as to make the conditions more onerous than those imposed by the district council.

Part IX powers of entry, inspection and examination.

80.—(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, 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.

PART IX —*cont.*

(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.

81.—(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 Act of 1964 or a Part IV licence as defined in section 93 of that Act;

(*b*) premises while in use wholly or mainly for any purpose authorised by a licence under section 51 of the Act of 1890, the Private Places of Entertainment (Licensing) Act 1967 or Part XIII (Licensing of public entertainments) of this Act, or a licence for the public performance of stage plays or a cinematograph exhibition; 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 Act of 1964 or is managed or controlled by a local authority;

(*e*) premises used exclusively as a canteen forming part of a factory or office 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.

(*g*) premises at a railway station used as a refreshment room managed by and under the direct control of the British Railways Board or any wholly-owned subsidiary (within the meaning of section 92 of the Transport Act 1962) of the board. 1962 c. 46.

(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 IX —*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 made under this subsection and of any date specified by the resolution.

(3) Notwithstanding the provisions of this Part, it shall be lawful for any person who 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 to continue that use of the premises until he is informed of the decision with regard to his application.

PART X

STREET TRADING

Application, designation of streets and interpretation of Part X.

82.—(1) This Part shall apply in any district (other than the city of Manchester) as from the appointed day.

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

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

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

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

(4) In this Part—

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

PART X —*cont.*

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

" stall " includes a barrow or other vehicle;

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

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

Resolution to prohibit or control street trading.

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

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

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

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

(2) The notice shall state that objections to the proposed resolution may be made in writing to the district council before such day, not earlier than twenty-eight days after the district 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 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.

PART X —*cont.*

(5) A notice published as required by subsection (4) above shall state the day, not less than twenty-eight 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.

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

(*a*) state his name and address, the place or places in which, 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.

(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 district council may by resolution prescribe.

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

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

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

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

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

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

(5) Before exercising the powers conferred by subsection (3) above to refuse the application or grant it with modifications, the district council shall serve on the applicant not less than fourteen 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.

PART X —*cont.*

(6) If the applicant, within seven 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 district 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 eight 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 173 (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.

(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.

85. 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 91 (Charge for street cleansing) of this Act; and

(*g*) any other reasonable requirements of the district 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.

86.—(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.

PART X —*cont.*

(2) The district council may—

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

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

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

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

(3) Subsections (5), (6), (8) and (9) of section 84 (Application for licence) of this Act shall apply to the exercise of powers conferred by subsection (2) above as they apply to the power to refuse an application for a street trader's licence or to grant it with modifications; and for that purpose shall have effect as if—

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

(*b*) for the references to subsection (3) of the said section 84, there were substituted references to subsection (2) above;

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

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

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

Part X appeals.

87. A person—

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

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

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

Disqualification of young persons.

88. 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.

PART X —*cont.*

Employment of assistants.

89. Subject to any enactment relating to the employment of children as defined in section 107 (1) of the Children Act 1975, a licensee may employ, to assist him at the stall or container used for street trading, any assistant or any other licensee.

1975 c. 72.

Consultation with traders, organisations, etc.

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

Charge for street cleansing.

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

(*a*) be incorporated in the fee payable under subsection (2) of section 84 (Application for licence) of this Act; or

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

Offences under Part X.

92. 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 six 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 a proper officer of the district council producing his authority or a constable to give his name and address, fails to do so;

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

PART X —*cont.*

Savings for Part X.

1871 c. 96.

1916 c. 31.

93.—(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;

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

(*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 17 (Highway amenities) of this Act or the provision of structures under section 19 (Power to provide kiosks, etc.) of this Act;

(*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 XI

FINANCE

Expenses of executing demolition orders, etc. 1957 c. 56.

94. Any expenses of demolition payable to a district council consequent upon the exercise of their powers under section 23 (1) of the Housing Act 1957 (demolition of premises) shall until recovered be a charge on all estates and interests in the land whereon the premises the subject of demolition were erected, being the premises in respect of which the expenses were incurred.

Insurance of certain voluntary assistants.

95.—(1) A local authority may enter into a contract with any authorised insurers whereby, in consideration of payments made by way of premium or otherwise by the local authority, those insurers undertake to pay to the local authority such sums as may be provided in the contract in the event of any voluntary assistant meeting with a personal accident, whether fatal or not, while he is engaged as such, or suffering any disease or sickness, whether fatal or not as a result of being so engaged.

(2) Any sum received by a local authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by the local authority to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received or to such other person as the local authority consider appropriate having regard to the circumstances of the case.

(3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed for the purposes of the Insurance Companies Act 1974 to be a policy of insurance upon the happening of personal accidents, disease or sickness. 1774 c. 48. 1974 c. 49.

(4) In this section—

" authorised insurers " means a person who is permitted under the Insurance Companies Act 1974 to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state;

" local authority " includes a parish council;

" voluntary assistant " means a person who, at the request of the local authority or a proper officer of the local authority, performs any service or does anything, otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.

Gratuities to dependants of employees. 1938 c. xciv.

96. The repeal by this Act of section 100 (Gratuities to lependants of employees) of the Lancashire County Council Rivers Board and General Powers) Act 1938 so far as it relates o the county shall not affect the power of a local authority to

PART XI —*cont.*

grant a gratuity in respect of any person in the employment of that authority before or at the passing of this Act.

PART XII

AVIATION

Interpretation of Part XII. 1949 c. 67.

97. In this Part—

" the Act of 1949 " means the Civil Aviation Act 1949;

" aircraft noise " means noise and vibration attributable to aircraft using the airport;

" the airport " means the aerodrome situated partly in the city of Manchester and partly in the borough of Macclesfield in the county of Cheshire vested in the Manchester council for the joint use and benefit of the Manchester council and the county council and known as the Manchester International Airport, including any extension thereof and any land designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

" the councils " means the local authorities for the time being concerned in the management of the airport and " council " means one of those authorities;

" land " includes, for the purposes of this section, the roof or any other part of a building;

" local authority " has the meaning assigned to it by section 270 of the Act of 1972.

Application of certain provisions of Act of 1949 to airport.

98.—(1) Subject to the modifications specified in subsection (2) below—

(*a*) the provisions of section 24 of the Act of 1949 shall apply to the airport as they apply to any land which is vested in the Secretary of State or which the Secretary of State proposes to acquire;

(*b*) the provisions of section 25 of the Act of 1949 shall apply to the airport as they apply to any aerodrome which is vested in the Secretary of State or under his control;

(*c*) the provisions of section 28 of the Act of 1949 shall apply to the airport as they apply to any land vested in the Secretary of State or any land which the Secretary of State proposes to acquire;

(*d*) any other provision in the Act of 1949 which has effect in relation to the said sections 24, 25 or 28 shall have the like effect in relation to those sections as applied by this section.

PART XII —*cont.*

(2) The modifications referred to in the preceding subsection are—

(*a*) orders under the said sections 24, 25 and 28 may be made upon the application of the councils but not otherwise;

(*b*) in relation to the application of the said section 24—

(i) subsection (1) shall have effect as if the words " in favour of the councils " were substituted for the words " in his favour ";

(ii) subsection (4) shall have effect as if for the words " the Secretary of State " there were substituted the words " the councils ";

(iii) subsection (5) shall have effect as if the words " or the councils " were inserted after the words " the Secretary of State ";

(iv) subsection (9) shall have effect as if the words " by the councils or " were inserted after the words " be instituted except " where they first occur;

(*c*) in relation to the application of the said section 25—

(i) subsection (2) shall have effect as if the following paragraph were substituted for paragraph (*a*) of that subsection:—

" (*a*) the councils shall before making application for the order publish notice of their intention to make the application in such manner as they think best calculated to bring their intention to the notice of persons who will be affected thereby; and "

and as if in paragraph (*b*) for the words " the Secretary of State " there were substituted the words " the councils " and for the words " his opinion " there were substituted the words " the opinion of the councils ";

(ii) subsection (6) shall have effect as if the words " by the councils or " were inserted after the words " be instituted except " where they first occur;

(*d*) in relation to the application of the said section 28—

(i) paragraph (*f*) of subsection (2) shall have effect as if for the words " the Secretary of State " there were substituted the words " the councils ";

(ii) subsection (6) shall have effect as if for the words " The Secretary of State " there were substituted the words " The councils ";

PART XII —*cont.*

(*e*) in relation to the airport section 29 of the Act of 1949 shall have effect as if—

(i) paragraph (*a*) of subsection (1) were omitted and in paragraph (*b*) of that subsection for the words " in his favour " there were substituted the words " in favour of the councils ";

(ii) in subsection (1) after the words " the Secretary of State " where they secondly occur there were inserted the words " or the councils " and for the words " the Secretary of State requires " there were substituted the words " the Secretary of State or the councils require ";

(iii) in subsection (1) after the words " should be made " there were inserted the words " or applied for ";

(iv) in subsection (3) the words " by the councils or " were inserted after the words " be instituted except " where they first occur;

(v) in subsection (5) for the words " by whom the authority was given " there were substituted the words " or the councils (as the case may be) ";

(*f*) in relation to the airport section 31 of the Act of 1949 shall have effect as if—

(i) in subsection (1) for the words " the Secretary of State " wherever they occur there were substituted the words " the councils ", for the word " he " there were substituted the words " the Secretary of State " and for the words " has acquired land for purposes connected with the discharge of his functions or " there were substituted the words " have acquired land compulsorily under and for the purposes of the provisions of subsection (6) of section 28 of this Act or the Secretary of State ";

(ii) subsections (4), (5) and (6) were omitted;

(*g*) in relation to the airport Schedule 1 to the Act of 1949 shall have effect as if—

(i) the following paragraphs were substituted for paragraphs 1 and 2:—

" 1. Before making an application for an order the councils—

(*a*) shall publish in one or more newspapers circulating in the district in which the land is situated; and

PART XII —*cont.*

(*b*) shall serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated;

a notice stating that the councils propose to apply for the order and the effect thereof and specifying the time (not being less than twenty-eight days from the service of the notice) within which and the manner in which objections to the making of the order may be made.

2. If no objection is duly made by any such local authority, owner, lessee or occupier as aforesaid or if all objections so made are withdrawn the Secretary of State may upon being satisfied that the proper notices have been published and served and if he thinks fit make the order.";

(ii) in paragraphs 5, 9, 11 and 12 for references to "the Secretary of State" there were references to "the councils";

(iii) in paragraph 11 for the words "he thinks" there were substituted the words "the councils think";

(*h*) in relation to the airport Schedule 2 to the Act of 1949 shall have effect as if in paragraphs 1 and 4 for the words "the Secretary of State" there were substituted the words "the councils" and in paragraph 3 there were inserted after the word "Act" the words "as applied by section 98 of the Greater Manchester Act 1981".

Existing byelaws.

99. The byelaws made by the lord mayor, aldermen and citizens of the city of Manchester under section 19 of the Manchester Corporation Act 1954 shall, notwithstanding the repeal of the said section 19 by this Act, continue to have effect until revoked as if they had been made by the Manchester council under section 3 of the Civil Aviation Act 1968.

1954 c. xlviii.

1968 c. 61.

Grants towards cost of insulating buildings.

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

Schemes for grants towards cost of insulating buildings.

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

PART XII —*cont.*

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

(3) A scheme under this section shall specify a date, not being less than two years after the first publication of the notice referred to in subsection (7) below, not later than which an application may be submitted to the council for the making of a grant.

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

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

(6) Before making any scheme the council shall consult and shall submit a draft of the proposed scheme to—

(*a*) the local authority any part of whose area lies within the area, or areas, specified in the draft scheme; and

(*b*) any consultative committee which may have been established to give effect to the provisions of section 8 of the Civil Aviation Act 1968 in relation to the airport.

1968 c. 61.

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

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

Contributions by local authorities.

102. A local authority whose area for the time being includes any part of an area to which a scheme made by a council under section 101 (Schemes for grants towards cost of insulating buildings) of this Act relates may make to the council a contribution towards the cost incurred by the council in making grants in respect of buildings.

PART XII —*cont.*

Orders for insulating new buildings.

103.—(1) Where a council have made a scheme under section 101 (Schemes for grants towards cost of insulating buildings) of this Act in respect of any area, or areas, they may apply to the Secretary of State for an order requiring provision for insulation against aircraft noise to be made in any building of a class to which the scheme applies which is erected after a date specified in the order (or in any extension of or alteration to any such building made after that date) in the area, or areas, defined in the order by reference to a map, which area, or areas, may comprise the whole or part of the area, or areas, to which the scheme relates.

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

(3) Before making application to the Secretary of State for an order under this section the council shall—

(*a*) consult and submit the draft order and relevant map to—

(i) each local authority within whose area any part of the area, or areas, proposed to be comprised in the draft order is situated;

(ii) any consultative committee which may have been established to give effect to the provisions of section 8 of the Civil Aviation Act 1968 in relation to the airport; 1968 c. 61.

(*b*) publish in each of two successive weeks in one or more newspapers circulating in the area, or areas, proposed to be comprised in the order a notice—

(i) stating the general effect of the order;

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

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

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

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

PART XII —*cont.*

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

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

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

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

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

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

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

Purchase of land for works for mitigation of aircraft noise.

104.—(1) A council may for the purpose of the construction of works for the measurement or mitigation of aircraft noise purchase by agreement or may be authorised by means of an order made by the council and submitted to and confirmed by the Secretary of State to acquire compulsorily land within or outside the county.

(2) The Act of 1946 shall apply to the compulsory purchase of land under this section, and accordingly shall have effect as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

Works for mitigation of aircraft noise.

105. A council may upon any land owned by them or in which they have a sufficient interest, construct and maintain works for the measurement or mitigation of aircraft noise.

Part XII powers of entry.

106. Subject to the provisions of this section any duly authorised officer of a council shall on producing if so required some authenticated document showing his authority, have a right to enter at all reasonable hours any premises for the purpose of taking measurements of aircraft noise:

Provided that admission to any premises shall not be demanded as of right unless at least forty-eight hours' notice of the intended entry has been given to the occupier. PART XII —*cont.*

PART XIII

LICENSING OF PUBLIC ENTERTAINMENTS

Interpretation of Part XIII and repeal.

107.—(1) In this Part—

" boxing or wrestling entertainment " means public boxing or wrestling or other public entertainment of the like kind (including entertainment known as " martial arts ");

" 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 " an occasional entertainment licence ");

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

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

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

Licensing of entertainments.

108.—(1) Subject to the provisions of this Part, as from the appointed day in a 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 the application to the fire authority and to the chief officer of police, and shall give public notice of the application (identifying the premises) in such form as the district council may by resolution prescribe—

PART XIII —*cont.*

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

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

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

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

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

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

(9) An entertainment licence is not required—

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

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

Nature and duration of entertainment licences and conditions.

109.—(1) An entertainment licence shall be for such period, not exceeding twelve 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.

PART XIII —*cont.*

(*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 108 (Licensing of entertainments) of this Act and subsection (2) above shall apply to a transfer as they apply to the grant of an entertainment licence.

(4) Where, before the date of expiry of an entertainment licence, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications), notwithstanding that the date of expiry of the licence has passed or that the applicant for such transfer is carrying on at the 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 XIII.

110. A person who—

(*a*) keeps or uses, or permits the use of, premises contrary to subsection (1) of section 108 (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.

111. 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 XIII appeals.

112. 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 XIII —*cont.*

Part XIII powers of entry, inspection and examination.

113.—(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 purposes 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.

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

114.—(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 Act of 1964, section 12 (2) of the Theatres Act 1968 and section 31 of the Fire Precautions Act 1971 (all of which exclude the operation of enactments regulating the use of premises for the provision of entertainments) shall have effect as if the enactments respectively referred to in those provisions included this Part.

1967 c. 19.

(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.

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

115.—(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 XIV

MARKETS AND SLAUGHTERHOUSES

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

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

Power to compound for payment of tolls.

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

Power of district council to require information.

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

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

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

As to public meetings, etc.

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

Provided that—

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

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

PART XIV —*cont.*

Market byelaws.

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

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

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

Slaughterhouses of district councils.
1974 c. 3.

121. As from the commencement of this Act any public slaughterhouse provided by a district council shall be deemed to be provided under section 15 of the Slaughterhouses Act 1974.

PART XV

MANCHESTER PROVISIONS

A. Street trading in Manchester

Interpretation of Head A of Part XV.

122. In this Head of this Part—

" annual licence " means a licence under this Head of this Part, other than a temporary licence;

" the central area " (subject to the provisions of section 134 (Variation of central area) of this Act) means so much of the city as is bounded by the following highways, streets, river or railway, that is to say, the river Irwell, New Bridge Street, Cheetham Hill Road, the Manchester to Bury railway line, Aspin Lane, Corporation Street, Dantzic Street, Gould Street, Rochdale Road, Thompson Street, Oldham Road, Bengal Street, Redhill Street, Great Ancoats Street, Store Street, Sparkle Street, Malaga Street, Sheffield Street, Travis Street, London Road, Mancunian Way, Egerton Street, Dawson Street and Regent Road and where the said area is bounded by a highway or street, it includes the whole of the highway or street throughout the length thereof which forms the boundary;

" the city " means the city of Manchester;

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

" designated street " means a street in respect of which a designating resolution is for the time being in force;

PART XV —*cont.*

" designating resolution " means a resolution passed by the Manchester council under paragraph (*a*) of subsection (1) of section 123 (Designation of streets for purposes of street trading) of this Act;

" prescribe " means prescribe under subsection (7) of section 125 (Annual licences) or subsection (2) of section 126 (Temporary licences) of this Act, as the case may be;

" registered street trader " means a person registered as a registered street trader under this Head of this Part;

" registration " means registration under this Head of this Part to engage in street trading outside the central area and within the city, and " register " and " registered " shall be construed accordingly;

" stall " includes a barrow or other vehicle;

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

" street trading " means selling or offering or exposing for sale any thing in a street and includes assisting in such selling or offering or exposing for sale;

" street trading licence " means an annual licence or a temporary licence; and

" temporary licence " means a licence under this Head of this Part valid for a single day or for a period of not more than fourteen consecutive days.

Designation of streets for purposes of street trading.

123.—(1) The Manchester council may from time to time by resolution—

(*a*) designate any street within the central area as a street in respect of which they will entertain applications for the grant of street trading licences;

(*b*) fix the number of persons to whom they may grant street trading licences to engage in street trading in any designated street; and

(*c*) specify in relation to any designated street any class or classes of things—

(i) which they will not prescribe; or

(ii) as the only things which they will prescribe;

in any street trading licences granted by them in respect of that street;

and may from time to time by subsequent resolution rescind or vary any such resolution:

PART XV —*cont.*

Provided that before passing a designating resolution in respect of a street or a resolution rescinding or varying such a resolution the Manchester council shall consult the chief officer of police on the proposal to do so and shall obtain the consent of the highway authority.

(2) The Manchester council, before passing a designating resolution in respect of any street or a resolution rescinding or varying such a resolution or coming to a decision on an application made to them under subsection (4) below in respect of any street—

(*a*) shall publish in a newspaper circulating in the city and post in some conspicuous part of the street a notice—

(i) stating that they are considering the passing of such resolution or have received such an application as aforesaid, as the case may be; and

(ii) describing the street to which the intended resolution or application relates and the number intended to be fixed as the number of persons to whom street trading licences may be granted to engage in street trading in that street if the resolution is passed; and

(iii) stating that representations with respect thereto may be made in writing to the Manchester council before such date as may be specified in the notice (being a date not less than fourteen days from the publication or first posting thereof as aforesaid, whichever shall be the later); and

(*b*) shall consider any representations so made by any persons residing in or occupying premises in the street on the ground that street trading in the street would obstruct access to, or interfere with the use of, or create a nuisance affecting, those premises, or by any persons engaged in street trading in the street.

(3) The Manchester council shall give public notice of the passing of a resolution under subsection (1) above by posting a notice in the street to which the resolution relates and in such other manner as they think desirable.

(4) If it is desired by any persons (not being less than ten in number) residing or trading in the city that any street in the central area in respect of which a designating resolution has not been passed should become a designated street, those persons may at any time make application to the Manchester council for the passing by the council of a designating resolution in respect of that street:

Provided that any such application shall be signed by the persons making the same and shall specify the addresses of those persons and sufficiently describe the street in respect of which it is made.

PART XV —*cont.*

(5) The Manchester council shall as soon as reasonably practicable after the receipt of any such application as aforesaid decide whether they will or will not comply therewith.

(6) Any resolution having effect under section 15 (Designation of streets for purposes of street trading) of the Manchester Corporation (General Powers) Act 1971 shall be deemed to have been passed under the powers of this section. 1971 c. lxvii.

Licensing and registration of street traders.

124. Subject to the provisions of this Head of this Part, it shall be unlawful for any person—

(*a*) to engage in street trading in any street within the central area when he is not authorised to do so by a street trading licence;

(*b*) to engage in street trading in any street in the city outside the central area when he is not registered.

Annual licences.

125.—(1) A person requiring an annual licence or the renewal of an annual licence shall make application to the Manchester council and shall in such application state—

(*a*) his full name and address;

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

(*c*) the street or streets in which he intends so to sell or offer or expose for sale and the nature and type of any stall or container which he intends to use in connection with any sale or offer or exposure for sale.

(2) As soon as reasonably practicable after the receipt of an application under this section the Manchester council shall (save as provided by subsection (3) below) grant or renew an annual licence to the applicant.

(3) The Manchester council may refuse to grant or renew an annual licence or may at any time revoke or vary an annual licence granted by them if—

(*a*) the applicant or licensee is on account of his having been convicted of an offence under the provisions of this Head of this Part or of offences involving obstruction of the highway or contravention of enactments relating to the regulation of traffic whilst engaged in street trading or on account of his misconduct or incapacity in their opinion unsuitable to hold such licence; or

(*b*) the number of street traders licensed to engage in street trading in the street to which the application relates

PART XV —*cont.*

would, if the licence were granted, exceed the number fixed by resolution of the Manchester council under section 123 (Designation of streets for purposes of street trading) of this Act; or

(*c*) in consequence of—

(i) the regulation under an experimental traffic order made under section 9 of the Act of 1967 of traffic in the street or streets to which the application relates or which is or are prescribed by the licence; or

(ii) the use of part of the street or streets in connection with the carrying out of building or engineering operations in or adjacent thereto;

the space available in the street or streets is at the date of such application or becomes at any time after the grant of such licence insufficient to permit of the applicant or licensee engaging therein in any street trading during such period as the order shall be in force or (as the case may be) the building or engineering operations shall be undertaken without causing undue interference with or inconvenience to traffic in such street or streets; or

(*d*) the street or streets to which the application relates is or are not a designated street or designated streets; or

(*e*) the street or streets to which the application relates is or are a designated street or designated streets in relation to which the Manchester council have by resolution specified a class or classes of things—

(i) which they will not prescribe; or

(ii) as the only things which they will prescribe;

in any street trading licences granted by them in respect of that street or those streets, and the prescription in the licence applied for of the things proposed to be sold or offered or exposed for sale by the applicant would be contrary to the terms of such resolution; or

(*f*) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the Manchester council under this Head of this Part or any corresponding enactment; or

(*g*) the licensee has for a period of not less than four weeks not exercised or not fully exercised his rights under the licence.

(4) Before exercising the powers conferred by subsection (3) above to refuse to grant or renew an annual licence or to revoke or vary an annual licence the Manchester council shall serve on

PART XV —*cont.*

the applicant or licensee not less than fourteen days' notice of their proposal to exercise them and of their grounds for doing so; and if they propose to exercise those powers on any of the grounds specified in subsection (3) (*a*) above the notice shall include particulars of the offences, misconduct or incapacity alleged.

(5) If the applicant or licensee, within seven days of service on him of a notice under subsection (4) above, requires the Manchester council to give him an opportunity to be heard against such refusal, revocation or variation, the Manchester council shall, before exercising the said powers conferred by subsection (3) above, give him an opportunity to be heard by a committee or sub-committee of the council.

(6) If the Manchester council refuse to grant or renew an annual licence, or revoke or vary an annual licence, they shall forthwith give the applicant or licensee notice of their decision and shall, if required by the applicant or licensee, deliver to him within seven days after the receipt of such requirement, particulars of the ground or grounds for such refusal, revocation or variation.

(7) The Manchester council may prescribe the form of the annual licence and may prescribe conditions on the granting thereof including—

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

(*b*) the class or classes of things which the licensee may so sell or offer or expose for sale;

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

(*d*) the nature, type and size of any stall or container which may be used by the licensee in connection with any sale or offer or exposure for sale and the number of such stalls or containers which may be so used;

(*e*) requirements as to the deposit and removal of refuse;

and on any occasion of the renewal of an annual licence the Manchester council may vary such conditions.

(8) An annual licence shall unless revoked or deemed to be revoked or surrendered be valid—

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

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(*b*) if granted or renewed at any other time, for a period expiring on 31st December next after the date of such grant or renewal.

(9) A street trading licence shall not be granted to any person who has not attained the age of 17.

(10) The holder of a street trading licence shall display on any stall or container used by him when engaged in street trading his name and address and the number of his licence.

(11) (*a*) If the holder of a street trading licence changes his place of residence, he shall notify the Manchester council of the address of his new place of residence within the period of three weeks from the date of the change and, if he fails to do so, his licence shall be deemed to be revoked at the expiration of the said period but without prejudice to his right to make application for a further licence.

(*b*) A street trading licence shall be endorsed with notice of the effect of this subsection.

Temporary licences.

126.—(1) The Manchester council may if they think fit on the receipt from any person of an application for that purpose grant to that person a temporary licence.

(2) A temporary licence shall be valid only on the day or during the period in respect of which it is granted and—

(*a*) shall be in such form (if any) as may be prescribed by the Manchester council and, if no such form be prescribed, shall be in the like form to an annual licence with such modifications therein as the circumstances require;

(*b*) shall prescribe the day or period in respect of which it is granted and may prescribe any other relevant matter which may be prescribed by an annual licence; and

(*c*) shall be issued subject to such conditions as the Manchester council think fit.

(3) A temporary licence may be granted by any officer of the Manchester council authorised by them in that behalf.

Limiting number of street traders.

127.—(1) The Manchester council may from time to time by resolution fix the number of persons who may be registered as street traders to engage in street trading outside the central area and may from time to time by subsequent resolution rescind or vary any such resolution.

(2) The Manchester council shall give public notice of the passing of a resolution under this section in such manner as they think desirable.

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(3) Any resolution having effect under section 20 (Limiting number of street traders) of the Manchester Corporation (General Powers) Act 1971 shall be deemed to have been passed under the powers of this section. 1971 c. lxvii.

Existing street traders in Manchester.

128.—(1) An existing street trader shall on the date of the commencement of this Head of this Part in the city be deemed to be licensed or registered under this Head of this Part and such licence or registration shall unless revoked in accordance with the provisions of this Head of this Part continue for the remainder of the period for which the existing street trader was immediately before the commencement of this Head of this Part licensed or registered under Part III of the Manchester Corporation (General Powers) Act 1971.

(2) If within one month after the expiration of any period of registration of an existing street trader, he duly makes application to the Manchester council for the renewal of his registration, the Manchester council shall not refuse to renew registration on the ground mentioned in paragraph (*b*) of subsection (3) of section 129 (Registration) of this Act.

(3) In this section the expression " existing street trader " means a person who at the date of the commencement of this Head of this Part is licensed or registered under Part III of the Manchester Corporation (General Powers) Act 1971.

Registration.

129.—(1) A person requiring registration or the renewal of registration shall make application in writing to the Manchester council and shall in such application state—

(*a*) his full name and address;

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

(*c*) the street or streets in which he intends so to sell or offer or expose for sale and the nature and type of any stall or container which he intends to use in connection with any sale or offer or exposure for sale.

(2) As soon as reasonably practicable after the receipt of an application under this section, the Manchester council shall (save as provided by subsection (3) or (4) below) register the applicant or renew the registration of the applicant.

(3) The Manchester council may refuse to register or renew registration or may at any time revoke registration granted by them if—

(*a*) on account of his having been convicted of an offence under the provisions of this Head of this Part or of

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—cont.

offences involving obstruction of the highway or contravention of enactments relating to the regulation of traffic whilst engaged in street trading or on account of his misconduct or incapacity they consider the applicant or registered street trader unsuitable to be registered;

(*b*) the number of street traders registered in the city would, if registration were granted, exceed the number fixed by resolution of the Manchester council under section 127 (Limiting number of street traders) of this Act.

(4) The Manchester council may refuse to renew or may revoke the registration of a street trader who on being requested by the Manchester council to do so fails to furnish to them evidence that he has been engaged in street trading in the city during the period of six months preceding their request.

(5) Before exercising the powers conferred by subsection (3) or (4) above to refuse to register or renew registration or to revoke registration the Manchester council shall serve on the applicant or registered street trader not less than fourteen days' notice of their proposal to exercise them and of their grounds for doing so; and if they propose to exercise those powers on any of the grounds specified in subsection (3) (*a*) above the notice shall include particulars of the offences, misconduct or incapacity alleged.

(6) If the applicant or registered street trader, within seven days of service on him of a notice under subsection (5) above, requires the Manchester council to give him an opportunity to be heard against such refusal or revocation, the Manchester council shall, before exercising the said powers conferred by subsection (3) or (4) above, give him an opportunity to be heard by a committee or sub-committee of the council.

(7) If the Manchester council refuse to register or to renew registration or revoke registration they shall forthwith give the applicant or registered street trader notice of their decision and shall if required by the applicant or registered street trader deliver to him within seven days after the receipt of such requirement particulars of the ground or grounds for such refusal or revocation.

(8) The Manchester council may on registering or renewing the registration of a street trader impose conditions as to—

(*a*) the day or days on which and the time or times at or during which the registered street trader may sell or offer or expose for sale things as aforesaid either generally or in relation to such parts of the city as may be specified in the condition;

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(*b*) the nature, type and size of any stall or container which may be used by the registered street trader in connection with any sale or offer or exposure for sale and the number of such stalls or containers which may be so used and the equipment to be provided;

and on any occasion of the renewal of registration the Manchester council may vary such conditions.

(9) (*a*) If a registered street trader changes his place of residence he shall notify the Manchester council of the address of his new place of residence within the period of three weeks from the date of the change and, if he fails to do so, his registration shall be deemed to be revoked at the expiration of the said period but without prejudice to his right to make application for further registration.

(*b*) A certificate of registration shall be endorsed with notice of the effect of this subsection.

(10) A person who has not attained the age of 17 shall not be registered as a registered street trader.

(11) Registration shall unless revoked or deemed to be revoked or unless the certificate of registration is surrendered be valid—

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

(*b*) if granted or renewed at any other time, for a period expiring on the 31st December next after the date of such grant or renewal.

Fees on licences and registration.

130.—(1) With his application for the grant or renewal of a street trading licence or, as the case may be, for registration or the renewal of registration under this Head of this Part, the applicant shall pay such reasonable fee to cover the expense of the Manchester council in dealing with such applications as the council may by resolution prescribe; and different fees may be prescribed for applications of different kinds.

(2) The Manchester council may dispense with, or reduce, a fee chargeable under this section.

Head A of Part XV appeals.

131. Any person aggrieved by the refusal of the Manchester council to register him or to renew his registration or to grant or renew an annual licence or by the revocation or variation by the Manchester council of an annual licence or the revocation of

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registration or by any condition prescribed by the Manchester council under subsection (7) of section 125 (Annual licences) of this Act, or by a condition imposed by the Manchester council under subsection (2) of section 126 (Temporary licences) of this Act or by a condition imposed or varied under subsection (8) of section 129 (Registration) of this Act, may appeal to a magistrates' court and on any such appeal the court may confirm, reverse or vary the decision of the Manchester council:

Provided that no appeal shall be brought under this section against the refusal of the Manchester council to grant or renew an annual licence on the ground mentioned in paragraph (*b*) or paragraph (*c*) or paragraph (*d*) or paragraph (*e*) of subsection (3) of section 125 (Annual licences) of this Act or against a refusal to register or to renew registration on the ground mentioned in paragraph (*b*) of subsection (3) of section 129 (Registration) of this Act.

Charges to holders of annual licences.

132. The Manchester council may make and recover from holders of annual licences granted by them such charges as they may think fit—

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

(*b*) in respect of the expenses incurred by them in the administration of this Head of this Part and in the cleansing of streets in which street trading takes place:

Provided that before fixing any charges to be made under this section or varying any such charges the Manchester council shall give notice of their proposals to the holders of annual licences in such manner as they deem appropriate and shall consider any representations made to them by a holder of an annual licence.

Offences under Head A of Part XV.

133.—(1) Every person who—

(*a*) without the authority of a street trading licence or contrary to any condition prescribed on the grant of a street trading licence engages in street trading in any street within the central area; or

(*b*) engages in street trading in any street in the city and outside the central area when he is not registered; or

(*c*) engages in street trading contrary to any condition imposed by the Manchester council on registration;

shall be guilty of an offence:

Provided that—

(i) where any person has brought an appeal under this Head of this Part against the refusal of the Manchester council

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to renew an annual licence or against the revocation or variation of an annual licence or against any condition prescribed in an annual licence which has been renewed, such licence shall until such appeal has been heard and determined, or has been abandoned, be deemed for the purposes of this subsection (as the case may be) to have been renewed or not to have been revoked or varied or to have been renewed without any variation of the conditions thereof;

(ii) where any person has brought an appeal under this Head of this Part against the refusal of the Manchester council to renew his registration or against the revocation of his registration he shall not, until such appeal has been heard and determined, or has been abandoned, be liable to any further or other proceedings under this subsection than he would have been if the Manchester council had not refused to renew his registration or (as the case may be) if his registration had not been revoked.

(2) Any person who on an application for a street trading licence or the renewal of such a licence or for registration or the renewal of registration under this Head of this Part knowingly provides any information that is false in a material respect or knowingly withholds any material information that is required by this Head of this Part to be given shall be guilty of an offence.

(3) Any person found engaging in street trading in a street within the city shall, on being required to do so by any police constable, or by an authorised officer of the Manchester council on producing if so required a duly authenticated document showing his authority, produce for inspection his street trading licence or certificate of registration and shall furnish his name and address, and in default of compliance with such requirement he shall be guilty of an offence.

(4) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £200.

Variation of central area.

134.—(1) The Manchester council may from time to time by means of an order made by the Manchester council and submitted to and confirmed by the Secretary of State extend or curtail the central area and include within or exclude from the central area any area or areas within the city which may be prescribed in any such order and thereupon the provisions of this Head of this Part shall apply to the central area as defined in the order.

(2) Any order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Manchester council consider necessary or expedient for the purposes of the order, including (but without prejudice to the

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generality of this subsection) such provisions as they consider necessary or expedient with respect to—

(*a*) the granting of street trading licences to persons who before the coming into operation of the order were authorised to engage in street trading outside the central area or, as the case may be, with respect to the registration of persons who before the coming into operation of the order were authorised to engage in street trading within the central area; and

(*b*) the modification of the provisions of this Head of this Part.

(3) Before submitting an order under this section to the Secretary of State the Manchester council shall publish in one or more newspapers circulating in the city a notice—

(*a*) stating that such an order has been made and is about to be submitted to the Secretary of State for confirmation;

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

(*c*) describing the area or areas to which the order applies; and

(*d*) stating that within the period of twenty-one days after a date named in the notice not being earlier than the first publication thereof any person may object to the confirmation of the order by giving notice in writing to the Secretary of State and sending a copy of such notice to the Manchester council.

(4) If no objection is duly made or if all objections so made are withdrawn the Secretary of State may if he thinks fit confirm the order with or without modification but in any other case he may before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and may confirm the order either with or without modification.

(5) An order made under this section shall come into operation on such date as the Secretary of State shall appoint.

Saving for pedlars, news-vendors, etc.

135. Nothing in this Head of this Part shall—

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

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

(*c*) restrict the doing of anything on land forming part of a street by the owner or occupier of land fronting that part; or

(*d*) apply to the delivery by a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street within the central area of any thing; or

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

B. Night cafés in Manchester

Interpretation of Head B of Part XV.

136. In this Head of this Part—

" the city " means the city of Manchester;

" night café " means, subject to section 143 (Exemption of premises under Head B) of this Act, any premises in the city which are kept open or used for the supply to the public of refreshments at any time between the hours of 11.0 p.m. and 5.0 a.m. for consumption on the premises.

Prohibition of unregistered night cafés.

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

(*a*) uses or permits the use of those premises as a night café when they are not registered under this Head of this Part; or

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

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

Offences in connection with night cafés.

138. If any night café 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 night café 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.

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Application for registration under Head B.

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

(*a*) the name and address of the applicant and his trade or calling during the six months preceding the application;

(*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 Manchester council may reasonably require;

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

(2) (*a*) With his application for registration, or for the renewal of registration of premises under this Head of this Part, the applicant shall pay such reasonable fee to cover the expense of the Manchester 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*) The Manchester council may dispense with, or reduce, a fee chargeable under this subsection.

(3) An applicant for registration, or for the renewal of registration, of premises under this Head of this Part shall, upon making his application, give notice of the application to the fire authority and to the chief officer of police, and shall give public notice of the application, (identifying the premises) in such form as the Manchester council may by resolution prescribe, by displaying the notice in a conspicuous position on or near the premises for fourteen days beginning with the date of the application.

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

Registration of night cafés.

140.—(1) (*a*) The Manchester council shall, on considering an application for the registration of premises under this Head of this Part, take into account the suitability of the premises for use as a night café 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.

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

(2) On considering an application for the registration, or the renewal of registration, of premises under this Head of this Part the Manchester council shall take into consideration any objection made against the application of which notice has, not later than twenty-one days after the date of the application, been sent to the Manchester council and to the applicant, stating in general terms the grounds of the objection.

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

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

(*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 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), under Part IX (Entertainment clubs) or under this Head of this Part; 1971 c. 38.

(*f*) 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; or

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

and shall refuse to register or renew the registration of any premises if they are satisfied that a disqualification order is for the time being in force under section 100 of the Act of 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. 1969 c. 53.

(4) The Manchester council may, on registering or renewing the registration of premises under this Head of this Part, impose such

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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 the premises at any time; and

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

(5) The Manchester council may at any time revoke a registration under this Head of 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.

(6) Before refusing to register or renew the registration of premises under this Head of this Part, revoking a registration or imposing any condition on a registration or renewal of a registration, the Manchester 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 seven 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 Head of this Part shall be determined without undue delay.

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

Head B of Part XV appeals.

141.—(1) A person aggrieved by a refusal to register or to renew a registration of premises under this Head of this Part, or by the revocation thereof, or any condition imposed thereon, may, not later than twenty-one days after the day on which notice is given to him under subsection (6) of section 140 (Registration of night cafés) 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

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setting aside a refusal or revocation, impose any condition which the Manchester 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 Manchester council, the court shall not vary any such condition so as to make the conditions more onerous than those imposed by the Manchester council.

Head B of Part XV powers of entry, inspection and examination.

142.—(1) An authorised officer of the Manchester 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, as a night café 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 Head of this Part or of any condition imposed on registration under this Head of this Part; or

(*b*) whether or not circumstances exist which would authorise the Manchester council to take action under this Head of 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 under Head B.

143.—(1) Nothing in this Head of 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 Act of 1964 not being a Part IV licence as defined in section 93 of that Act;

(*b*) premises in respect of which there is in force for the time being a Part IV licence as so defined if they are not kept open for public refreshment at any time between the expiration of 30 minutes immediately following the end of the permitted hours in those premises or 11.0 p.m., whichever is the later, and 5.0 a.m.;

(*c*) premises while in use wholly or mainly for any purpose authorised by a licence under section 51 of the Act of 1890, the Private Places of Entertainment (Licensing) Act 1967 or Part XIII (Licensing of public entertainments) 1967 c. 19.

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of this Act, or a licence for the public performance of stage plays or a cinematograph exhibition;

(*d*) 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;

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

(*f*) premises used exclusively as a canteen forming part of a factory or office 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.

(*g*) 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.

(*h*) premises at a railway station used as a refreshment room managed by and under the direct control of the British Railways Board or any wholly-owned subsidiary (within the meaning of section 92 of the Transport Act 1962) of the board.

1962 c. 46.

(2) (*a*) The Manchester council may by resolution—

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

(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 made under this subsection and of any date specified by the resolution.

(3) Notwithstanding the provisions of this Head of this Part, it shall be lawful for any person who was using any premises as a night café 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 to continue that use of the premises until he is informed of the decision with regard to his application.

Late Night Refreshment Houses Act 1969.

144. On the appointed day fixed for the purposes of section 137 (Prohibition of unregistered night cafés) of this Act in the city,

the Late Night Refreshment Houses Act 1969 shall cease to apply to premises in the city and any premises in the city licensed under the said Act of 1969 shall, until the end of March next following the appointed day, be deemed to be registered for use as a night café under this Head of this Part.

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1969 c. 53.

C. Miscellaneous

Smoke control in Manchester.

145.—(1) Any order made under section 35 (Prohibition of smoke in certain areas) of the Manchester Corporation Act 1946 before the passing of this Act shall continue to have effect and that section shall continue to have effect for the purpose of enforcing any such order notwithstanding the provisions of section 262 (9) of the Act of 1972.

1946 c. xxxviii.

(2) This section, the said section 35 and any order made under that section shall cease to have effect—

(*a*) at the end of the period of two years after the passing of this Act; or

(*b*) on the coming into operation of any order made by the Manchester council under section 11 of the Clean Air Act 1956 (smoke control areas) in respect of the area defined in the said section 35 as " the central area " as extended by any order made under that section, or any part of that area;

1956 c. 52.

whichever is the earlier.

Cemeteries in Manchester.

146. The following enactments shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to them:—

Section 68 (Use of Christ Church Graveyard) and section 70 (Removal of human remains) of the Manchester Corporation Act 1958;

1958 c. vii (7 & 8 Eliz. 2).

Part IV (Disused burial ground and cemetery) of the Manchester Corporation Act 1967:

1967 c. xl.

Provided that—

(*a*) section 70 (4) of the said Act of 1958 shall have effect as if after the word " The " there were inserted the word " reasonable " and as if the words " (not exceeding in respect of remains removed from any one grave and any tombstone relating thereto the sum of thirty pounds) " and the words " such sum to be apportioned fairly according to the number of remains in the grave " were omitted;

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(*b*) in section 70 (8) of the said Act of 1958, for the words " under the supervision and to the satisfaction of the medical officer of the city " there shall be substituted the words " in accordance with any directions that may be given by the Secretary of State ";

(*c*) section 18 (5) of the said Act of 1967 shall have effect as if after the word " The " there were inserted the word " reasonable " and as if the words " (not exceeding in respect of remains removed from any one grave the sum of forty pounds) " and the words " such sum to be apportioned if necessary equally according to the number of remains in the grave " were omitted;

(*d*) in section 18 (9) of the said Act of 1967, for the words " under the supervision and to the satisfaction of the medical officer of health of the city " there shall be substituted the words " in accordance with any directions that may be given by the Secretary of State ".

Open spaces in Manchester.

147. The following enactments shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to them:—

1851 c. cxix. Section CXXXIX (For the Protection of certain Waste Land called Ardwick Green) of the Manchester General Improvement Act 1851;

1891 c. ccvii. Section 23 (Confirming scheduled agreement) of the Manchester Corporation Act 1891 and the Schedule to that Act;

1901 c. cxciii. Section 33 (Stopping up of footpaths at Boggart Hole Clough) of the Manchester Corporation Act 1901;

1904 c. ccxxxv. Section 96 (Confirming lease of Whitworth Park) of the Manchester Corporation (General Powers) Act 1904 and Schedule 8 to that Act;

1930 c. clxxviii. Section 47 (Land at Alexandra Park) of the Manchester Corporation (General Powers) Act 1930.

Art galleries.

148.—(1) The Manchester council shall arrange under section 101 of the Act of 1972 (arrangements for the discharge of functions by local authorities) for the discharge of their functions relating to art galleries by a committee and they shall appoint a committee under section 102 of the Act of 1972 (appointment of committees) to discharge those functions and any other functions which, under arrangements made by the council under the said section 101, are to be carried out by that committee.

PART XV —*cont.*

(2) The said committee shall consist of twenty-one members (or such greater number as the Manchester council may from time to time decide) of whom seven (or such lesser number as may be agreed between the Manchester council and the Victoria University of Manchester) shall be appointed by the University.

Manchester Central Art Gallery. 1882 c. cciii.

149.—(1) In this section " the art gallery " means the Manchester Central Art Gallery being the land and building described in Schedule 2 to the Manchester Corporation Act 1882, and the land and building adjacent thereto known as the Athenaeum Annexe.

(2) The art gallery and all works or other objects of art therein shall be held upon trust by the Manchester council for the benefit of the citizens of Manchester and shall at all times be kept in fit and proper order.

(3) Notwithstanding anything in subsection (2) above, the Manchester council may from time to time sell or exchange any works or other objects of art for the time being acquired by them for the art gallery but the money arising from any such sale shall be applied in the purchase of other works or other objects of art and for no other purpose and any such works or objects received in exchange shall take the place for all purposes of the works or objects given in exchange:

Provided that where any work or object has become vested in the Manchester council by virtue of a gift or bequest—

(*a*) the Manchester council shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this subsection; and

(*b*) the powers conferred by this subsection shall not, during a period of twenty-one years commencing on the date on which it became vested, be exercisable as respects that work or object in any manner inconsistent with any condition attached to the gift or bequest, except with the consent of the donor or the personal representatives or trustees of the donor.

(4) The Manchester council may from time to time accept by way of gift or bequest any works or other objects of art which they consider to be desirable acquisitions and all such works or objects shall belong to and form part of the art gallery.

(5) The Manchester council shall continue to administer the fund established under section 14 of the Manchester Corporation Act 1882 and they shall devote the same at their discretion to the purchase of works or other objects of art to be held in trust for the benefit of the citizens of Manchester and all such works or objects shall belong to and form part of the art gallery.

PART XV —*cont.*

(6) Admission of the public to the art gallery shall be free of charge on such days of the week as the Manchester council may determine and the council shall determine the terms and conditions of admission of the public on other days.

Guarantees for Manchester Ship Canal Company.

150.—(1) The Manchester council may, in such manner and subject to such conditions as they think fit, guarantee the repayment of capital of or the payment of interest on, or both the repayment of capital of and the payment of interest on, mortgages, debentures, debenture stock, bonds or other securities granted, created or issued by the Manchester Ship Canal Company (in this section referred to as " the company ") for securing the repayment of any sum or sums which, when added to any sum or sums in respect of which a guarantee has been given under 1950 c. lvii. section 37 (1) of the Manchester Corporation Act 1950, do not exceed in the aggregate £5,000,000 and which the company are or may be authorised to borrow for the purposes of their undertaking.

(2) The Manchester council may, on such terms and conditions as they think fit, lend to the company for the purpose of their undertaking such sum or sums of money as may be agreed between the Manchester council and the company:

Provided that the total amount lent under this subsection or section 37 (2) of the said Act of 1950 shall not, when added to any amount borrowed by the company in respect of which a guarantee has been given under subsection (1) above or section 37 (1) of the said Act of 1950, at any time exceed the sum of £5,000,000.

(3) (*a*) Any sum required by the Manchester council for fulfilling any guarantee given under subsection (1) above, and any sum lent by the Manchester council to the company under subsection (2) above in accordance with agreements existing at the passing of this Act, may be borrowed by the Manchester council and all moneys so borrowed shall be repaid within such period as the Manchester council may determine not exceeding sixty years from the date or dates of borrowing.

(*b*) This subsection shall cease to have effect on 30th November 2001.

(4) The Manchester council and the company may enter into and carry into effect agreements for and with respect to the purposes of this section.

Saving for certain enactments relating to Manchester Ship Canal Company. 1891 c. clxxxi. 1893 c. xix. 1904 c. lxxiv. 1913 c. lix.

151. The Manchester Ship Canal Act 1891, the Manchester Corporation (Ship Canal) Act 1893, the Manchester Ship Canal (Finance) Act 1904 and the Manchester Ship Canal Act 1913 shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to those Acts.

PART XV —*cont.*

North-Western Museum of Science and Industry.

152.—(1) The Manchester council, the county council, the university and the institute and any other body or bodies or the Manchester council and any one or more of those bodies may by agreement provide or maintain or both provide and maintain a museum of science and industry (in this section referred to as " the museum ") and may employ such officers and servants and do all such things as may be necessary or expedient for or in connection with the provision or maintenance thereof.

(2) Without prejudice to the generality of the foregoing subsection, there may be provided in the museum—

(*a*) machinery, equipment, exhibits and things of scientific and technological interest; and

(*b*) a planetarium.

(3) The museum shall be deemed to be a museum provided and maintained by a local authority under section 12 of the Public Libraries and Museums Act 1964 and sections 13, 15, 19 and 20 of that Act shall, with the necessary adaptations, apply accordingly. 1964 c. 75.

(4) In or in connection with the museum, provision may be made for—

(*a*) the giving of lectures (including the giving of lectures in schools or elsewhere), teaching and the provision of facilities for research;

(*b*) the giving of information and advice and the publication of bulletins, journals or other documents;

(*c*) receiving by way of purchase or loan exhibits, specimens and other objects and the lending of the same to other persons;

(*d*) the provision and maintenance (on payment or otherwise) of such facilities as may be expedient for the promotion or furtherance of science and technology or scientific, historic or other research; and

(*e*) the provision of meals and refreshments and the making of reasonable charges therefor:

Provided that nothing in paragraph (*e*) above shall affect the provisions of any enactment by virtue of which a licence is required for the sale of intoxicating liquor.

(5) The Manchester council, the county council, the university and the institute and any other body with whom an agreement has been made under subsection (1) above may concur in appointing a joint committee for the exercise of such of the functions under the preceding provisions of this section as may be agreed.

PART XV —*cont.*

(6) An agreement entered into between the Manchester council, the county council, the university and the institute and any other body under this section may (inter alia) provide—

(*a*) that the Manchester council shall provide or maintain a building for the museum;

(*b*) that a building provided or maintained by the Manchester council for the purposes of this section shall, for such period and on such terms and conditions as may be specified in the agreement, be used jointly by the Manchester council, the county council, the university and the institute and any such other body for such purposes;

(*c*) for the making of contributions by the Manchester council, the county council, the university and the institute and any such other body towards the expenditure incurred in the provision and maintenance of any building as a museum and any other expenditure incurred for the purposes of this section;

(*d*) for the constitution of a joint committee appointed under subsection (5) above and the regulation of its proceedings.

(7) In this section—

" the university " means the Victoria University of Manchester;

" the institute " means the University of Manchester Institute of Science and Technology.

PART XVI

WIGAN PROVISIONS

Haigh Hall Estate.

153.—(1) In this section " the Haigh Hall Estate " means the area including Haigh Hall known as the Haigh Hall Estate and shown edged pink on the plan marked " Haigh Hall Estate, Wigan " and prepared in triplicate, one copy of which has been deposited in the office of the Clerk of the Parliaments, one in the Private Bill Office of the House of Commons and one in the office of the proper officer of the Wigan council.

(2) The Wigan council shall continue to have the control and management of the Haigh Hall Estate together with all buildings now existing or hereafter erected thereon.

(3) (*a*) The Wigan council may provide a zoological garden in the Haigh Hall Estate and for that purpose may—

(i) purchase or acquire zoological specimens and exhibits;

(ii) enclose any part of the Haigh Hall Estate and exclude the public from the parts so enclosed;

PART XVI —*cont.*

(iii) provide such buildings and execute such works as may be necessary or expedient;

(iv) at such zoological garden provide and sell articles and commodities subject to the provisions of all enactments relating thereto;

(v) enter into any agreement or arrangement for the provision and sale at such zoological garden of such articles and commodities;

(vi) grant upon such terms and conditions and for such periods as they may think fit the right to provide and sell such articles and commodities:

Provided that the Wigan council shall not create or permit the creation or continuance of any nuisance on any land used by them under the powers of this subsection for the purpose of a zoological garden.

(*b*) The Wigan council may either—

(i) themselves manage a zoological garden provided under this subsection; or

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

As to certain highways in Wigan.

154.—(1) In this section—

" the agreement of 1871 " means the agreement made between the parties dated 26th June 1871, and contained in Schedule (D.) to the Wigan Rectory Glebe Act 1871; 1871 c. *7*.

" the agreement of 1874 " means the agreement made between the parties dated 27th March 1874, and contained in Schedule 2 to the Wigan Improvement Act 1874; 1874 c. cxxiv.

" the agreement of 1878 " means the agreement made between the parties dated 29th May 1878, and contained in Schedule (B.) to the Local Government Board's Provisional Orders Confirmation (Dawlish, &c.) Act 1878; 1878 c. clxv.

" the agreements " means the agreement of 1871, the agreement of 1874 and the agreement of 1878;

" the parties " means the Honourable and Reverend George Thomas Orlando Bridgeman, rector of the rectory and parish church of Wigan in the county palatine of Lancaster; the Right Honourable Orlando George Charles Earl of Bradford, patron of the said rectory; and the mayor, aldermen and burgesses of the borough of Wigan.

PART XVI —*cont.*

(2) Notwithstanding anything in the agreements or in the Acts confirming the same, all roads, footways, carriageways and entrances which by virtue of the agreements are to be maintained for ever by the mayor, aldermen and burgesses of the borough of Wigan and their successors shall be deemed to be highways maintainable at the public expense and subject for all purposes to the provisions of the Act of 1980.

Wigan Market Square and Mesnes Park.

155.—(1) As from the commencement of this Act, nothing in any of the following:—

1871 c. 7.

(*a*) the Wigan Rectory Glebe Act 1871;

(*b*) the agreement in Schedule (D.) to that Act;

1874 c. cxxiv.

(*c*) section 45 of the Wigan Improvement Act 1874;

(*d*) the agreement in Schedule 2 to that Act;

1878 c. clxv.

(*e*) so much of the Local Government Board's Provisional Orders Confirmation (Dawlish, &c.) Act 1878 as comprises the Provisional Order for altering the Wigan Improvement Act 1874;

(*f*) section 3 of, and Schedule (B.) to, the said Act of 1878; and

1933 c. lxxx.

(*g*) section 75 of the Wigan Corporation Act 1933;

shall restrict the development or use of the land described in section 75 of the said Act of 1933 or the development or use for any education purposes of that part of plot number 2 referred to in the agreement mentioned in paragraph (*b*) above which was therein authorised to be used in connection with the Wigan Free Grammar School.

(2) Section 262 (9) of the Act of 1972 shall not apply to the provisions mentioned in paragraphs (*c*) to (*g*) of subsection (1) above or to section 46 of the Wigan Improvement Act 1874.

Saving for Amberswood Common, Wigan.

1889 c. xliv.

156. The Commons Regulation (Amberswood) Provisional Order Confirmation Act 1889 shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to that Act.

PART XVII

OLDHAM AND ROCHDALE PROVISIONS

Thornham district burial rights.

157.—(1) In this section "the Thornham district" means so much of the metropolitan boroughs of Oldham and Rochdale as before 1894 formed part of the parish of Thornham.

PART XVII —*cont.*

(2) The inhabitants of the Thornham district shall continue to have the right of burial—

(*a*) in the cemeteries of the Rochdale council known as the Middleton Old Cemetery and the Middleton New Cemetery; and

(*b*) in any new cemetery provided by the Rochdale council to serve so much of the metropolitan borough of Rochdale as comprises the former borough of Middleton.

(3) The fees and charges (other than fees for services rendered by any minister of religion or sexton) in relation to the burial of inhabitants of the Thornham district in the said Middleton Old Cemetery or the said Middleton New Cemetery or in any new cemetery provided by the Rochdale council as aforesaid shall not exceed by more than 50 per centum the corresponding fees and charges for the time being in force in relation to the burial of inhabitants of the metropolitan borough of Rochdale.

Saving for Boarshaw Estate, Middleton. 1910 c. cxxx.

158.—(1) Section 13 (Confirmation of purchase of Boarshaw Estate and appropriation thereof) of the Middleton Corporation Act 1910 and Schedule 5 to that Act shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to them.

(2) The cemetery forming part of the Boarshaw Estate, Middleton, shall be deemed to be held under section 214 of the Act of 1972.

PART XVIII

BOLTON PROVISIONS

Municipal Golf Course, Lostock.

159. As from the commencement of this Act the golf course in the metropolitan borough of Bolton known as "Lostock Municipal Golf Course" shall be deemed to be provided by the Bolton council under section 19 of the Act of 1976 (recreational facilities).

Smoke control in Bolton. 1949 c. xliii.

160.—(1) Any order made under section 43 (Smokeless zones) of the Bolton Corporation Act 1949 before the passing of this Act shall continue to have effect and that section shall continue to have effect for the purpose of enforcing any such order notwithstanding the provisions of section 262 (9) of the Act of 1972.

(2) This section, the said section 43 and any order made under that section shall cease to have effect—

(*a*) at the end of the period of two years after the passing of this Act; or

(*b*) on the coming into operation of any order made by the Bolton council under section 11 of the Clean Air Act 1956 (smoke control areas) in respect of any area mentioned in an order made under the said section 43 or any part of any such area; 1956 c. 52.

whichever is the earlier.

PART XVIII —*cont.*

Saving for section 5 of Lever Park Act 1969.

1969 c. xxxvi.

161. Section 5 (Power for Corporation to transfer Lever Park) of the Lever Park Act 1969 shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to that section.

PART XIX

MISCELLANEOUS

Restriction on use of armorial bearings.

162.—(1) If any person uses in connection with any trade, business, calling or profession the armorial bearings of a local authority or a parish council, or an emblem or device closely resembling those armorial bearings, 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 or parish council (as the case may be) be restrained by injunction from continuing to use them.

(2) If any person without the consent of a local authority or a parish council uses in connection with any trade, business, calling or profession any part of the armorial bearings of that authority or council, 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 or council, he may at the suit of the local authority or parish council (as the case may be) 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.

Unauthorised activities on playing fields, etc.

163.—(1) If, without the consent of the appropriate authority, any person takes part in any game or sport on any land forming part of a playground, playing field or sports complex under the control of or maintained by the local education authority, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50:

Provided that no person shall be liable to any fine under this section unless it is proved that at the material time notices warning persons of their liability under this section were posted so as to be readily seen by members of the public in such positions on or near the boundary of the playground, playing field or sports complex (as the case may be) as appear to the court to be appropriate.

(2) Any person found taking part in or causing or encouraging other persons to take part in any game or sport on any such playground, playing field or sports complex (as the case may be) without authority as aforesaid may be removed from the playground or playing field or sports complex by any person duly authorised in that behalf by the appropriate authority.

PART XIX —*cont.*

(3) In this section the expression " appropriate authority " means the local education authority or such other person or persons as are, in accordance with the provisions of section 22 of the Education Act 1944, entitled to control the occupation and use of the playground, playing field or sports complex at the material time. 1944 c. 31.

Pedal cycles.

164.—(1) In this section—

" cycle " has the meaning given by section 196 (1) of the Road Traffic Act 1972; 1972 c. 20.

" pedestrian area " means any place—

(*a*) over which at the material time, in the case of land dedicated to public use, the public have a right of way on foot only, not being a footway; or

(*b*) to which at the material time, in the case of land not so dedicated, the public are permitted to have access on foot only.

(2) A district council may, with the consent of the highway authority, by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the riding of cycles in any pedestrian area in the district:

Provided that notice shall not be given in respect of land not dedicated to public use except with the consent of the owner of that land.

(3) For the purpose of subsection (2) above notice shall be given by displaying it in a conspicuous position on or near the pedestrian area to which it relates.

(4) Any person who without reasonable excuse contravenes a notice given under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(5) In any case in which proceedings can be taken either under this section or under a byelaw made under section 35 (6) of the Act of 1980 (creation of walkways by agreement) those proceedings shall be taken under that byelaw and not under this section.

Prohibition of parking of goods vehicles in front gardens.

165.—(1) In this section—

" front garden " means so much of the curtilage of a dwelling-house fronting on a street as lies between that street and—

(*a*) any building line within the curtilage prescribed under section 74 of the Act of 1980 or any other enactment; or

(*b*) if there is no such building line, a line, parallel to the street, which passes through the forwardmost part of any wall of the dwelling-house nearest to the street;

PART XIX —*cont.*

" goods vehicle " means a vehicle, whether mechanically propelled or not, constructed or adapted for the carriage of goods, not being a vehicle falling within paragraph (*a*) of the definition of small goods vehicle in section 60 (4) of the Transport Act 1968 or a dual purpose vehicle as defined in paragraph 14 of Schedule 5 to the Act of 1967;

1968 c. 73.

" residential street " means a street predominantly fronted either by residential or mainly residential buildings or by such buildings and schools or public open spaces.

(2) (*a*) If, after the appointed day in any district it appears to the district council whether in consequence of a representation made to the district council in accordance with paragraph (*b*) below or otherwise, that the amenities of any part of the district are prejudicially affected by the habitual use of any land within the front garden of any dwelling-house in a residential street in the district for the parking in the open of one or more goods vehicles, the district council may, by an order made in accordance with this section, prohibit the use of land within the front gardens of the dwelling-houses in the street, or any part thereof, specified in the order for the parking in the open of goods vehicles.

(*b*) A representation under paragraph (*a*) above shall be made in writing and signed by local government electors residing in not less than five dwelling-houses, being dwelling-houses in the street concerned, or dwelling-houses in any other such street which are within 100 metres of the land in question.

(3) (*a*) If the district council propose to make an order under this section, they shall—

(i) publish a notice stating the effect of the proposal in a newspaper circulating in the district; and

(ii) post copies of the notice in a conspicuous position at each end of each street or part thereof to which the proposal relates; and

(iii) serve a copy of the notice and a statement of the nature of the representations (if any) made under subsection (2) above on the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates.

(*b*) The notice under paragraph (*a*) above shall state where the draft order can be inspected and copies purchased and that objections to the order may be made in writing to the district council before such day, not earlier than twelve weeks after the council have complied with paragraph (*a*) above, as shall be specified in the notice.

(*c*) Before making the order the district council shall—

(i) consider all objections made as provided in paragraph (*b*) above and the availability of parking facilities;

(ii) consult the chief officer of police, the highway authority (if any) for the street in question and, if the county council are not the highway authority or if the street is not a highway, the county council; and

(iii) afford to the owner or occupier of every dwelling-house in the street or part thereof to which the draft order relates, being a person who has made objection, an opportunity of being heard by a committee or sub-committee of the district council.

(4) If, after considering objections made under subsection (3) above, the district council determine to make the order, they may make the order in the terms of the draft, or in those terms as modified to meet in whole or in part all or any of the objections but if the district council consider that any person may be adversely affected by any such modification they shall, before making the order, take such steps as appear to them to be appropriate for informing the persons likely to be so affected of the modification, for giving those persons an opportunity to make representations and for ensuring that any such representations are duly considered by the district council.

(5) When an order has been made by the district council under this section they shall publish notice of it, and of the right of appeal under subsection (9) below, in the manner required by subsection (3) (*a*) above for notice of a proposal.

(6) (*a*) Any order made under this section shall come into operation at the expiration of the period of three months after the district council have published notice of the making of the order pursuant to subsection (5) above or, if an appeal is lodged under subsection (9) below, when the appeal is disposed of or withdrawn or fails for want of prosecution.

(*b*) Any such order shall have effect for such period, not exceeding five years, as the district council may determine, but this paragraph does not prejudice the power of the district council to make a further order.

(7) A district council may revoke an order made under this section and may vary an order so made so as to diminish the scope thereof.

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

(9) (*a*) A person who is aggrieved by an order under this section may, within twenty-eight days after the first publication of the notice of the making of the order under subsection (5) above, appeal to the county court.

PART XIX —*cont.*

(*b*) On an appeal to the county court under this subsection the judge may make such order, either confirming or quashing or varying the order as he thinks fit, but shall not so vary the order that it is more onerous than the order made by the district council.

(10) Nothing in any order made under this section shall prevent the waiting of a goods vehicle on any land within the front garden of a dwelling-house for such period as is reasonably necessary for loading or unloading or for dealing with a breakdown or other emergency.

(11) For the purposes of this section a vehicle having an unladen weight exceeding 1,525 kg. in which there is installed freezing equipment designed or used for the manufacture of ice-cream or any similar commodity and which but for the installation of that equipment would have had an unladen weight of 1,525 kg. or less shall be deemed not to be a goods vehicle, but the exemption afforded to such a vehicle by this subsection shall only have effect—

(*a*) if and so long as the equipment is not in operation; or

(*b*) if the equipment is in operation, if and so long as it is so operated as not to cause a nuisance by reason of the noise of the equipment in operation or the smell emanating from it.

(12) If any person uses, or permits to be used, land within the front garden of a dwelling-house in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Hackney carriage fares.

166.—(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 within the county but outside the district less than four miles 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

PART XIX —*cont.*

(*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 six 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 Act of 1967, for the driver to ply for hire or to accept passengers for hire.

Signs on vehicles.

167.—(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

PART XIX —*cont.*

the grant of a licence for that vehicle under section 48 of the Act of 1976 or any corresponding local enactment 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.

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

PART XX

GENERAL

Disputes about compensation.

168.—(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 High Court of proceedings commenced in a county court).

PART XX —*cont.*

Local inquiries.

169. A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Saving for conduct of business or practice or use of premises.

170.—(1) Where under any provision of this Act the carrying on of a specified business or practice or the use of premises for a specified purpose is subject to a requirement for registration with, or for the issue of a licence or consent by, a local authority, it shall be lawful for any person who—

(*a*) immediately before the day on which the requirement comes into operation is carrying on any such business or practice or using premises for any such purpose; and

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

to carry on that business or practice, or, as the case may be, to use those premises for that purpose pending the issue of a certificate of registration or 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 173 (Suspension of proceedings pending appeal) of this Act.

(2) Where any such registration or licence is required by this Act to be renewed from time to time, it shall be lawful for a person who carries on a business or practice or uses premises for any purpose, having obtained (or renewed) the necessary registration or licence and having during the currency thereof duly applied for the renewal thereof to continue to carry on that business or practice or, as the case may be, 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 the said section 173.

Appeals to magistrates' court.

171.—(1) Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act.

(2) In its application within the county, section 301 of the Act of 1936 shall have effect as if after the word " by " where it first occurs there were inserted the words " or a local authority or parish council who are party to proceedings forming the subject of ", as if after the word " is " there were inserted the words " or are " and as if after the word " he " there were inserted the words " or they ".

Appeals to Secretary of State.

172.—(1) On an appeal to the Secretary of State under any provision of this Act mentioned in subsection (2) below, the

PART XX —*cont.*

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 61 (Parking places: safety requirements), subsection (6);

In section 64 (Fire precautions in high buildings), subsection (5);

In section 65 (Fire precautions in large storage buildings), subsection (6);

Section 70 (Part VIII appeals);

In section 73 (Transitional provisions for Part VIII), 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 70 may give directions for the granting of a consent subject to such conditions as the county council may impose under section 69 (Unlawful stacks) of this Act.

(4) Where the Secretary of State gives a decision in proceedings on any such appeal, the appellant or the local authority may appeal to the High Court against the decision on a point of law.

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act 1925 (Jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

1925 c. 49.

(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.

173. 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 deci-

sion 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.

Arbitration.

174. Where under this Act any question is to be determined by arbitration, then, unless otherwise provided, the question 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.

Restriction on right to prosecute.

175. The written consent of the Attorney-General is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, a parish council or a constable.

Crown rights.

176.—(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—

(*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

(*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.

PART XX —*cont.*

(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 Secretary of State.

1950 c. 39.

Liability of directors, etc.

177.—(1) Where an offence under this Act or against any byelaw made under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

(2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Penalty for obstruction.

178. 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.

179.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below or under any byelaws made thereunder 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	31	(Registration of hawkers of food and their premises);
Section	32	(Acupuncturists, tattooists, ear-piercers, electrolysists, etc.);
Section	34	(Dust, etc., from building operations);
Section	35	(Carrying or storage of waste food);
Section	54	(Dealers in second-hand goods);
Section	56	(Notice of street processions);
Section	58	(Safety of stands);
Section	60	(Touting, hawking, photographing, etc.);
Part VII		(Fire precautions);
Section	72	(Offences under Part VIII);
Section	75	(Prohibition of unregistered entertainment clubs);

PART XX —*cont.*

Section 76 (Offences in connection with entertainment clubs);

Paragraphs (*a*) to (*c*) of section 92 (Offences under Part X);

Section 110 (Offences under Part XIII);

Subsection (1) of section 133 (Offences under Head A of Part XV);

Section 137 (Prohibition of unregistered night cafés);

Section 138 (Offences in connection with night cafés).

(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 seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying, or assisting in the identification of, that other person.

Application of general provisions of Act of 1936.

180.—(1) The sections of the Act of 1936 mentioned in Schedule 4 to this Act, shall have effect as if references therein to that Act included references to this Act.

(2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

Section 22 (Street numbers);

Section 30 (Hairdressers and barbers);

Section 31 (Registration of hawkers of food and their premises);

Section 32 (Acupuncturists, tattooists, ear-piercers, electrolysists, etc.);

Section 34 (Dust, etc., from building operations);

Section 35 (Carrying or storage of waste food);

Section 36 (Power to order alteration of chimneys);

Section 40 (Protection of damaged buildings);

Section 41 (Securing unoccupied buildings);

Section 46 (Extension of summary power to remedy stopped-up drains);

Section 47 (Urgent repairs to water, gas and electricity apparatus);

Section 48 (Artificial lighting in habitable rooms, etc.);

Section 49 (Trees impeding natural light to houses, shops and offices);

PART XX —*cont.*

Section 51 (Closure of insanitary food premises and stalls);

Section 54 (Dealers in second-hand goods);

Section 58 (Safety of stands);

Section 60 (Touting, hawking, photographing, etc.);

Part VII (Fire precautions);

Part VIII (Storage of flammable material);

Head A of Part XV (Manchester provisions):

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 twenty-four hours' notice of intended entry shall, except in case of emergency, be given to that board and that 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 Health and Safety at Work etc. Act 1974. 1974 c. 37.

181.—(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 34 (Dust, etc., from building operations);

Section 39 (Control of demolitions);

Section 65 (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 66 (Fire and safety precautions in public and other buildings);

PART XX —*cont.*

Section 145 (Smoke control in Manchester);
Section 160 (Smoke control in Bolton).

Saving for Fire Precautions Act 1971. 1971 c. 40.

182. 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 this Act had been passed before the coming into operation of that subsection.

Repeals.

183.—(1) The Acts specified in Schedule 5 to this Act are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions contained in Schedule 6 to this Act shall have effect.

SCHEDULES

Section 16.

SCHEDULE 1

PARKS AND RECREATION GROUNDS

	(1) Park or recreation ground	(2) Enactments
1864 c. cci.	Queen's Park, Bolton (formerly known as Bolton Park)	Sections 66 to 77 of the Bolton Improvement Act 1864.
1865 c. xii.	Recreation ground on the north-westerly side of Lever Street, Bolton (now known as Heywood Park)	Sections 18 to 20 of the Bolton Improvement Act 1865.
1872 c. lxxviii.	Darbishire Recreation Ground, Bolton (now known as Darbyshire Park)	Section 83 of the Bolton Corporation Act 1872.
1862 c. ccv.	Peel Park, Salford	Sections 231 to 234 of the Salford Improvement Act 1862.
1900 c. ccxx.	Recreation ground adjoining the river Irwell at Broughton	Section 19 of the Salford Corporation Act 1900.
1886 c. lxxviii. 1881 c. cxci.	Stamford Park, Tameside	Part III of the Ashton-under-Lyne Improvement Act 1886 and Part III of the Stalybridge Extension and Improvement Act 1881.
1865 c. cccxi.	Alexandra Park, Oldham	Section 163 of the Oldham Borough Improvement Act 1865.
1903 c. cxxiii.	Hyde Park, Tameside	Section 109 of the Hyde Corporation Act 1903.
1903 c. cxxiv.	Westleigh Heath and Aspull Common, Leigh	Section 224 of the Leigh Corporation Act 1903.

SCHEDULE 2

Section 39.

SECTION 29 OF PUBLIC HEALTH ACT 1961 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 39 (CONTROL OF DEMOLITIONS) 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

(*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 2 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 the 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.

SCH. 2 —*cont.*

(4) The time within which a notice may be served under subsection (1) of this section shall be—

(*a*) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and

(*b*) in the case of a demolition undertaken to comply with a requirement contained in a demolition order under the Housing Act, 1957, at any time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and

1957 c. 56.

(*c*) in any other case, within six weeks from the beginning of the demolition.

(5) A notice under subsection (1) of this section may require the person undertaking the demolition to take action under all or any of the following paragraphs, that is to say—

(*a*) to shore up adjacent buildings,

(*b*) to weatherproof any surfaces of an adjacent building which are exposed by the demolition and to make good any damage to adjacent premises,

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

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

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

(*f*) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (*d*) or paragraph (*e*) of this subsection,

(*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 render any electric line or apparatus in or under the building to be demolished, or the part to be demolished, electrically dead and, as respects any such line or apparatus which belongs to the electricity board, to make arrangements in that behalf with that board,

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.

SCH. 2 —*cont.*

(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 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 68 of the Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus), or under any similar enactment, or 1945 c. 42.

(*b*) any obligations with respect to the disconnection, removal or other alteration of a gas pipe under any regulations having effect under section 31 of the Gas Act, 1972, 1972 c. 60.

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

(7A) Where the local authority serve notice of a requirement for the disconnection or removal of any sewer or water or gas pipe belonging to, or maintained or used by statutory undertakers, or 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 290 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

SCH. 2 —*cont.*

the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up, and

(*b*) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, or any damage to any adjacent premises to be made good, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces or of making good that damage.

(11) Where the grounds on which an appeal under the said section 290 is brought include any ground specified in the last foregoing subsection, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne as between the appellant and any such other person.

SCHEDULE 3

Section 52.

ENACTMENTS APPLIED TO CERTAIN VESSELS AND FLOATING STRUCTURES

PART I

The Act of 1936—

Section 39 (Provisions as to drainage, &c., of existing buildings);

Section 40 (Provisions as to soil pipes and ventilating shafts);

Section 42 (Power of local authority to alter drainage system of premises);

Section 44 (Buildings having insufficient closet accommodation or closets so defective as to require reconstruction);

Section 45 (Buildings having defective closets capable of repair);

Section 46 (Sanitary conveniences in factories, workshops and workplaces);

Section 51 (Care of closets);

Section 90 (Interpretation of Part II);

Part XII (General).

PART II

The Act of 1936—

Section 83 (Cleansing of filthy or verminous premises);

Section 84 (Cleansing or destruction of filthy or verminous articles);

Part III (Nuisances and offensive trades);

Section 138 (Power of local authority to require any occupied house to be provided with sufficient water supply);

Subsections (3) and (4) of section 152 (Restrictions on sending or taking infected articles to laundry or public washhouse, or to cleaners);

Section 153 (Power to prohibit home work on premises where notifiable disease exists);

Section 157 (Provisions as to the letting of houses, or rooms in hotels, after recent case of notifiable disease);

Section 158 (Persons ceasing to occupy house to disclose to owner any recent case of notifiable disease, and to disinfect);

Section 164 (Avoidance of contact with body of person who suffered from notifiable disease);

Section 165 (Wake not to be held over body of person who suffered from notifiable disease);

Section 167 (Cleansing and disinfection of premises and articles therein);

Section 168 (Power of local authority to remove temporarily inmates of infected house).

Section 180.

SCHEDULE 4

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
283 (1)	Notices to be in writing; forms of notice, &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.

SCHEDULE 5

Section 183.

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
9 Geo. 4. c. xxvi.	Stalybridge Police Act 1828.	Sections XXXV, XXXVI, LXXXII, LXXXIII, XCVIII, C and CIV to CXIX.
7 & 8 Vict. c. xl.	Manchester Police Regulation Act 1844.	Section LIX (The Corporation empowered to take down such Buildings as shall be presented as ruinous); Section CXXIII (Council empowered to purchase and appropriate Lands, &c. for Slaughterhouses); Section CLXXIV (Council empowered to make Bye Laws with respect to Hackney Carriage Drivers, Porters, &c.); and Sections CLXXXI to CXCI (Licensing of Brokers).
9 & 10 Vict. c. ccxix.	Manchester Market Act 1846.	The whole Act, except sections XXX and LIII.
10 & 11 Vict. c. xiv.	Manchester Markets Act 1847.	The whole Act.
12 & 13 Vict. c. xxxv.	Ashton-under-Lyne Improvement Act 1849.	Section XVIII (Penalty for breaking Lamps wilfully); Section XIX (Damages for Lamps broken accidentally); Section XXVIII (Power to extend and erect Market Places, &c.); Section XXIX (Power to lease Market Dues); and Section XXX (Penalty on Sale of unsound Meat).
14 & 15 Vict. c. cxix.	Manchester General Improvement Act 1851.	Section XLV (Power to Council to alter and stop up Streets, &c.).
16 & 17 Vict. c. ccxx.	Rochdale Improvement Act 1853.	Section LXXXIII (Incorporation of part of Markets and Fairs Clauses Act).
17 & 18 Vict. c. clix.	Bolton Improvement Act 1854.	Section XCIII (Incorporation of Markets and Fairs Clauses Act); Section XCIV (Corporation may make and maintain a Market in Bolton);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
17 & 18 Vict. c. clix.—*cont.*	Bolton Improvement Act 1854.—*cont.*	Section XCV (Corporation to maintain and regulate Markets and Fairs in Bolton); Section XCVI (Market Days); Section XCVII (Limits for section XIII of Markets, &c., Act); Section XCVIII (Fair Days); Section XCIX (Corporation may lease Markets and Tolls); Section C (Corporation may let Stalls in Market and Fairs); Section CI (Notice of Intention to lease to be given); Section CII (Lessee of Stalls may assign with Consent); Section CIV (Liability to Toll of Persons selling out of Market); Section CV (Slaughterhouses); and Part I of Schedule (C.).
25 & 26 Vict. c. ccv.	Salford Improvement Act 1862.	Section 104 (Chancellor and Council of the Duchy of Lancaster authorised to sell the Rights of holding Markets); Section 105 (Corporation may take Leases of Rights of holding Markets, &c.); Section 106 (Council with Consent of Duchy, may prohibit Fairs in Streets); Section 107 (Power to provide Market Places and Places for Fairs, &c., and for making Accommodation and Approaches); Section 108 (Cattle, &c. not to be sold, except in the Market or Fair, or with Licence of the Corporation); Section 109 (Regulations as to the Time particular Kind of Cattle shall be exposed for Sale); Section 110 (Animals, &c. to be speedily removed); Section 111 (Power to seize infected Cattle exposed or offered for Sale); Section 117 (Power of Appeal against Resolutions or Order of Council);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
25 & 26 Vict. c. ccv.—*cont.*	Salford Improvement Act 1862.—*cont.*	Section 120 (Power to appoint Weighing and Measuring Places, and to provide Weights, &c. and appoint Persons to attend them); Section 121 (Penalty for refusing to weigh Articles sold in Market or Fair); Section 122 (Corporation may erect Weighing Machines); Sections 129 to 137 (As to Payment and Recovery of Tolls, &c.); Section 138 (Power to make Rules and Byelaws for the Markets); Section 152 (Corporation may regulate the Height of Chimneys); Section 231 (Power to purchase Lands for Extension of Peel Park, or for Formation of Parks); Section 232 (Expenses of Maintenance, &c. of public Parks and Buildings to be paid out of Borough Fund); Section 233 (Byelaws as to Peel Park); Section 234 (Vesting Management of Park in Museum Committee); Section 286 (Places for Dancing, Music, and other public Entertainments to be licensed); Section 287 (Penalty for keeping unlicensed Dancing, &c. Rooms); Sections 326 to 336 (As to Brokers, &c.); and Schedule (B.).
27 & 28 Vict. c. cci.	Bolton Improvement Act 1864.	Sections 66 to 77 (Bolton Park).
28 & 29 Vict. c. xii.	Bolton Improvement Act 1865.	Sections 18 to 20 (Recreation Ground); and Section 21 (For preventing sales elsewhere than in the Markets, Standage Rents to be deemed Tolls).
28 & 29 Vict. c. cccxi.	Oldham Borough Improvement Act 1865.	Section 44 (Cellars, &c. not to be made under, or Steps, &c. project into Streets);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
28 & 29 Vict. c. cccxi. —*cont.*	Oldham Borough Improvement Act 1865. —*cont.*	Section 163 (Present Park to be maintained); Section 170 (Power to establish Markets and Fairs and Slaughter-houses); Section 171 (Power to purchase Interest of Oldham New Market Company); Section 175 (Power to let Tolls of Markets, &c.); Section 176 (Penalty for taking excessive Toll); Section 177 (Recovery of Tolls); Section 178 (Settlement of Disputes as to Tolls); Section 179 (Articles to be weighed if requested by Buyer); Section 180 (Penalty for Refusal to weigh, &c.); Section 223 (Dangerous Places to be repaired or enclosed); Section 225 (Regulations respecting Coffee Shops, &c.); Section 227 (Regulation of Places for Dancing, Music, and other public Entertainments); Part XV (Brokers, &c.); Section 238 (Power to make Byelaws as to Hackney Carriages and Porters Carts and Drivers); and Section 271 (Power to enter into possession, &c. where Owner fails to pay his Proportion of new Street or other Expenses).
30 & 31 Vict. c. lxxiii.	Farnworth Park and Improvement Act 1867.	Part V (Markets and Fairs); and The Schedule.
33 & 34 Vict. c. cxxix.	Salford Improvement Act 1870.	Section 84 (Other provisions as to byelaws); Section 119 (Owners to fence off dangerous places); Section 120 (Interpretation of term " drover "); Section 121 (Names of offenders against certain byelaws may be published in the market); and Section 122 (Power to regulate the leading and driving of cattle through the borough).

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
35 & 36 Vict. c. lxxviii.	Bolton Corporation Act 1872.	Section 83 (Provision respecting Darbishire Recreation Ground and others); Section 106 (Market officers may be constables, &c.); Section 107 (Admission of shows, caravans, &c.); Section 108 (Places for dancing, music, and other public entertainments); and Section 119 (Power to enter into possession, &c. where owner fails to pay his proportion of new street or other expenses).
35 & 36 Vict. c. cxlix.	Rochdale Improvement Act 1872.	Section 81 (Incorporation of general Act); Section 83 (How far Market Act of 1822 to apply to Corporation); Section 85 (Causes and rights of action reserved); Section 86 (Actions not to abate); Section 87 (Officers to be accountable for books, &c.); Section 88 (Books, &c. to be evidence); Section 89 (Byelaws to remain in force); Section 90 (General saving of rights and claims); Section 91 (Proprietors to wind up their affairs); Section 92 (Receipts in case of incapacitated person); Section 93 (Payment into court by proprietors); Section 94 (Dissolution of proprietors); Section 95 (Saving liability of individual proprietors); Section 96 (Power to maintain and enlarge cattle market, and provision and vegetable market, and hay and straw market); Section 97 (Power to establish a cattle market); Section 98 (Power to establish and provide place for fairs); Section 99 (Extinguishment of market in old market-place);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
35 & 36 Vict. c. cxlix. —*cont.*	Rochdale Improvement Act 1872.—*cont.*	Section 100 (Corporation may purchase and lord of manor to sell right of holding fairs); Section 101 (Corporation to regulate markets and fairs); Section 103 (Appointment of officers); Section 105 (Penalty on sales of cattle &c., elsewhere than in markets); Section 106 (Penalty on sale &c., of meat, &c., unfit for food of man); Section 107 (Power to regulate the leading and driving of cattle through the borough); and Part XII (Marine store dealers, &c.).
37 & 38 Vict. c. cxxiv.	Wigan Improvement Act 1874.	Part VII (Markets and Fairs) except section 55; and Schedule 3.
38 & 39 Vict. c. ci.	Salford Tramways and Improvement Act 1875.	Section 98 (Penalty for selling cattle except in the market); Section 99 (Market inspectors, &c. may be made constables); and Section 100 (Apprehension of persons ill-treating animals in the market).
40 & 41 Vict. c. clxxi.	Ashton-under-Lyne Improvement Act 1877.	Section 7 (General provision respecting markets and fairs); Section 8 (Tolls to be payable by successive occupiers of shops, &c.); Section 9 (Tolls to be payable by successive sellers of articles); Section 23 (Power to license brokers and marine store dealers); Section 24 (Power to make byelaws as to brokers, &c.); Section 25 (Licences may be suspended or revoked); Section 26 (Penalty on persons carrying on business without licence); Section 27 (Act not to extend to pawnbrokers, &c.); and So much of section 28 (Power to borrow) as relates to markets.

SCH. 5
—cont.

Chapter	Short title	Extent of repeal
40 & 41 Vict. c. clxxxviii.	Bolton Improvement Act 1877.	Section 90 (Notice not to be required for renewal of music licences, &c. in certain cases); Section 92 (Power to license dealers in marine stores); Section 93 (Power to make bye-laws as to dealers in marine stores); Section 94 (Licence may be suspended or revoked); and Section 95 (Penalty on persons carrying on business without licence).
43 & 44 Vict. c. cxxvii.	Wigan Improvement Act 1880.	Section 44 (Dancing, music, &c.); and Section 46 (Brokers to be licensed).
43 & 44 Vict. c. cxlvii.	Oldham Improvement Act 1880.	Section 75 (Provision with reference to ruinous and dangerous buildings); Section 106 (No buildings to be erected until datum stones laid); Section 107 (Sewer to be constructed before buildings erected); Section 182 (Regulations as to dogs); Part XI (Weights and Measures); and Part XII (Slaughter-houses).
44 & 45 Vict. c. cxci.	Stalybridge Extension and Improvement Act 1881.	Part III (Stamford Park); Part V (Slaughter-houses); and Section 107 (Licensing of hawkers &c.).
45 & 46 Vict. c. xcvii.	Local Government Board's Provisional Order Confirmation (No. 8) Act 1882.	Articles VIII and IX of the Order relating to Salford.
45 & 46 Vict. c. cciii.	Manchester Corporation Act 1882.	Section 10 (As to management of art gallery); Section 11 (Art gallery to be held on trust for benefit of citizens); Section 12 (As to meetings, lectures &c.); Section 13 (As to exhibitions of works of art &c.);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
45 & 46 Vict. c. cciii. —*cont.*	Manchester Corporation Act 1882.—*cont.*	Section 14 (Corporation to provide yearly sum for purchase of works of art &c.); Section 15 (As to admission to art gallery); Section 16 (Reserving privileges of governors); Section 17 (As to payment of expenses); Section 25 (Places for dancing music and other public entertainments to be licensed); and Section 26 (Penalty for keeping unlicensed dancing &c. rooms).
45 & 46 Vict. c. ccxliv.	Bolton Improvement Act 1882.	Section 35 (Power to close parks on special occasions); and Section 59 (Licence for sale out of market).
46 & 47 Vict. c. lxxi.	Heywood Corporation Act 1883.	Part VI (Markets); Section 95 (Corporation may close park on special occasions); Section 113 (Dancing music &c.); and Section 114 (Dogs).
48 & 49 Vict. c. clxxx.	Mossley Improvement Act 1885.	Section 25 (No Buildings allowed until Street formed &c.); and Part VI (Markets and slaughter-houses, &c.).
49 & 50 Vict. c. lxxviii.	Ashton-under-Lyne Improvement Act 1886.	Section 13 (Streets disused vested in Corporation); Part III (Stamford Park); Section 62 (Waste land to be fenced); Section 63 (Power to alter names of streets and names to be put up and houses to be numbered &c.); Section 117 (Power to take possession of stalls &c. for non-payment of rent &c.); Section 121 (Forfeiture of articles left in markets); Section 124 (Corporation may erect retiring rooms &c.); and Section 144 (Regulations as to dogs).

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
52 & 53 Vict. c. lvii.	Heywood Corporation Act 1889.	Section 9 (Dangerous places to be repaired or enclosed); and Section 11 (Safety of platforms erected or used on public occasions).
54 & 55 Vict. c. ccvii.	Manchester Corporation Act 1891.	Section 18 (No temporary erection to be set up without license); and Section 31 (Amendment of sections 25 and 26 of Manchester Corporation Act 1882).
56 & 57 Vict. c. clxxxii.	Wigan Corporation Act 1893.	Section 27 (Additional tolls &c. may be sanctioned); Section 28 (Amendment of Act of 1874 s. 63 as to forfeiture of animals left in market); and Section 29 (Power to close market hall).
56 & 57 Vict. c. cxcv.	Ashton-under-Lyne Corporation Act 1893.	Part VI (Market provisions).
61 & 62 Vict. c. cxxxv.	Wigan Corporation Act 1898.	Section 37 (Saving for hawkers and for sales in shops).
63 & 64 Vict. c. ccxx.	Salford Corporation Act 1900.	Section 19 (Corporation may acquire by agreement for recreation ground certain land bounded by River Irwell).
63 & 64 Vict. c. ccxli.	Oldham Corporation Act 1900.	Part II (Markets).
1 Edw. 7. c. cxxii.	Eccles Corporation Act 1901.	Section 63 (No buildings allowed until street formed, &c.); Section 89 (Dangerous places to be repaired or enclosed); Section 109 (Waste land to be fenced); Section 143 (As to leading or driving cattle); and Section 161 (Power to grant gratuities in certain cases).
2 Edw. 7. c. ccxxviii.	Wigan Corporation Act 1902.	Section 68 (Notice of procession to be given).
3 Edw. 7. c. cxxiii.	Hyde Corporation Act 1903.	Section 6 (Power to Corporation as to common pipes for water supply);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
3 Edw. 7. c. cxxiii. —*cont.*	Hyde Corporation Act 1903.—*cont.*	Section 31 (As to temporary and movable buildings); Section 41 (Dangerous places to be repaired or enclosed); Section 109 (As to Hyde Park); Section 140 (Notice of processions to be given); and Part XIV (Slaughter-Houses).
3 Edw. 7. c. cxxiv.	Leigh Corporation Act 1903.	Section 126 (No buildings allowed until street formed &c.); Section 142 (As to temporary and moveable buildings); Section 151 (Dangerous places to be repaired or enclosed); Section 174 (Vacant land to be fenced); Part XIII (Markets and Slaughter-Houses); Section 215 (Notice of processions to be given); Section 224 (Power to use Westleigh Heath and Aspull Common as public pleasure grounds); and Section 262 (Power to grant gratuities in certain cases).
4 Edw. 7. c. ccxxvi.	Stretford Urban District Council Act 1904.	Section 58 (No buildings allowed until line and level of street defined).
5 Edw. 7. c. cciv.	Bolton Corporation Act 1905.	Section 96 (Corporation Slaughter-houses).
9 Edw. 7. c. clix.	Bury Corporation Act 1909.	Part V (Markets Fairs and Slaughter-houses); Section 109 (Occasional use of parks &c.); Section 128 (No building allowed until street defined); Section 154 (As to vaults &c. under streets); Section 294 (Notice of processions to be given); Section 302 (Power to grant gratuities in certain cases); and Schedule 8.
10 Edw. 7 & 1 Geo. 5. c. cxxx.	Middleton Corporation Act 1910.	Section 25 (Reserving rights of burial in cemetery).
10 & 11 Geo. 5. c. cxlviii.	Salford Corporation Act 1920.	Section 86 (Restriction on erection of temporary stands balconies &c.);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
10 & 11 Geo. 5. c. cxlviii. —*cont.*	Salford Corporation Act 1920.—*cont.*	Section 128 (Increase of market tolls &c.); Section 129 (Extension of Sections 116 to 119 of Public Health Act 1875); Section 130 (Power to take possession of stalls for non-payment of rent); Section 132 (Power to lease standings in markets); and Section 194 (Power for constables to enforce byelaws as to parks &c.).
11 & 12 Geo. 5. c. xciii.	Wigan Corporation Act 1921.	Section 69 (Power to take possession of stalls for non-payment of rent); Section 88 (Restriction on erection of temporary stands balconies &c.); Section 94 (No building allowed until street defined); Section 144 (Lost property); and Section 147 (Further provision as to brokers licences).
12 & 13 Geo. 5. c. xciii.	Bolton Corporation Act 1922.	Section 132 (Restriction on erection of temporary stands, &c.); and Part XVII (Markets and Slaughter-houses).
14 & 15 Geo. 5. c. lxxxvii.	Ashton-under-Lyne Corporation Act 1924.	Part IV (Markets Fairs and Slaughter-houses); Section 55 (Restriction on erection of temporary stands &c.); and Section 98 (As to licensing of premises used for boxing).
14 & 15 Geo. 5. c. xcv.	Manchester Corporation Act 1924.	Part IX (Establishments for massage or special treatment).
15 & 16 Geo. 5. c. xliv.	Rochdale Corporation Act 1925.	Section 133 (Notice of processions to be given).
15 & 16 Geo. 5. c. xlvii.	Bolton Corporation Act 1925.	Section 83 (Provisions as to processions in streets).
15 & 16 Geo. 5. c. xcvii.	Oldham Corporation Act 1925.	Section 166 (As to period for which parks may be closed); Section 251 (As to street vendors of food); and Section 269 (Notice of processions to be given).

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
22 & 23 Geo. 5. c. xi.	Rochdale Corporation Act 1932.	Section 19 (Provisions as to tents vans &c.).
22 & 23 Geo. 5. c. lxix.	Bury Corporation Act 1932.	Section 138 (Restriction on erection of temporary stands &c.); Section 146 (As to defective drains &c.); Section 192 (As to street vendors of food); Section 199 (Power of constables to enforce byelaws as to parks &c.); Section 235 (Power to provide tubs for trees &c.); and Section 245 (Corporation may provide automatic weighing machines).
23 & 24 Geo. 5. c. lxxx.	Wigan Corporation Act 1933.	Section 22 (Prohibition of persons or vehicles &c. on grass margins).
23 & 24 Geo. 5. c. lxxxix.	Salford Corporation Act 1933.	Part VIII (Establishments for massage and special treatment).
24 & 25 Geo. 5. c. xcvii.	Manchester Corporation Act 1934.	Section 48 (Power to provide tubs for trees &c.); Section 49 (Trees in unadopted streets); Section 54 (Prohibition of persons vehicles &c. on grass margins); Section 95 (Period of licences for music and dancing); and Section 96 (Powers of entry and inspection).
25 & 26 Geo. 5. c. lxxxviii.	Urmston Urban District Council Act 1935.	Section 9 (Power to provide tubs for trees &c.); Section 17 (No building to be erected until street formed); Section 21 (Provisions as to tents vans &c.); Section 22 (Restriction on erection of stands &c.); Section 34 (Power to order alteration of chimneys); Section 46 (As to defective drains &c.); Section 93 (As to street vendors of food); Section 103 (Power of constables to enforce byelaws as to parks &c.); and

SCH. 5
—cont.

Chapter	Short title	Extent of repeal
25 & 26 Geo. 5. c. lxxxviii. *—cont.*	Urmston Urban District Council Act 1935.— *cont.*	Section 125 (Notice of processions to be given).
1 & 2 Geo. 6. c. lvi.	Swinton and Pendlebury Corporation Act 1938.	Section 40 (Prohibition of persons vehicles &c. on grass margins); Section 52 (Power to provide tubs for trees &c.); Section 57 (Restriction on erection of temporary stands &c.); Section 61 (Power to order alteration of chimneys); Section 67 (No building allowed until street defined); Section 68 (No building to be erected until street formed); Section 74 (Planting of trees in private streets); Section 105 (Extension of section 169 of Public Health Act 1875); Section 108 (Registration of hawkers of meat fish fruit and vegetables and premises); Section 123 (As to use of parts of recreation grounds for parking places); and Section 162 (Notice of processions to be given).
1 & 2 Geo. 6. c. xciv.	Lancashire County Council (Rivers Board and General Powers) Act 1938.	Section 100 (Gratuities to dependants of employees); Section 115 (Registration in county districts of hawkers of meat fish fruit and vegetables and premises); and Part IX (Boxing and wrestling entertainments); in so far as those sections relate to the county.
1 & 2 Geo. 6. c. xcvii.	Salford Corporation Act 1938.	Section 26 (No building to be erected until street formed); Section 38 (Power to Corporation to lend money for erection of buildings); and Section 44 (Rates may be recoverable from owner where they are included in rent).
9 & 10 Geo. 6. c. xxxviii.	Manchester Corporation Act 1946.	Section 29 (No buildings to be erected until street formed); Section 31 (Demolition of buildings); and

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
9 & 10 Geo. 6. c. xxxviii. —*cont.*	Manchester Corporation Act 1946.—*cont.*	Section 41 (Registration of hawkers of food and premises).
11 & 12 Geo. 6. c. xxxv.	Salford Corporation Act 1948.	Section 49 (Further powers with regard to brokers' licences).
11 & 12 Geo. 6. c. xlvii.	Rochdale Corporation Act 1948.	Section 9 (Power to Corporation to advance money for erection of buildings); Section 10 (No buildings to be erected until street formed); Section 21 (Planting of trees in private streets); Section 27 (Power to make byelaws with respect to houses let in lodgings or occupied by members of more than one family); Section 34 (As to defective drains &c.); Section 42 (Power to order alteration of chimneys); Section 46 (Registration of hairdressers and barbers and premises); Section 53 (Places used for boxing or wrestling entertainments to be licensed); Section 54 (Powers of entry and inspection of certain licensed premises); Section 59 (Compulsory acquisition of land for markets); Section 60 (Tolls in Corporation markets); Part VIII (Establishments for massage or special treatment); Section 120 (Further provision for public and other buildings); Section 129 (Restriction on erection of stands &c.); and Section 137 (As to use of parts of recreation grounds for parking places).
11 & 12 Geo. 6. c. lii.	West Riding County Council (General Powers) Act 1948.	Section 11 (Prohibition of persons vehicles &c. on grass margins) in so far as it relates to the county.

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
12 & 13 Geo. 6. c. xliii.	Bolton Corporation Act 1949.	Section 14 (Loans for erection &c. of buildings); Section 17 (No building allowed until street defined); Section 18 (No buildings to be erected until street formed); Section 30 (Demolition of buildings); Section 45 (Power to order alteration of chimneys); Section 48 (Registration of hairdressers and barbers and premises); Part VI (Markets); Part IX (Control of boxing and wrestling entertainments); Section 113 (Licensing of dealers in marine stores and secondhand goods); Section 114 (Byelaws as to public meetings and gatherings); Section 117 (Recovery of rates and charges from certain owners); Schedule 2; and Schedule 3.
12 & 13 Geo. 6. c. liii.	Urmston Urban District Council Act 1949.	Section 29 (No building allowed until street defined); Section 30 (No building to be erected until street formed); Section 34 (Prohibition of persons vehicles &c. on grass margins); Section 35 (Planting of trees in private streets); Section 55 (Registration of hairdressers and barbers and premises); Section 59 (Closing of Abbotsfield Park for horticultural show); Section 61 (As to use of parts of recreation grounds for parking places); and Section 72 (Recovery of rates from certain owners).
14 Geo. 6. c. lvii.	Manchester Corporation Act 1950.	Section 16 (Definition of markets undertaking); Section 37 (Power to guarantee interest on ship canal company's loans);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
14 Geo. 6. c. lvii. —*cont.*	Manchester Corporation Act 1950.—*cont.*	Section 41 (Summary power to remedy stopped-up drains, etc.); Section 57 (Management of houses let in lodgings); Section 59 (Repair or inclosure of dangerous places); and Section 60 (Recovery of expenses in respect of dangerous places).
14 & 15 Geo. 6. c. xxxv.	Lancashire County Council (General Powers) Act 1951.	Section 14 (Registration of hawkers of food and their premises); Section 17 (Court may prohibit movable dwellings in certain cases); and Section 18 (Further provisions as to movable dwellings); in so far as those sections relate to the county.
14 & 15 Geo. 6. c. xliii.	West Riding County Council (General Powers) Act 1951.	Section 13 (Loans for erection etc. of buildings); Section 27 (Prohibition of building until street defined); Section 28 (Prohibition of building until street formed and sewered); Section 59 (Power to order alteration of domestic chimneys); Section 76 (Registration of hawkers of food and their premises); Section 86 (Notice of street processions); Section 88 (Safety of stands); Section 113 (Recovery of rates from certain owners); and Section 120 (Hairdressers and barbers); in so far as those sections relate to the county.
1 & 2 Eliz. 2. c. xl.	Cheshire County Council Act 1953.	Section 24 (Prohibition of building until street defined); Section 25 (Prohibition of building until street formed and sewered); Section 43 (Restriction on buildings under footways);

SCH. 5
—cont.

Chapter	Short title	Extent of repeal
1 & 2 Eliz. 2. c. xl.—*cont.*	Cheshire County Council Act 1953.—*cont.*	Section 59 (Parking places in parks etc.); Section 65 (Court may prohibit movable dwellings in certain areas); Section 66 (Further provisions as to movable dwellings); Section 75 (Music and dancing licences); Section 76 (Boxing and wrestling licences); Section 77 (Penalties); Section 78 (Cancellation of licences); Section 79 (Notice to be affixed); Section 80 (Powers of entry and inspection); Section 81 (Power to revoke licences); Section 82 (Initial appeals under Part VI); Section 83 (Devolution of certain entertainment licences in case of death of licensee); Section 86 (Notice of street processions); Section 87 (Safety of stands); Section 112 (Preventing fire in public or other buildings); Section 119 (Power to order alteration of domestic chimneys); Section 144 (Registration of hawkers of food and their premises); Section 174 (Power to grant gratuities in certain cases); Section 202 (Loans for erection of buildings); and Section 205 (Recovery of rates from certain owners); in so far as those sections relate to the county.
2 & 3 Eliz. 2. c. xlviii.	Manchester Corporation Act 1954.	Part IV (Manchester Airport); Section 33 (Provision of abattoir etc.); Section 34 (Disposal of certain residuals etc. in slaughter-houses);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
2 & 3 Eliz. 2. c. xlviii. —*cont.*	Manchester Corporation Act 1954.—*cont.*	Section 35 (Saving for Diseases of Animals Act 1950); and Part X (Control of boxing and wrestling entertainments).
4 & 5 Eliz. 2. c. xix.	Salford Corporation Act 1955.	Section 22 (Demolition of buildings); Section 23 (As to defective premises); Section 24 (Repair of walls etc. of yards); and Section 40 (Hairdressers and barbers).
4 & 5 Eliz. 2. c. lxxxiii.	Manchester Corporation Act 1956.	Section 25 (Supply of water to premises where supply cut off).
6 & 7 Eliz. 2. c. xxxviii.	Rochdale Corporation Act 1958.	Section 6 (Amendment of section 9 of Act of 1948); Section 8 (Recovery of private street works and similar charges where owner unknown); Section 12 (Dealing with drains sewers and water pipes before demolition of premises); Section 13 (As to premises without sufficient water supply); Section 15 (Demolition of buildings); Section 16 (Defective premises); Section 17 (Amendment of section 34 of Act of 1948); Section 18 (Dangerous structures); Section 20 (Expenses of executing demolition orders etc.); Section 28 (Fireman's switches for luminous signs); Section 29 (Precautions against fire in certain buildings); Section 46 (Investment of superannuation fund); Section 55 (Disposal of lost and uncollected property); and Section 69 (Devolution of licences in case of death of licensee).

SCH. 5
—cont.

Chapter	Short title	Extent of repeal
7 Eliz. 2. c. vii.	Manchester Corporation Act 1958.	Section 32 (Artificial lighting in habitable rooms); Section 33 (Repair of walls etc. of yards); Section 34 (Precautions against fire in certain buildings); Section 35 (Precautions against fire in certain buildings and cubical extent of buildings); Section 37 (Fireman's switches for luminous tube signs); Section 38 (Underground parking places); Section 39 (Further provision as to underground parking places); Section 40 (Interpretation and powers of entry for purposes of last two foregoing sections); and Section 62 (Recovery of rates etc. from certain owners).
8 & 9 Eliz. 2. c. xxxiii.	Lancashire County Council (Industrial Development etc.) Act 1960.	Section 8 (Loans for erection etc. of buildings); and Section 15 (Investment of superannuation fund); in so far as those sections relate to the county.
8 & 9 Eliz. 2. c. xlvi.	Salford Corporation Act 1960.	Section 8 (Supply of water to premises where supply cut off); Section 10 (Precautions against fire in certain buildings); Section 11 (Precautions against fire in certain buildings and cubical extent of buildings); Section 12 (Further provision for public and other buildings); Section 18 (Firemen's switches for luminous tube signs); Section 19 (Underground parking places); Section 20 (Further provision as to underground parking places); Section 21 (Interpretation and powers of entry for purposes of last two foregoing sections);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
8 & 9 Eliz. 2. c. xlvi. —*cont.*	Salford Corporation Act 1960.—*cont.*	Section 22 (Increase of market tolls etc.); Section 23 (Increased tolls for weighing vehicles and their loadings); Section 24 (Investment of superannuation fund); and Schedule 1.
8 & 9 Eliz. 2. c. lii.	Oldham Corporation Act 1960.	Section 5 (Loans for erection etc. of buildings); Section 20 (Summary power to remedy stopped-up drains etc.); Section 27 (Demolition of buildings); Section 29 (Expenses of executing demolition orders etc.); Section 31 (Power to order alteration of domestic chimneys); Section 33 (Supply of water to premises where supply cut off); Section 65 (Boxing and wrestling entertainments); Section 67 (Amendment of section 231 of Act of 1865); Section 68 (Firemen's switches for luminous tube signs); Section 94 (Recovery of rates etc. from certain owners); and Section 98 (Disposal of lost and uncollected property).
10 & 11 Eliz. 2. c. xxx.	Manchester Corporation Act 1962.	Section 25 (Licensing of market porters).
1964 c. xxxix.	West Riding County Council (General Powers) Act 1964.	Section 11 (Prohibition of vehicles on grass verges); Section 17 (Fire precautions in certain large buildings); Section 18 (Firemen's switches for luminous tube signs); Section 33 (Disposal of lost and uncollected property); Section 35 (Repair of walls, etc., of yards); and Section 36 (Supply of water to premises where supply cut off); in so far as those sections relate to the county.

SCH. 5
—cont.

Chapter	Short title	Extent of repeal
1965 c. xlii.	Manchester Corporation Act 1965.	Section 8 (Power to Corporation to assist industry); Section 10 (Definitions for this Part of Act); Section 11 (Power to provide and improve markets); Section 14 (Extension of section 41 of Manchester Corporation Act 1946); Section 16 (Misleading signs on motor vehicles); Section 18 (Entertainment clubs); Section 31 (Re-enactment of section 37 of Manchester Corporation Act 1950); Section 35 (Lien over aircraft); Section 39 (Provision of vehicles in parks, etc.); and Section 49 (Illuminations).
1967 c. xl.	Manchester Corporation Act 1967.	Section 35 (Loans to Manchester Ship Canal Company); Section 41 (Securing of unoccupied buildings); and Section 44 (Museum of science and technology).
1968 c. xxix.	Lancashire County Council (General Powers) Act 1968.	Section 4 (Power to Council to assist industry); Section 5 (Power to Council to guarantee rents, etc., of industrial buildings); Section 6 (Amendment of section 8 of Act of 1960); Section 10 (Prohibition of building until street defined); Section 11 (Prohibition of building until street formed and sewered); Section 12 (Temporary stoppage of footpaths and bridleways); Section 16 (Registration of hawkers of food and premises); Section 23 (Power to make temporary loans); Section 24 (Amendment of powers of investment of superannuation fund); and Section 35 (Numbering of buildings other than dwelling-houses); in so far as those sections relate to the county.

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
1968 c. xxxvi.	Cheshire County Council Act 1968.	Section 12 (Prohibition of parking of heavy commercial vehicles at night in estate roads and grounds of private houses); Section 13 (Power to Council to assist industry); Section 25 (Verges, etc., of housing estates); Section 28 (Numbers of houses); Section 30 (Recovery of street works charges where owner unknown); Section 34 (Supply of water to premises where supply cut off); Section 37 (Securing of unoccupied houses under Act of 1957); Section 38 (Expenses of executing demolition orders, etc.); Section 41 (Fire precautions in certain large buildings); Section 42 (Building plans: access for fire brigade); Section 43 (Firemen's switches for luminous tube signs); Section 50 (Registration of tattooists); Section 62 (Extension of power to invest superannuation fund moneys); Section 74 (Extension of powers of Council to grant gratuities to widows and dependants of former employees); Section 87 (Disposal of lost and uncollected property): and Schedule 1; in so far as those provisions relate to the county.
1970 c. xi.	Bolton Corporation Act 1970.	Section 7 (Power to assist industry, etc.).
1970 c. li.	Manchester Corporation Act 1970.	Section 5 (Signs or notices on, and advertisements in connection with, private hire vehicles); Section 38 (Entertainment clubs); and Section 39 (Fees for music and dancing licences).

SCH. 5
—cont.

Chapter	Short title	Extent of repeal
1971 c. xxxii.	Lancashire County Council (General Powers) Act 1971.	Section 10 (Application of section 15 of Act of 1960 to certain local authorities, etc.); Section 16 (Parking places in parks, etc.); and Section 18 (Securing of unoccupied houses under Act of 1957); in so far as those sections relate to the county.
1971 c. l.	Stockport Corporation Act 1971.	Section 4 (Interpretation of Part II); Section 5 (Stacks not deemed flammable); Section 6 (Consent to storage of flammable material); Section 7 (Consent not required in certain circumstances); Section 8 (Appeals under Part II of Act); Section 9 (Stack not to contain room, etc.); Section 10 (Offences); Section 11 (Savings and transitional provisions); Section 12 (Firemen's switches for luminous tube signs); Section 13 (Building plans: access for fire brigade); Section 15 (Further provision for public and other buildings); Section 19 (Underground parking places); Section 20 (Further provision as to underground parking places); Section 21 (Interpretation and powers of entry for purposes of last two foregoing sections); Section 27 (Securing of unoccupied houses under Act of 1957); Section 28 (Further power in relation to demolition); Section 29 (Repair of walls, etc., of yards); Section 31 (Prohibition of parking in front gardens); Section 35 (Trees, grass verges and gardens);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
1971 c. 1. —*cont.*	Stockport Corporation Act 1971.—*cont.*	Section 38 (Regulation of placing of things in footpaths); Section 66 (Public gatherings at or near markets); Paragraphs (*c*) (i) and (iii) of subsection (1) of section 68 (Market byelaws); Section 69 (Entertainment clubs and coffee bars); Section 73 (Protection of dangerous excavations); Section 75 (Safety of stands); Section 77 (Touting, hawking, etc.); Section 82 (Extension of power to invest superannuation fund moneys); Section 89 (Recovery of rates from certain owners); Section 103 (Parking places in parks, etc.); Section 105 (Recreational facilities); Section 111 (Disposal of lost and uncollected property); and Schedule 2.
1971 c. lxvii.	Manchester Corporation (General Powers) Act 1971.	Part II (Aircraft noise); Part III (Regulation of street trading); Section 33 (Carrying or storage of waste food); Section 34 (Closure of insanitary food premises and stalls); Section 35 (Repair of water-closets); Section 39 (Reduction of dust, etc., from building operations); Section 40 (Provisions as to self-operated laundries); Section 41 (Definition of "inhabitant" in Act of 1936); Section 42 (Trees impeding natural light to houses, shops and offices); Part V (Night cafés); Section 56 (Application of certain enactments to vessels and floating structures); Section 57 (Revocation of building lines); Section 58 (Removal of property of Corporation);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
1971 c. lxvii. —*cont.*	Manchester Corporation (General Powers) Act 1971.—*cont.*	Section 59 (Parking of heavy commercial vehicles in front gardens); Section 61 (Amendment of section 25 of Manchester Corporation Act 1956); Section 62 (Prohibition of interference with bird traps); Section 63 (Hairdressers and barbers); Section 64 (Assistance to developers); Section 66 (Art galleries); Schedule 1; and Schedule 2.
1973 c. xxiv.	Salford Corporation Act 1973.	Section 10 (Securing of unoccupied buildings); Section 13 (Reduction of dust, etc., from building operations); Section 14 (Provisions as to self-operated laundries); Section 15 (Closure of insanitary food premises and stalls); Section 36 (Prohibition of vehicles on gardens, etc.); and Section 37 (Unauthorised games on school playing fields).

SCHEDULE 6

Section 183.

SAVING PROVISIONS

1. In so far as anything done under an enactment in force in any area which is repealed by this Act could have been done under any enactment in 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 enactment.

2. Where an instrument or document refers, either expressly or by implication, to an enactment 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 enactment in this Act relating to the same matter in the same area.

SCH. 6 —*cont.*

3.—(1) Anything begun under an enactment repealed by this Act or by section 262 (9) of the Act of 1972 may be continued under any enactment in this Act or in any public general Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act or by section 262 (9) of the Act of 1972 is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if that period began to run under that provision.

4. 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 an enactment in force in any area which is repealed by this Act and any enactment in this Act relating to the same matter in the same area, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

5. For the purpose of any provision of this Act specifying penalties for a second or subsequent offence, a previous conviction under an enactment repealed by this Act creating the like offence shall be taken as an offence under that provision of this Act.

6. The repeal by this Act or by section 262 (9) of the Act of 1972 of any enactment shall not affect the operation of any byelaw made under that enactment if the byelaw is one which could be made under or by virtue of any provision of a public general Act and any such byelaw shall have effect as if made under that public general Act.

7. Byelaws deemed to have been made under section 63 (Hairdressers and barbers) of the Manchester Corporation (General Powers) Act 1971 shall be deemed for all purposes to have been made under section 77 of the Act of 1961 (byelaws as to hairdressers and barbers) and shall have effect and may be enforced accordingly.

1971 c. lxvii.

8. The streets designated under section 77 (Touting, hawking, etc.) of the Stockport Corporation Act 1971 shall be deemed to have been designated by the Metropolitan Borough Council of Stockport under section 60 (Touting, hawking, photographing, etc.) of this Act.

1971 c. l.

9. Byelaws made under section 68 of the Town Police Clauses Act 1847, as extended by section 132 of the Rochdale Corporation Act 1925 shall continue to have effect and may be enforced notwithstanding the provisions of section 262 (9) of the Act of 1972.

1847 c. 89.
1925 c. xliv.

10. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

11. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978.

1978 c. 30.

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