ELIZABETH II



1970 CHAPTER lxxxii

An Act to empower the mayor, aldermen and burgesses of the county borough of Grimsby to make provision with regard to the use for recreational purposes of parts of Grimsby Haven, West Haven and the river Freshney, and to make further provision with regard to streets and the local government, health, improvement and finances of the borough; to make further provision for the superannuation of employees; and for other purposes. [17th December 1970]

WHEREAS—

(1) The borough of Grimsby in the county of Lincoln (in this Act called "the borough") is a county borough under the government of the mayor, aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation"):

(2) It is expedient that parts of Grimsby Haven, West Haven and the said river Freshney in the borough should be made available for use by the public for recreational purposes:

(3) It is expedient that further and better provision should be made with reference to streets and buildings and the health, local government, welfare, improvement and finances of the borough and that the powers of the Corporation with regard thereto should be enlarged as in this Act provided:

(4) It is expedient that the provisions with regard to the finances of the borough which are contained in this Act should be made and that the Corporation should be empowered to borrow for the purposes of this Act:

(5) It is expedient to make further provision for the superannuation of officers and servants of the Corporation and of persons who contribute to the superannuation fund of the Corporation and for the benefit of their dependants and to amend the enactments relating thereto:

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

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

(8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

1933 c. 51.

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Grimsby Corporation Act 1970.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—River Head, West Haven and river Freshney.
Part III.—Streets and highways.
Part IV.—Public health.
Part V.—Public order and public safety.
Part VI.—Finance.
Part VII.—Superannuation.
Part VIII.—Miscellaneous.
Part IX.—General.

Interpretation.

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

1936 c. 49.

(2) In this Act, unless the subject or context otherwise requires— PART I —*cont.*

" the Act of 1933 " means the Local Government Act 1933; 1933 c. 51.

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

" the Act of 1961 " means the Land Compensation Act 1961; 1961 c. 33.

" the Act of 1967 " means the Road Traffic Regulation Act 1967; 1967 c. 76.

" the borough " means the county borough of Grimsby;

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

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

" the council " means the council of the borough;

" enactment " means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

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

" hackney carriage " has the same meaning as in the Town Police Clauses Act 1847; 1847 c. 89.

" land " or " lands " includes land covered with water and any interest in land, and any easement or right in, to or over land;

" the local Act of 1937 " means the Grimsby Corporation (Grimsby Cleethorpes and District Water &c.) Act 1937; 1937 c. xli.

" magistrates' court " has the same meaning as in the Magistrates' Courts Act 1952; 1952 c. 55.

" Secretary of State " means the Secretary of State for the Environment;

" street " has the meaning assigned to that term in the Highways Act 1959; 1959 c. 25.

" the tribunal " means the Lands Tribunal.

(3) Any reference in this Act to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

PART II

RIVER HEAD, WEST HAVEN AND RIVER FRESHNEY

Definitions for this Part of this Act.

4. In this Part of this Act, unless the context or subject otherwise requires—

" the River Head " means so much of Grimsby Haven in the borough as lies between Victoria Street and an

PART II —*cont.*

imaginary straight line drawn in an easterly direction and forming a continuation of the northern boundary of West Dock Street;

" the West Haven " means so much of Grimsby Haven in the borough as lies between the bridge carrying Flottergate over the river Freshney and an imaginary straight line drawn in a northerly direction and forming a continuation of the western boundary of South Dock Street;

" the river " means so much of the river Freshney in the borough as lies between West Haven and the bridge carrying Boulevard Avenue over the said river;

" the Corporation's wharves " means the three wharves in the borough belonging to the Corporation and known respectively as Ranter's Wharf, Freeport Wharf and Lower Staithe Wharf, but does not include the highway known as Ranter's Wharf.

Extinction of public rights to use quays, etc. 1849 c. lxxxi.

5. Notwithstanding anything in the Manchester, Sheffield and Lincolnshire Railway Act 1849 or any other enactment—

(*a*) no part of any land adjoining, or abutting on, the River Head or West Haven acquired by the Corporation, whether before or after the passing of this Act;

(*b*) no part of any of the Corporation's wharves;

shall be a public quay, wharf or landing place and all rights of the public to use any such land or wharf or part thereof as a quay, wharf or landing place shall as from the passing of this Act or the acquisition of the land, whichever is the later, be extinguished.

Extinction of private rights to use quays, etc.

6.—(1) Notwithstanding anything in the Manchester, Sheffield and Lincolnshire Railway Act 1849 or any other enactment, all private rights over—

(*a*) any land adjoining, or abutting on, the River Head and West Haven acquired by the Corporation, whether before or after the passing of this Act;

(*b*) any part of the Corporation's wharves;

for the purpose of loading or unloading any goods, wares or merchandise, shall as from the passing of this Act or the acquisition of the land, whichever is the later, be extinguished.

(2) Any person who suffers loss by the extinguishment of any private right under subsection (1) of this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Act of 1961.

Provision by Corporation of recreational facilities. 1968 c. 41.

7. The provisions of section 8 of the Countryside Act 1968 shall extend and apply to the River Head, the West Haven and the river as if they were a waterway comprised in a country park provided by the Corporation under the said Act of 1968.

PART II —*cont.*

8.—(1) The Corporation may exercise in regard to any lands or waters in or adjoining or abutting on the River Head, the West Haven or the river acquired by them, whether before or after the passing of this Act, all or any of the rights and powers of a local authority under or in pursuance of the Public Health Acts in relation to public walks, parks and pleasure grounds but the Corporation shall not in the exercise of those powers and rights construct or permit the construction of any buildings or works in, over or under the River Head or the West Haven except subject to and in accordance with the provisions of section 31 of the Land Drainage Act 1961. 1961 c. 48.

Use of lands as public walks, etc., and licensing of pleasure boats.

(2) The Corporation may exercise in regard to any such lands or waters as are mentioned in subsection (1) of this section all or any of the powers of a local authority under section 94 of the Public Health Acts Amendment Act 1907 and that section shall have effect as if for subsection (3) thereof there were substituted the following subsection:— 1907 c. 53.

" (3) No person shall—

(*a*) let for hire a pleasure boat or pleasure vessel not so licensed, or at any time during the suspension of a licence for the boat or vessel; or

(*b*) carry, or permit to be carried, passengers for hire in a pleasure boat or pleasure vessel unless the boat or vessel, and the boatman in charge thereof and the navigator, are so licensed, or at any time during the suspension of the licence for the boat or vessel or the boatman or navigator:

Provided that this subsection shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for profit."

PART III

STREETS AND HIGHWAYS

Paving and draining of courts, yards and passages.

9.—(1) Section 56 (1) of the Act of 1936 shall apply to a court or yard in the borough appurtenant to, or a passage in the borough giving access to, a building other than a house as it applies to a court or yard appurtenant to, or passage giving access to, a house; and that subsection shall, in its application to such a court, yard or passage, have effect as if the power to require execution of works by the owner of the house to which the court, yard or passage is appurtenant or gives access were a power to require execution of works by the owners of the premises abutting on the court, yard or passage.

(2) Accordingly the said subsection (1) as so applied shall have effect as if for the word " house " where it first occurs there were

PART III —*cont.*

substituted the word " building " and for the words " owner of the house " there were substituted the words " owners of the premises abutting on the court, yard or passage ".

(3) Section 290 (6) of the Act of 1936 shall, in its application by virtue of the said subsection (1) to notices requiring the execution of works in the borough have effect subject to the following modifications:—

(*a*) the power to recover the expenses of the Corporation in executing the works from the persons required by the notice to execute them shall, where there are two or more such persons, be a power to recover the expenses from those persons in such proportions as the Corporation may determine, or as the court in which proceedings are brought to recover those expenses may adjudge;

(*b*) the words " and, without prejudice " onwards shall be omitted;

(*c*) at the end there shall be added the following words:—

" Provided that the court in which proceedings are brought to recover those expenses shall not entertain any question of their apportionment except on complaint of the apportionment and after issue of a summons to the other persons on whom the expenses were apportioned ".

(4) Section 56 (2) of the Act of 1936 in its application to a court, yard or passage in the borough shall have effect as if the words " used in common by the occupiers of two or more houses, but is " were omitted.

Trees, grass verges and gardens.

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

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

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

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

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

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

PART III —*cont.*

(*f*) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden so laid out;

(*g*) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto.

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

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

(4) Section 82 of the Highways Act 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act 1925 with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section. 1959 c. 25. 1925 c. 68.

(5) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Highways Act 1959.

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

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

(7) Nothing in this section shall affect the rights of the Post Office with respect to apparatus (including the placing of apparatus) in any grass verge or garden:

PART III —*cont.*

Provided that, in exercising such rights, the Post Office shall not cause or permit, except in the case of necessity, vehicles to enter upon any such verge which is maintained in an ornamental condition or mown, or any garden.

PART IV

PUBLIC HEALTH

Securing of unoccupied houses under Act of 1957.

11.—(1) Where the Corporation have under section 16 of the Act of 1957 accepted an undertaking that a house will not be used for a human habitation or where the Corporation have—

(*a*) by a closing order made under sections 17, 18, 26 or 35 of the Act of 1957 ordered any house or building or any part thereof to be closed; or

(*b*) by a clearance order under section 44 of the Act of 1957 ordered any building or any part thereof to be vacated and in such a case it appears to the Corporation that the building or the part thereof (as the case may be) will not be or is unlikely to be demolished within six weeks from the date when in pursuance of the order the premises are vacated;

they may, if the premises are not effectively secured so as to prevent the entry into the premises when unoccupied of any person other than a person authorised by the owner or the Corporation after giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do such things in relation to the house or building or part thereof as will so secure the premises against entry.

(2) Nothing in this section shall prejudice the powers of the Corporation to take steps to deal with any dangerous building under section 25 of the Public Health Act 1961.

1961 c. 64.

(3) In this section—

1957 c. 56.

" the Act of 1957 " means the Housing Act 1957;

" house " has the same meaning as in the Act of 1957;

" owner " includes any person deemed to be the person having control of the house for the purposes of Part II of that Act.

Tattooists.

12.—(1) As from the appointed day a person shall not carry on the business of a person who tattoos or offers to tattoo members of the public in the borough on premises occupied by him unless he is registered by the Corporation under this section and the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for registration of the applicant or of any premises

PART IV —*cont.*

and (if the application relates to premises) on his furnishing them with particulars of the premises the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

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

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

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

(4) If any person carries on business in contravention of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

(5) If any person contravenes any byelaw made under subsection (3) of this section he shall be liable to a fine not exceeding five pounds and if he is registered the court by which he is convicted may instead of or in addition to imposing a fine order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(6) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice 1952 c. 55. of appeal to quarter sessions have expired:

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

(7) Where the registration of any person is cancelled by order of a court under subsection (5) of this section—

(*a*) he shall within seven days deliver up to the Corporation the cancelled certificates of registration and if he fails to do so he shall be liable to a fine not exceeding one pound and a daily fine not exceeding ten shillings; and

(*b*) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court made on his application.

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

PART IV —*cont.*

(9) Where an offence under this section 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, any 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 that offence and be liable to be proceeded against and punished accordingly.

(10) As respects byelaws made under this section the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

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

(12) This section shall not apply where a fully registered medical practitioner, or a person working under his direction, tattoos a person for medical reasons.

PART V

PUBLIC ORDER AND PUBLIC SAFETY

Mobile coffee stalls, etc.

13.—(1) In this section—

" mobile stall " means—

(*a*) any van, cart, motor car, trailer or other vehicle; or

(*b*) any boat, barge or other vessel moored in the River Head, the West Haven or the river;

intended or adapted for use for the purpose of serving refreshments;

" refreshments " means any food or drink intended for immediate consumption but does not include ice-cream, water ice or any similar commodity;

" the River Head ", " the West Haven " and " the river " have the same respective meanings as in Part II of this Act.

(2) (*a*) On and after the appointed day no person shall, without the consent of the Corporation, sell or offer for sale any refreshments from a mobile stall in any street in the borough or in the River Head, the West Haven or the river between the hours of ten o'clock in the evening and eight o'clock in the morning.

(*b*) The Corporation may refuse their consent under this subsection if they are satisfied that the sale or offer for sale of refreshments from a mobile stall between the hours of ten o'clock in the evening and eight o'clock in the morning, or the behaviour

PART V —*cont.*

of persons resorting thereto during that period, is likely to cause annoyance to the occupiers of properties in the vicinity or members of the public; and in giving a consent the Corporation may impose such reasonable terms and conditions relating to the situation of, and the conduct of the business at, the mobile stall between the hours of ten o'clock in the evening and eight o'clock in the morning as they may think fit, but shall not impose any term or condition which requires the payment of money.

(*c*) If the Corporation refuse consent, they shall within seven days from the date of their decision give to the person applying for the consent a statement of the grounds upon which their decision was based.

(3) The Corporation may at any time revoke, as from such date as the Corporation may specify (being a date not earlier than seven days from the date of service upon the person to whom the consent was given, of notice of the revocation), any consent given under the last foregoing subsection if they are satisfied that the sale or offer for sale of refreshments from a mobile stall, between the hours of ten o'clock in the evening and eight o'clock in the morning, or the behaviour of persons resorting thereto during that period, has caused and is likely to continue to cause annoyance to the occupiers of adjacent properties or members of the public or if any term or condition imposed under the last foregoing subsection has not been complied with.

(4) Any person aggrieved by the refusal of the Corporation to give their consent under this section, or by any term or condition attached to such consent, or by the revocation of such consent, may within twenty-one days from the date of such refusal or revocation, or from the imposition of any term or condition, appeal to a magistrates' court.

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

Entertainment clubs.

14.—(1) In this section " entertainment club " means a club, organisation or body which, in furtherance of the objects or purposes for which the club, organisation or body was formed, is used by the members thereof for the purpose of entertainment, dancing or the playing of games in any premises.

(2) Subject to the provisions of subsection (13) of this section, on and after the appointed day—

(*a*) any premises in the borough used, whether occasionally or not, by an entertainment club shall be registered with the Corporation in accordance with the provisions of this section;

(*b*) if the owner or occupier of any premises in the borough uses the premises for the purposes of an entertainment club or permits the premises to be used for those

PART V —*cont.*

purposes he shall unless the premises have been registered with the Corporation in accordance with the provisions of this section and the registration remains in force be liable to a fine not exceeding fifty pounds.

(3) The Corporation may by notice refuse to register or renew the registration of any premises for use by an entertainment club if in the opinion of the Corporation—

(*a*) the premises are not safe for the purpose having regard to their character and condition and the size and nature of the club; or

(*b*) the premises are not provided with satisfactory means of lighting, sanitation and ventilation; or

(*c*) the premises are not provided with adequate precautions against fire and satisfactory means of escape in case of fire and equipped with suitable fire-fighting appliances.

(4) Registration under this section shall, unless revoked, remain in force for such period not exceeding thirteen months as may be fixed by the Corporation.

(5) An application for registration or renewal of registration under this section shall be made in writing to the Corporation by the owner or occupier of the premises to which the application relates and every such application shall state—

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

(*b*) such other information regarding the premises to be registered and the manner in which the premises are proposed to be used as the Corporation may reasonably require.

(6) Any person making application for registration or renewal of registration under this section shall when making application pay to the Corporation in respect thereof such fee not exceeding one pound as the Corporation may prescribe.

(7) The Corporation may at any time by notice revoke the registration of any premises—

(*a*) where any person is convicted under subsection (11) of this section of any offence in respect of such premises; or

(*b*) if the Corporation are of the opinion that the requirements of subsection (3) of this section are no longer satisfied.

(8) (*a*) The Corporation may on registering or renewing the registration of any premises for use as an entertainment club impose conditions as to—

(i) the maintenance of public order and safety;

PART V —*cont.*

(ii) the maintenance in proper order of the precautions against fire, means of escape in case of fire, fire-fighting appliances and means of lighting the premises;

(iii) the maintenance in safe condition of means of heating the premises; and

(iv) the hours of opening and closing the premises for the entertainment club so as to ensure that nuisance is not likely to be caused to residents in the neighbourhood.

(*b*) Any person who contravenes a condition imposed under this subsection shall be liable to a fine not exceeding ten pounds.

(9) Before refusing to register or renew the registration of any premises or revoking the registration of any premises the Corporation shall give to the person applying for registration or renewal of registration or in whose name the premises are registered an opportunity of appearing before and of being heard by a committee of the council and, if so required by him, the Corporation shall within seven days of their decision give to him a statement of the grounds on which it was based.

(10) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises or by the revocation of any such registration or by any condition imposed on registration under this section may within twenty-one days from the date of the service of the notice of such refusal, revocation or condition appeal to a magistrates' court.

(11) If any premises are used by an entertainment club which is being conducted in a disorderly manner, or while being used by an entertainment club have been habitually used for an unlawful purpose or for indecent displays or as a resort of criminals or prostitutes, or if during the last preceding twelve months there have been at the premises while so being used illegal sales of intoxicating liquor, or if during that period any drug to which the Pharmacy and Poisons Act 1933 or the Drugs (Prevention of Misuse) Act 1964 or the Dangerous Drugs Act 1965 applies has been unlawfully supplied by a person to any other person resorting to the premises while so being used— 1933 c. 25. 1964 c. 64. 1965 c. 15.

(*a*) any person concerned in the organisation or management of the entertainment club; and

(*b*) any other person who, knowing or having reasonable cause to suspect that the premises were used in such manner or for any such purpose as aforesaid—

(i) allowed the premises to be so used; or

(ii) let the premises or otherwise made the premises available to any person by whom an offence in connection with such use has been committed;

shall be liable to a fine not exceeding fifty pounds.

PART V —*cont.*

(12) Where an offence under this section 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, any 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 that offence, and be liable to be proceeded against and punished accordingly.

(13) (*a*) Nothing in this section shall apply to—

(i) any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described; or

(ii) a private house or private flat; or

(iii) any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act 1964; or

1964 c. 26.

(iv) any premises owned by or while used by members of an organisation which holds a certificate of exemption granted by the Secretary of State under subsection (6) of section 269 of the Act of 1936 or any branch of such organisation; or

(v) any premises used exclusively and bona fide as a canteen forming part of a factory or office which is subject to the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963; or

1961 c. 34.
1963 c. 41.

(vi) any premises in respect of which there is in force a licence granted under the Private Places of Entertainment (Licensing) Act 1967 or the Gaming Act 1968 for the purpose of playing bingo.

1967 c. 19.
1968 c. 65.

(*b*) Nothing in this section shall apply to—

(i) a club registered or licensed under the Licensing Act 1964;

(ii) a club, organisation or body registered as a charity under section 4 of the Charities Act 1960;

1960 c. 58.

(iii) a club provided or maintained by the Corporation;

(iv) a club, organisation or body for the benefit of which the Corporation have exercised any of the powers conferred upon them by section 4 of the Physical Training and Recreation Act 1937;

1937 c. 46.

(v) a club, organisation or body in respect of the use of any premises exclusively and bona fide for the purpose of—

(A) games played on a playing field held with those premises;

(B) a gymnasium or swimming bath;

(C) playing badminton, fives, racquets, squash, ten-pin bowling, billiards, chess, dominoes, bridge, whist or any game similar to any of those games.

(*c*) Nothing in this section shall apply to any premises in respect of which a licence is for the time being in force for— PART V —*cont.*

(i) the public performance of stage plays; or

(ii) public music or dancing or other entertainment of the like kind; or

(iii) a cinematograph exhibition:

Provided that the terms, conditions, restrictions and rules attaching to the licence or subject to which the licence has been granted are complied with during the time the premises are used for the purposes of an entertainment club, so far as they relate to precautions against fire, the means of escape in case of fire and the provision of suitable fire-fighting appliances.

Misleading signs on motor vehicles. 1960 c. 16. 1962 c. 13.

15. If in the borough any person exhibits or permits to be exhibited on any motor vehicle (not being a hackney carriage licensed to ply for hire or a public service vehicle as defined in section 117 of the Road Traffic Act 1960) any sign (not being a sign required to be exhibited by virtue of section 14 of the Vehicles (Excise) Act 1962), or advertisement which might reasonably be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire, he shall be liable to a fine not exceeding five pounds.

PART VI
FINANCE

Power to borrow.

16.—(1) The Corporation may borrow—

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

(*b*) without the consent of any sanctioning authority, such sums as may be necessary for paying the costs, charges and expenses of this Act.

(2) Every sum borrowed under paragraph (*a*) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (*b*) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding five years.

(4) Subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

PART VI —*cont.*

(6) Nothing in this Act shall be taken as exempting the Corporation from the provisions of the Exchange Control Act 1947.

1947 c. 14.

Investment of superannuation fund.

1937 c. 68.

17.—(1) In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of, but not for the time being required to meet payments out of, the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

(*a*) in or upon any investments for the time being authorised by law for the investment of trust funds; or

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

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

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

(*e*) in or upon any of the stocks, funds or securities of the government of any foreign country or state; or

(*f*) in or upon the bonds, debentures, debenture stock, convertible debenture stock, obligations or securities of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world; or

(*g*) in or upon any guaranteed, preference or ordinary stock or shares or any preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or under any royal charter or registered or incorporated in any part of the world, being stock or shares which at the time of making the investment are quoted on any recognised stock exchange or similar institution; or

PART VI —*cont.*

(*h*) in the purchase, whether alone or jointly or in common with any other person or corporation, of immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands, or of any share or interest in such immovable property, including any interest in such immovable property comprised in a building agreement providing for the grant of a lease of such property contingent on the erection or completion of the building specified in such agreement; or

(*i*) in the advance of money upon the security of—

(i) immovable property of any tenure or kind in the United Kingdom, the Isle of Man or the Channel Islands; or

(ii) any legal estate or interest in immovable property comprised in a building agreement as specified in paragraph (*h*) of this subsection;

and in any such case whether the security be taken by a separate and distinct mortgage or security made exclusively to the Corporation, or by a mortgage or security made jointly to the Corporation and any other person; or

(*j*) in undertaking or financing whether alone or jointly with any other person—

(i) the erection of a new building or the improvement or extension of an existing building; or

(ii) building operations or other development;

on land belonging to the Corporation or to any other person or on land which is, or will be, held jointly by the Corporation and any other person; or

(*k*) upon the security of freehold or leasehold ground rents, land charges or rentcharges;

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

Provided that the investment of any part of the superannuation fund in any investment of the nature specified in paragraph (*g*) of this subsection shall be subject to the following qualifications:—

(i) no investment shall be made in any company which has not paid a dividend on its ordinary stock or shares of at least 5 per cent. per annum for each of the four years immediately preceding the date of investment, or if the company has been incorporated or registered or has been trading for less than four years before that date unless—

(A) the company has paid such a dividend on its ordinary stock or shares for each of the years since incorporation or registration or commencement of trading as the case may be; or

PART VI —*cont.*

(B) in the case of a company which has not been incorporated or registered or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend on its ordinary stock or shares of at least 5 per cent. per annum for each of the four years immediately preceding the date of the amalgamation;

(ii) no investment shall be made at any time when the value of all the investments made under the said paragraph (*g*) which form part of the superannuation fund equals or exceeds three-quarters of the total value of the assets of that fund:

Provided also that no such moneys as aforesaid shall be invested in any investment of the nature specified in paragraphs (*h*) and (*j*) of this subsection at any time when the value of all the investments made under the said paragraphs (*h*) and (*j*) which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund:

Provided further that in the investment of any part of the superannuation fund in accordance with paragraphs (*h*) to (*k*) of this subsection no investment shall be made in any immovable property, legal interest or rent secured upon immovable property situated within the borough but an investment by the Corporation in a unit trust shall not be regarded as a breach of this provision.

(2) All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund maintained by them, or otherwise in relation thereto, shall be paid by the Corporation out of that fund.

Investment in unit trusts, etc.

18.—(1) For the purposes of the provisions of section 17 (Investment of superannuation fund) of this Act an investment in the units of a unit trust scheme or in participation certificates or in any form of participation under any trust or scheme established in the United Kingdom or in any of the Channel Islands or in the Isle of Man, having the effect of enabling persons to participate in the profits and income arising from the acquisition, holding, management or disposal of such securities or of such immovable property or share or interest in immovable property as are specified in those provisions shall be regarded as an investment in the securities in question or in such immovable property or share or interest in immovable property.

(2) In this section "participation certificate" has the same meaning as in the Local Authorities' Mutual Investment Trust Act 1968, and "unit trust scheme" has the meaning assigned thereto by section 26 (1) of the Prevention of Fraud (Investments) Act 1958.

1968 c. 25.

1958 c. 45.

PART VI —*cont.*

Power to Corporation to raise money by issue of bills.

19. In addition to the modes of borrowing prescribed by the Act of 1933, the Corporation may raise money—

(1) for any purpose for which the Corporation are authorised to borrow;

(2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;

by means of bills (to be called "Grimsby Corporation bills" and in this section referred to collectively as "bills" and separately as a "bill") subject to and in accordance with the following provisions:—

(*a*) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:

(*b*) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:

(*c*) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the council may determine:

(*d*) Bills shall be issued under the authority of a resolution passed by the council, and shall bear the signature of the treasurer to the Corporation or of some other person authorised by the Corporation:

(*e*) The Corporation may make regulations providing for—

(i) the preparation and form and the mode of issue, payment and cancellation of bills;

(ii) the issue of a new bill in lieu of one defaced, lost or destroyed;

(iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills;

(iv) the giving of a proper discharge on the payment of a bill; and

(v) amending or revoking any regulations previously made or deemed to have been made under this paragraph:

(*f*) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

PART VI —*cont.*

(*g*) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—

(i) the sum of five hundred thousand pounds; or

(ii) one-fifth of the amount of the estimated gross rate income of the borough during the then current financial year;

whichever is the greater:

(*h*) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:

(*i*) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.

In this section—

" gross rate income " means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967;

1967 c. 9.

" revenues " has the same meaning as in section 218 of the Act of 1933;

" signature " includes a facsimile of a signature by whatever means reproduced.

Power to raise money by bearer bonds.

20. In addition to any other method by which the Corporation may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to raise money abroad.

21.—(1) Any method by which the Corporation are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) The powers conferred by the foregoing subsection shall be exercised only with the consent of the Treasury, and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Corporation to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there was substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there was substituted a reference to the sum expressed in terms of the

PART VI —*cont.*

foreign currency (adjusted, where necessary, to produce an amount which the Corporation consider appropriate having regard to all the circumstances of the transaction).

Establishment expenses.

22. Without prejudice to section 292 of the Act of 1936, and to that section as applied by any other enactment, where under any enactment the Corporation are empowered to execute works at the request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses, such additional sum, not exceeding 5 per cent. of the cost of the works, as they think fit in respect of their establishment charges.

Recovery of sums paid to officers, etc.

23.—(1) Where the Corporation have paid in advance to any employee the amount of his emoluments and such employee dies before the expiration of the period in respect of which such payment is made the Corporation shall not be required to demand the return of such portion thereof not exceeding twenty-five pounds as the Corporation may determine.

(2) In any case where the Corporation exercise the powers of the foregoing subsection they shall transfer from the general rate fund or the housing revenue account (as the case may be) to the superannuation fund maintained by them the amount which but for the exercise of the powers of this section would have been returned to the fund.

(3) In this section—

" employee " means any officer or servant of the Corporation, or any officer or servant whose salary or wages is or are payable by the Corporation and includes any former officer or servant who is in receipt of a superannuation allowance or benefit payable out of the superannuation fund maintained by the Corporation; and

" emoluments " means in relation to an officer or servant his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a superannuation allowance or benefit the amount of that allowance or benefit.

Insurance fund.

24.—(1) The Corporation may establish a fund to be called " the insurance fund " with a view to providing a sum of money which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as " the specified risks ").

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

PART VI —*cont.*

(3) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations until the fund be restored to the prescribed amount and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed, such moneys shall be transferred to the general rate fund, and, if any sums shall have been appropriated from the housing revenue account under the next succeeding subsection, to the housing revenue account, in such proportions as the Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund and if they think fit from the housing revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Corporation which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance:

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly relates to the specified risks arising from the purposes for which that account is kept.

(5) (*a*) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks or any of them, all moneys for the time being standing to the credit of the insurance fund shall unless applied in any other manner authorised by any enactment be invested in any securities in which trustees are from time to time authorised to invest trust funds and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

(*b*) The Corporation shall in every financial year carry to the credit of the insurance fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the preceding paragraph of this subsection.

PART VI —*cont.*

(6) (*a*) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the Corporation may with the sanction of the Secretary of State borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(*b*) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection, and the amounts of any such deficiencies as aforesaid not made up by borrowing, shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings, departments or services of the Corporation, and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(7) In the event of the insurance fund ceasing to be required to meet losses, damages, costs and expenses in respect of the specified risks, the insurance fund may be carried to and form part of any capital fund established by the Corporation under section 1 of the Local Government (Miscellaneous Provisions) Act 1953, 1953 c. 26. or (if the Corporation so determine) shall be applied in such other manner as the Secretary of State may approve towards the discharge of any debt of the Corporation or otherwise for any purpose for which capital money may properly be applied.

(8) If and when the Corporation establish an insurance fund under this section, any moneys standing to the credit of any insurance fund provided by the Corporation and in existence at the date of the passing of this Act shall be carried to and form part of the insurance fund provided under this section.

(9) Any covenant or obligation binding on the Corporation to insure against any risk shall (except in so far as the terms of such covenant or obligation otherwise specifically provide) be deemed to be satisfied by a resolution of the council under subsection (1) of this section and that risk shall be one of the specified risks.

(10) In this section—

"financial year" means the period of twelve months commencing on 1st April in any year and ending on 31st March in the next following year;

PART VI —*cont.*

" insurance office " means—

(i) an insurance company; or

(ii) an underwriter being a member of an association of underwriters;

" the prescribed amount " means such sum as may from time to time be prescribed by the council.

(11) Section 159 (Insurance fund) of the local Act of 1937 is hereby repealed.

PART VII

SUPERANNUATION

Interpretation of Part VII.

25.—(1) In this Part of this Act, except as otherwise expressly provided or unless the context otherwise requires, words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings, and—

1937 c. 68.

" the Act of 1937 " means the Local Government Superannuation Act 1937;

" contributor " means a contributor to the fund as respects whom the Corporation are the employing authority;

" death grant " and " transfer value " have, in relation to a contributor, the meanings assigned to them respectively by the Regulations of 1954;

" the fund " means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;

" the principal Acts " means the Local Government Superannuation Acts 1937 to 1953;

" the Regulations of 1954 " means the Local Government Superannuation (Benefits) Regulations 1954;

" return of contributions " in relation to a person who has ceased to be a contributor includes any sum paid to, or in respect of, him by way of interest on the amount of the contributions returned to him;

" superannuation benefit " includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder or in pursuance of any local Act or scheme or local Act scheme.

(2) In this section and in sections 26 to 30 of this Act " the new superannuation provisions " means those sections and this section.

(3) Without prejudice to the provisions of section 28 (Power to require designated sums to be paid to trustees) and section 29

(Transfers of employment) of this Act, the provisions of the principal Acts and the regulations made thereunder shall apply and have effect in relation to a person who is a contributor on or after the date of the coming into force of the new superannuation provisions subject to the extensions, modifications and applications of the said Acts and regulations contained in this Part of this Act. PART VII —*cont.*

Commencement of new superannuation provisions.

26. The new superannuation provisions shall come into force on 1st April, 1971.

Benefits in certain cases of premature retirement.

27.—(1) Where, after the coming into force of this section the employment of a contributor who has attained the age of fifty-five years and completed ten years' service is terminated in the interests of efficiency before he has attained the age of sixty-five years, he shall be entitled to superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment:

Provided that this subsection shall not apply to a contributor if not later than one month after ceasing to hold his employment he notifies the Corporation in writing that he does not wish this subsection to apply to him.

(2) Where, after the coming into force of this Part of this Act, a contributor who has attained the age of fifty-five years and completed twenty-five years' service, but has not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

Provided that—

(i) where a person has become entitled to a superannuation benefit by virtue of this subsection he may, by notice given to the Corporation in writing at any time before any payment on account of such benefit has been made to him, elect that this subsection and any rights to which he is entitled thereunder shall cease to apply in relation to him as from the date on which such notice is given;

(ii) unless the Corporation otherwise determine on compassionate grounds, no benefit shall be paid to a person by virtue of this subsection before the date on which he attains pensionable age.

(3) Where a person, who has become entitled to a superannuation benefit by virtue of subsection (2) of this section, dies

PART VII —*cont.*

before any payment on account of such benefit has been made to him, as from the date of his death the like benefits shall be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

(4) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of " service " in subsection (1) of section 40 of the Act of 1937 whether or not any payment has been made to him on account thereof.

1953 c. 25.

(5) For the purposes of section 16 of the Local Government Superannuation Act 1953 and of any rules made thereunder, a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16.

(6) In this section—

" pensionable age " in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to superannuation benefits by reason of having, otherwise than under this section, attained such age and completed such period of service as is prescribed in the principal Acts or the Regulations of 1954, as the case may be.

Power to require designated sums to be paid to trustees.

28.—(1) A contributor may at any time, by notice in writing to the Corporation given in such form as the Corporation may approve, direct—

(*a*) that the provisions of this section shall apply to the amount (if any) which would, but for the giving of such notice, be payable to his estate either by way of death grant or as a sum calculated by reference to the aggregate amount of his contributions to the fund, with compound interest thereon; and

(*b*) that any such amount (hereafter in this section and in Schedule 1 to this Act referred to as " the designated sum "), instead of being paid to his estate, shall be paid to such responsible persons, not being less than two nor more than four in number, as shall be appointed for that purpose by the Corporation (hereafter in this section and in the said Schedule 1 referred to as " the

PART VII —*cont.*

trustees ") to be held upon the trusts, and with and subject to the powers and provisions, in force under the said Schedule 1 at the date of such direction.

(2) Any direction given in accordance with this section shall be effective, and the designated sum shall accordingly be paid to the trustees and shall be held by them upon the trusts, and with and subject to the powers and provisions, in force under the said Schedule 1 at the date of such direction.

(3) The trusts, powers and provisions set out in the said Schedule 1 may from time to time be varied by resolution of the council, but so that the trusts, powers and provisions as so varied shall only apply in relation to directions received by the Corporation after the making of such variations.

(4) Any direction given by a contributor under this section shall be irrevocable and binding on such contributor and his estate and all persons interested therein.

(5) In this section and in the said Schedule 1 " contributor " includes any person who, on or after the date of the coming into force of this Part of this Act, is a contributor to the fund, and " former contributor " shall be construed accordingly.

Transfers of employment.

29.—(1) The Corporation may, in accordance with the provisions of a scheme made by them for the purposes of this section—

(*a*) as respects any contributor who ceases or has ceased to hold employment with the Corporation in order to enter an employment (in this paragraph referred to as " the new employment ") in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, in lieu of making any such payment to him from the fund as is referred to in section 10 of the Act of 1937 (or, where such a payment has been made, if it is repaid to the fund by the contributor), either—

(i) make from the fund in respect of him a payment by way of a transfer value to the body or persons responsible for administering any superannuation scheme in connection with the new employment; or

(ii) subject to such consequential provisions as may be prescribed in the scheme, award to or in respect of him superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment with the Corporation:

PART VII —*cont.*

Provided that no benefit shall be paid to a person by virtue of this sub-paragraph before such date as may be prescribed under the scheme; and

(*b*) as respects any person who enters or has entered into employment with the Corporation from an employment in relation to which interchange arrangements are not for the time being in force, receive any payment made by or in respect of him to the fund, whether by way of transfer value or otherwise, and shall confer on him by virtue of such payment such rights under the principal Acts, and the regulations made thereunder, as may be prescribed under the said scheme.

(2) A scheme made under this section shall be of no effect unless it has been approved by the Secretary of State, and the Secretary of State may approve any such scheme, either with or without modifications, after consultation with such organisations as are, in his opinion, representative of the interests concerned.

(3) A scheme made under this section may be amended or revoked by a subsequent scheme.

(4) Any body or persons responsible for administering a superannuation scheme in connection with an employment as respects which interchange arrangements are not for the time being in force, may make any amendments or modifications of that superannuation scheme which may be desirable to facilitate the operation of any scheme made by the Corporation under this section.

(5) Where any provision of the principal Acts or the regulations made thereunder which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate) to include a reference to any such payment by way of a transfer value as is referred to in subsection (1) (*a*) (i) of this section or to such payment by way of a transfer value or otherwise as is referred to in subsection (1) (*b*) of this section.

(6) In this section "interchange arrangements" means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 or by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment.

1948 c. 33.

Extension of foregoing sections.

30.—(1) The Corporation may, at the request in writing of any other employing authority, being the employing authority of any person who participates in the benefits of the fund, determine that, subject to the provisions of this section and to such terms and conditions and from such date as may be agreed between the Corporation and the employing authority, all or any of the provisions of the last three foregoing sections of this

PART VII —*cont.*

Act, and of any scheme made under section 29 (Transfers of employment) of this Act, shall extend and apply in relation to that person.

(2) An employing authority may make any such request to, and enter into and carry into effect any such agreement with, the Corporation as is mentioned in subsection (1) of this section notwithstanding anything contained in any enactment; and, where under any enactment or any agreement made under an enactment provision is made for expenditure to be reimbursed by an employing authority to the fund, such provision shall extend and apply in a like manner to any expenditure incurred under any of the said foregoing sections or the said scheme in pursuance of the provisions of this section.

(3) In this section any reference to a person shall be deemed to include a reference to any class or description of persons.

Transfer of certain sums from superannuation fund.

31.—(1) If a contributory employee of the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Corporation may transfer from the fund to the general rate fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife and family, or the amount of the loss suffered by the Corporation in consequence of the employee's offence, whichever is the less.

(2) In this section "contributory employee" has the same meaning as in the Act of 1937.

PART VIII

MISCELLANEOUS

Destruction of documents connected with applications for permission for development.

32.—(1) At any time after a period of six years from the date of the receipt by the Corporation of an application for permission for development the Corporation may, having made the necessary entries in the register in accordance with the provisions of article 14 of the Town and Country Planning General Development Order 1963 and retained the application and the copy of the plan or plans approved in connection therewith, together with any industrial development certificate or office development permit issued in connection therewith, destroy any of the other documents received by them in connection with the application.

(2) At any time after a period of six years from the date of the deposit with the Corporation in accordance with building regulations of plans of any proposed work, the Corporation may, having retained the plans, destroy any of the other documents received by them in connection with the deposit of the plans.

PART VIII —*cont.*

Inspection of plans relating to applications for planning permission.

33. For the avoidance of doubt it is hereby declared that the Corporation may, on being requested so to do, produce, for inspection by any person who satisfies them or their duly authorised officer that he has a genuine interest therein, any plans or drawings which have been lodged or deposited with them in connection with any application for planning permission.

Boundary walls.

34.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished by the Corporation leaving exposed a wall of adjoining premises, the Corporation may—

(*a*) with the consent of the owner of those adjoining premises, carry out at their own expense any works which they consider to be reasonably necessary or. desirable for either or both of the following purposes, that is to say, for—

(i) weatherproofing the surface of the wall;

(ii) restoring or improving the appearance of the wall; or

(*b*) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where in the opinion of the Corporation any consent required for the carrying out of works proposed by them for the purposes mentioned in sub-paragraph (ii) of paragraph (*a*) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out will be, detrimental to the general appearance of the area in which the adjoining premises are situate, they may apply to the magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) An officer of the Corporation, or of their contractor, acting in pursuance of an order of the magistrates' court or of the court of quarter sessions made in pursuance of the foregoing provisions of this section, and after the giving of not less than seventy-two hours' notice to the occupier of the land on which the exposed wall is situated may, at all reasonable times, and on producing, if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(3) Nothing in this section, nor the carrying out of any works thereunder, shall impose upon the owner of any such adjoining

premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section. PART VIII —*cont.*

Insurance of certain voluntary workers.

35.—(1) The Corporation may enter into a contract with any person whereby, in consideration of payments made by way of premium or otherwise by the Corporation, that person undertakes to pay to the Corporation such sums as may be provided in the contract in the event of any voluntary health service assistant or voluntary welfare service 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 the Corporation under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by the Corporation to, or to the personal representatives of, the voluntary health service assistant or voluntary welfare service assistant who suffered the accident, disease or sickness in respect of which the sum is received.

(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 1958 to be a policy of insurance upon the happening of personal accidents, disease or sickness. 1774 c. 48. 1958 c. 72.

(4) In this section "voluntary health service assistant" and "voluntary welfare service assistant" mean a person who, at the request of the Corporation, or a duly authorised officer of the Corporation, performs any service or does anything, otherwise than for profit or reward, for the purposes of, or in connection with, the carrying out of any of the functions of the Corporation under the National Health Service Act 1946, the National Assistance Act 1948, the Disabled Persons (Employment) Act 1958 and the Mental Health Act 1959, and any other enactment relating to the health or welfare services of the Corporation (as the case may be) and includes any officer of a voluntary organisation which provides in the borough services or facilities of the kind provided by the Corporation in pursuance of these functions. 1946 c. 81. 1948 c. 29. 1958 c. 33. 1959 c. 72.

(5) In this section "voluntary organisation" means any organisation not carried on for profit, not being an organisation carried on by a public or local authority, and "voluntary" shall be construed accordingly.

Power to provide dustbins for trade refuse.

36. The Corporation may, as respects any premises in the borough, provide and maintain such number of dustbins for the reception of trade refuse as they may consider necessary.

PART VIII —*cont.*

Designation of officers.

37.—(1) Notwithstanding anything in Part IV of the Act of 1933 or in any other enactment—

(*a*) the Corporation may from time to time by resolution determine that the office, style or title of any officer of the Corporation shall be that specified in the resolution instead of that specified in the said Act of 1933 or in any other enactment; and

(*b*) where by virtue of any local enactment in force in the borough, any function is required or authorised to be carried out by any officer of the Corporation specified in the enactment, the Corporation may from time to time by resolution determine that that function shall be carried out by the officer holding the office or bearing the style or title specified in the resolution in place of the officer specified in the enactment.

(2) Anything done by an officer as holding the office, or in the style or title specified in any resolution passed under subsection (1) of this section, shall be valid and effectual for all purposes as it would have been had it been done by the officer in the office, and holding the style or title, specified in the Act of 1933 or other enactment.

(3) As from the date of the passing of any resolution under subsection (1) of this section, any reference (whether specific or general) in any enactment or document to the office, style or title of an officer to whom the resolution relates shall be construed as if the office, style or title specified in the resolution were substituted for the office, style or title specified in that enactment or document.

Protection of members and officers of Corporation from personal liability.

1875 c. 55.

38. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority.

Hire of electronic or mechanical accounting equipment.

39. The Corporation may, by agreement with any person, use or permit the use of any electronic, mechanical or other equipment for accounting, analytical, statistical or other purposes, or for printing or reproduction of documents (including equipment for microfilm recording) which the council have provided for the purposes of all or any of their work, and may provide any facilities and services ancillary to, or necessary or convenient for, the use of the said equipment and may make such charges as may be agreed for the use of such equipment and the provision of such facilities or services:

Provided that—

(*a*) where any such equipment has been provided by the council and any other person jointly, the council shall

PART VIII —*cont.*

not exercise the powers of this section in respect of the equipment so provided except by agreement with such other person; and

(*b*) any apparatus for wireless telegraphy as defined in the Wireless Telegraphy Act 1949 or any programme distribution system as defined in the Post Office Act 1969 shall not be installed, used or run under any of the provisions of this section in contravention of the provisions of those Acts.

1949 c. 54.

1969 c. 48.

Delegation of powers to sub-committees.

40.—(1) A committee lawfully authorised by the council to exercise any powers of the council under any enactment may, subject to any direction of the council, appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit, and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

(2) A majority of the members of any such sub-committee shall be members of the council:

Provided that—

(*a*) all the members of a sub-committee appointed by a finance committee of the council shall be members of the council; and

(*b*) whenever at any meeting of any such sub-committee the members present thereat do not include a majority of members of the council, any decision of the sub-committee shall have no effect unless it is confirmed by the committee.

(3) Nothing in this section shall authorise the appointment of a sub-committee for any purpose for which a committee are authorised or required to appoint a sub-committee by any other enactment for the time being in force.

Amendment of section 187 of Grimsby Corporation Act 1921.

41. Section 187 (Inspection and certification of taximeters) of the Grimsby Corporation Act 1921 shall have effect as if in sub-section (1) thereof for the words " not exceeding five shillings in any one year " there were substituted the words " not exceeding one pound for each such test and certificate ".

1921 c. lxxvi.

Recovery of cost of inspections of hackney carriages.

42. The cost not exceeding two pounds, or such greater sum as the Secretary of State for the Home Department may from time to time determine, per inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether hackney carriage licences should be granted therefor shall if the council so resolve be recoverable from the proprietors thereof.

PART VIII —*cont.*

Amendment of section 44 of Grimsby Corporation Act 1962.

1962 c. xxvi.

43. Section 44 (Provisions as to motor vehicles let for hire) of the Grimsby Corporation Act 1962 shall have effect as if for the words " for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to any motor vehicle notwithstanding that it is not a hackney carriage, which is offered or let for hire with the service of a driver and to such drivers " there were substituted the words " with respect to vehicles which are offered or let for hire with the services of a driver and to such drivers as if such vehicles were hackney carriages ".

For protection of statutory undertakers.

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

(1) In this section—

" apparatus " means—

(*a*) any electric line or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the Central Electricity Generating Board or the Yorkshire Electricity Board;

1882 c. 56.

(*b*) mains, pipes or other apparatus belonging to or maintained by the Gas Council or the East Midlands Gas Board;

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

" operational land " means land which is used by the undertakers for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;

" the undertakers " means the Central Electricity Generating Board, the Yorkshire Electricity Board, the Gas Council and the East Midlands Gas Board, or any of them, as the case may be:

(2) (*a*) Nothing in section 10 (Trees, grass verges and gardens) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land;

PART VIII —*cont.*

(*b*) Nothing in the said section 10 shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

Provided that, in exercising such rights the undertakers shall not cause or permit, except in the case of necessity, vehicles to enter upon any such verge which is maintained in an ornamental condition or mown, or any garden:

(3) (*a*) When the Corporation give any notice under subsection (1) of section 11 (Securing of unoccupied houses under Act of 1957) of this Act they shall at the same time send a copy of such notice to the undertakers;

(*b*) Nothing in the said section 11 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the undertakers in exercising such powers of entry in respect of any premises secured under the said section 11 shall ensure that the premises are not left less secure by reason of the entry:

(4) (*a*) Any difference which may arise between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institution of Civil Engineers on the application of either party, after notice in writing to the other party;

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

PART IX

GENERAL

Local inquiries.

45.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8)

PART IX —*cont.*

of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

1946 c. 31.

The appointed day.

46.—(1) (*a*) In this Act "the appointed day" means, in reference to the sections of this Act hereinafter mentioned, such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(*b*) The sections of this Act hereinbefore referred to are—

Section 12 (Tattooists);
Section 13 (Mobile coffee stalls, etc.);
Section 14 (Entertainment clubs).

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

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

(*b*) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

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

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard

to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 48 (Appeals) of this Act. PART IX —*cont.*

Restriction on right to prosecute.

47. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

Appeals.

48.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under this Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

(*a*) involves the execution of any work or the taking of any action; or

(*b*) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;

then, until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and

(ii) that person may carry on that business, and use those premises for that purpose.

Application of general provisions of Act of 1936.

49.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included a reference to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part III (Streets and highways), Part IV (Public health) and Part V (Public order and public safety) of this Act.

Costs of Act.

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

SCHEDULES

Section 28.

SCHEDULE 1

TRUSTS APPLICABLE TO DESIGNATED SUMS

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 28 (Power to require designated sums to be paid to trustees) of this Act shall apply and the income thereof upon the following trusts, and with and subject to the following powers and provisions, that is to say:—

1. During the period of twenty-one years from the death of the former contributor, the trustees may pay or apply the designated sum and the income thereof, or any part thereof, respectively to, or for the benefit of, all or any one or more exclusively of the other or others of the following persons:—

(*a*) the widow or widower of such former contributor;

(*b*) the grandparents of such former contributor and the grandparents of the widow or widower of such former contributor and the grandparents of any previous or deceased wife or husband of such former contributor;

(*c*) the issue of such former contributor;

(*d*) any other issue of any of the grandparents referred to in sub-paragraph (*b*) of this paragraph; and

(*e*) the person or persons (if any, and whether of full age or not) to whom such former contributor has at any time put himself in loco parentis or of whose person or property such former contributor has at any time been guardian;

in such shares and in such manner as the trustees shall in their absolute discretion from time to time determine, and so that the trustees may, if they think fit, pay any sum to the parent or guardian of any infant to be applied for the benefit of such infant without seeing to the application thereof.

2. In addition to the powers conferred on them by virtue of paragraph 1 of this schedule during the said period of twenty-one years, the trustees may at any time pay or apply the designated sum and the income thereof, or any part thereof respectively to, or for the benefit of, any person who in the opinion of the trustees was wholly or in part dependent on the earnings of such former contributor at his death, in such manner as the trustees shall in their absolute discretion think fit.

3. Subject as aforesaid, the designated sum and the income thereof, or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this schedule, shall be paid to such person or persons (other than the Crown, the Duchy of Lancaster or the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act 1925, as amended by the Intestates' Estates Act 1952, or any statutory modification or re-enactment thereof in force at the

1925 c. 23.
1952 c. 64.

death of such former contributor if such former contributor had died possessed thereof intestate and domiciled in England and solvent, and so that such persons, if more than one, shall take in such shares and manner in which they would have taken under the provisions of the said Act or Acts, and subject to the conditions therein contained. SCH. 1 —*cont.*

4. In this schedule "grandparents" and "issue" shall be construed as if the step-child, adopted child or illegitimate child of any person was that person's child, and "issue" includes issue in any degree.

SCHEDULE 2

Section 49.

SECTIONS OF ACT OF 1936 APPLIED

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Grimsby Corporation Act 1970

CHAPTER lxxxii

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