Huddersfield Corporation Act, 1956

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CHAPTER lxxiii

An Act to make further provision with regard to the improvement health local government and finances of the borough of Huddersfield and for other purposes.

[2nd August 1956.]

WHEREAS the borough of Huddersfield is a county borough under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called " the Corporation "):

And whereas it is expedient to make further provision in reference to the improvement health and local government of the borough:

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

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

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

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

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Huddersfield Corporation Act 1956.

(2) The Huddersfield Corporation Acts 1852 to 1953 and this Act may together be cited as the Huddersfield Corporation Acts 1852 to 1956.

PART I —*cont.*

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Streets sewers and drains.

Part III.—Buildings nuisances and health matters.

Part IV.—Food.

Part V.—Finance and miscellaneous.

Part VI.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 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.

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

"the Act of 1871" means the Huddersfield Improvement Act 1871;

"the Act of 1933" and "the Act of 1936" mean respectively the Local Government Act 1933 and the Public Health Act 1936;

"the appointed day" has the meaning assigned to it by section 46 (The appointed day) of this Act;

"the borough" means the borough of Huddersfield;

"the commission" means the British Transport Commission;

"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;

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

"the electricity authority" means the Central Electricity Authority;

"the electricity board" means the Yorkshire Electricity Board;

"enactment" includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the borough;

"food" has the same meaning as in section 135 of the Food and Drugs Act 1955;

"the gas board" means the North Eastern Gas Board;

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

PART I —*cont.*

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

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

"notifiable disease" means—

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

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

"revenues" in relation to the Corporation has the meaning assigned to it by section 218 of the Act of 1933;

"statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (*a*) of subsection (1) of section 215 of the Act of 1933;

"the town clerk" and "the medical officer" mean respectively the town clerk and the medical officer of health of the borough.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

(4) References in this Act to a subsequent offence against any provision of this Act shall be construed as references to an offence against that provision committed after a previous conviction of such an offence.

PART II

STREETS SEWERS AND DRAINS

Decorations in streets.

4.—(1) The Corporation may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the borough for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street.

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

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of

PART II —*cont.*

Transport and Civil Aviation or in any street belonging to or repairable by the commission without the consent of the commission.

Maintenance of forecourts to which public have access.

5.—(1) Where the forecourt of any premises abutting upon a street in the borough is unfenced and is habitually used or is open to use by the public as part of the footway of such street the Corporation may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same.

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

Provided that—

(*a*) for the purposes of paragraph (*c*) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the Corporation of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work;

(*b*) the Corporation may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

Defacing of road surface etc.

6.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall—

(*a*) deface the surface of any street in the borough or any wall fence post or other structure or erection or any tree on or adjoining any such street by inscribing or painting thereon any letter sign device or other mark;

(*b*) remove obliterate deface or obscure any traffic sign erected or placed in the borough under the provisions of the Road Traffic Acts 1930 to 1947.

(2) The Corporation may themselves—

(*a*) cleanse and reinstate the surface of any street wall fence post or other structure or erection; or

(*b*) cleanse any tree;

which has been defaced contrary to the provisions of subsection (1) of this section or any such traffic sign which has been

PART II —*cont.*

so removed obliterated defaced or obscured and may remove any such letter sign device or other mark as is referred to in that subsection.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds and the court by whom he is convicted may whether or not it imposes a penalty, in addition by order require him to pay to the Corporation any expenses incurred by them under subsection (2) of this section.

Abandoned drains to be cut off.

7.—(1) Where any person in the borough—

(*a*) reconstructs any drain which communicates with any sewer or other drain ; or

(*b*) lays such drain in a new position ; or

(*c*) on the occasion of the execution of any works to or in connection with such drain permanently discontinues the use of such drain ;

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and effectually sealed.

(2) If any person knowingly contravenes the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Before cutting off and sealing pursuant to subsection (1) of this section any drain or portion of drain which before such cutting off communicates directly or indirectly with any public sewer the person executing the work shall give to the Corporation not less than forty-eight hours' notice of his intention to commence such work and if he fails to give such notice he shall be liable to a penalty not exceeding five pounds:

Provided that if the person executing such work as aforesaid gives to the Corporation notice pursuant to section 41 of the Act of 1936 and such notice contains notice of his intention to commence such work he shall not be required to give a further notice under this section.

Dealing with drains and sewers before demolition of premises.

8.—(1) As from the appointed day the Corporation may if it is reasonable so to do having regard to all the circumstances of the case—

(*a*) by counter-notice served within six weeks from the receipt of a notice under section 9 (Demolition of buildings) of this Act ; or

(*b*) in any demolition order or clearance order made by them under section 11 or section 26 respectively of the Housing Act 1936 ;

PART II —*cont.*

require the person giving such notice or (as the case may be) the person upon whom such order is served either—

(i) to seal any sewer or drain on in or under the site of the building to which the notice or order relates; or

(ii) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected;

and to make good and restore to the satisfaction of the Corporation the surface of the ground disturbed by or interfered with by the execution of any works under paragraph (i) or paragraph (ii) of this subsection.

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

(3) Section 15 of the Housing Act 1936 shall apply in relation to any requirement made under this section in a demolition order under section 11 of that Act as if such requirement was made in such order under Part II of that Act and the Second and Third Schedules to the Housing Act 1936 shall apply in relation to any requirement made under this section in a clearance order under section 26 of that Act as if the power to make such requirement in such order was conferred by that Act.

PART III

BUILDINGS NUISANCES AND HEALTH MATTERS

Demolition of buildings.

9.—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof within the borough without first giving notice to the Corporation of his intention so to do and the Corporation may require such person to comply with such reasonable terms and conditions as they think fit including terms and conditions requiring—

(*a*) the shoring up of adjacent buildings; and

(*b*) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation:

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals

PART III —*cont.*

in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the person giving the notice may agree in writing to allow they give notice to him that they have decided to the contrary.

(3) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

(4) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to material or rubbish removed by the Corporation under this section.

(5) All expenses incurred by the Corporation under subsection (3) of this section may be recovered by the Corporation from the person who has given notice under subsection (1) of this section.

(6) Any expenses or any part of the expenses incurred in pursuance of this section in the shoring up of a building not entitled to support from the building to be demolished or taken down may be recovered by the person who has given notice under subsection (1) of this section or the Corporation (as the case may be) from the owner of the building to be shored up.

(7) This section shall not apply to—

(*a*) any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—

(i) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground ; or

(ii) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposd to be demolished or taken down ; or

(*b*) any poultry-house greenhouse coal shed or cycle shed or other similar structure ; or

(*c*) any building belonging to any statutory undertakers and held by them for the purposes of their undertaking:

Provided that the exemption conferred by paragraph (*c*) of this subsection shall not extend to houses or to buildings last used before demolition as offices or show rooms other than buildings so used which form part of a railway station.

PART III —*cont.*

(8) In this section the expression "factory" has the same meaning as in the Factories Act 1937 and the expression "building" includes a factory chimney shaft.

(9) If any person contravenes the provisions of this section or of any term or condition imposed under this section he shall be liable to a penalty not exceeding five pounds.

(10) Any person aggrieved by the terms or conditions imposed by the Corporation under this section may appeal to a magistrates' court.

(11) Where any person proposes to demolish or take down any building or part thereof in pursuance of a demolition order or clearance order made by the Corporation under section 11 or section 26 respectively of the Housing Act 1936 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in a notice served on the owner (within the meaning of the Housing Act 1936) of the building at the same time as or within seven days of the service by the Corporation on him of a copy of the demolition order or clearance order required by subsection (4) of the said section 11 or by paragraph 5 of the Second Schedule to the said Act as the case may be.

Parts of buildings used for storage of *inflammable* substances.

10.—(1) Where any part of a building in the borough is used for the storage for purposes of sale or trade of any substance to which this section applies in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building for the purpose hereinafter mentioned or in such manner as to be liable to cause fire or explosion no person shall knowingly or wilfully use or permit to be used as a habitable room or as a place in which any person works any part of the building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building used for such storage or any part of the building used for such storage unless the building is certified by the Corporation to comply with their requirements made in accordance with this section.

(2) The Corporation may by notice require the occupier of any such part of a building as is mentioned in subsection (1) of this section to provide—

(i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the part of the building used for such storage;

(ii) means of ready escape in case of fire from the part of the building used for such purposes as aforesaid and the part of the building used for such storage; and

(iii) notices in or on the part of the building used for such storage indicating the existence of danger from fire.

PART III —*cont.*

(3) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section may appeal to a magistrates' court on any or all of the following grounds:—

(*a*) that the requirement is not justified by the terms of this section;

(*b*) that the requirement is unreasonable in character or extent.

(4) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(5) This section applies to—

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

(*b*) any other substance which gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit:

Provided that the Corporation shall not make any requirement under this section with respect to any building in which no such substance is stored other than—

(*a*) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply; or

(*b*) a substance which does not give off an inflammable vapour at a temperature of less than ninety degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each.

(6) The foregoing provisions of this section shall not apply to a factory in respect of which a certificate has been granted under section 34 of the Factories Act 1937 and is in force.

Disused petrol tanks.

11.—(1) Where the Corporation grant a petroleum spirit licence for the storage of petroleum spirit in a tank they may attach conditions to the licence requiring such steps to be taken or work executed if the tank becomes a disused petrol tank as they may think expedient for preventing danger from the tank.

(2) Where a disused petrol tank is kept on any premises in the borough the occupier of the premises if a petroleum spirit licence was granted to him in respect of the storage of petroleum spirit in such tank shall comply with the conditions attached to the licence with respect to preventing danger from the tank or if such licence was not granted to the occupier the owner of the premises shall at the written request of any authorised officer take all such steps as may be reasonably necessary to prevent danger from the tank:

Provided that this subsection shall not apply to any premises within an area in which the commission are the local authority

PART III —*cont.*

empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(3) Any authorised officer may require the occupier of any premises or any other person in charge of the premises to show him any disused petrol tank on the premises and to permit him to ascertain whether the provisions of this section have been complied with.

(4) If any person after due warning contravenes the provisions of subsection (2) of this section he shall be liable to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds.

(5) In this section—

(*a*) the expression " authorised officer " means an authorised officer of the Corporation for the purposes of the Petroleum (Consolidation) Act 1928 ;

(*b*) the expression " disused petrol tank " means any tank or other fixed container which has been but is no longer used for the storage of petroleum spirit ;

(*c*) the expressions " petroleum spirit " and " petroleum spirit licence " have the same meanings as in the Petroleum (Consolidation) Act 1928.

Access to new buildings for fire brigade.

12.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with the Corporation and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as the Corporation may consider necessary to enable effective action to be taken by them in case of fire at such building the Corporation shall reject the plans.

(2) If the Corporation reject the plans under the authority of this section the notice to be given under subsection (2) of section 64 of the Act of 1936 shall specify this section as that under the authority of which the plans have been so rejected.

(3) Any question arising under this section between the Corporation and a person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

Receptacles for trade refuse.

13.—(1) (*a*) The Corporation may by notice require the occupier of any business premises in the borough who has requested the Corporation to remove any trade or other refuse from such premises to provide for the reception of the refuse such number of covered dustbins or other suitable receptacles

PART III —*cont.*

of such material size and construction as the Corporation may approve:

Provided that this subsection shall not entitle the Corporation to require the replacement of any dustbin in use at the commencement of this Act so long as it is of suitable material size and construction and properly covered and in proper condition.

(*b*) Any person aggrieved by a requirement of the Corporation under this subsection may appeal to a magistrates' court.

(2) If a person fails to comply with a notice under the preceding subsection or fails to maintain in good order and condition any dustbin or other suitable receptacle which under that subsection he has been required to provide or fails to replace any such dustbin or other suitable receptacle when worn out by a new dustbin or other suitable receptacle of a material size and construction approved by the Corporation the Corporation may provide such dustbin or other suitable receptacle or such new dustbin or other suitable receptacle as may be required and may recover the expenses reasonably incurred by them in so doing from the person in default and without prejudice to the right of the Corporation to exercise that power he shall be liable to a penalty not exceeding twenty shillings.

(3) In this section the expression "business premises" means any premises used for the purpose of any trade or business except premises used as a shop or solely as a warehouse.

Discharge of steam and waste gas.

14.—(1) No person shall cause or permit to be discharged in the borough so as to be prejudicial to health or a nuisance—

(*a*) any steam or waste gas ejected from any stationary engine or the boilers or condensers thereof; or

(*b*) any condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected; or

(*c*) any spent or ejected steam arising or produced in the course of any trade or business.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings:

Provided that in any proceedings brought under this section it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the prejudice to health or the nuisance having regard to cost and to other relevant circumstances.

(3) Nothing in this section shall apply to steam gas or water discharged from a railway locomotive.

Byelaws as to refuse tips etc.

15.—(1) The Corporation may make byelaws—

(*a*) for controlling and regulating the tipping or deposit of refuse and for prescribing the method of such tipping or deposit;

PART III —*cont.*

(*b*) for preventing the tipping or deposit of refuse so that such refuse either alone or in combination with other refuse is noxious or offensive or is dangerous or injurious to health or is liable to become noxious or offensive or to become dangerous or injurious to health or ignited ;

(*c*) for prohibiting the owners and occupiers of land permitting such land to be used for the tipping or deposit of refuse in contravention of the provisions of the byelaws ;

(*d*) for securing the adequate fencing of any tip or deposit of refuse ; and

(*e*) for securing that any tip or deposit of refuse which is no longer intended to be used for further tipping or deposit shall not be or become noxious or offensive or dangerous or injurious to health or liable to become ignited.

(2) (*a*) Section 287 of the Act of 1936 as applied to this section shall have effect as if the purposes for which any authorised officer of the Corporation shall have a right to enter any premises included the purpose of taking samples of any refuse on such premises.

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

(3) The byelaws made under this section may contain provisions for imposing on persons offending against the byelaws fines not exceeding two hundred pounds and in the case of a continuing offence a further fine not exceeding fifty pounds for each day during which the offence continues after conviction therefor.

(4) No byelaw under this section shall extend to regulate or control the tipping of refuse by railway canal or inland navigation undertakers for the purpose of constructing widening or maintaining any railway canal inland navigation dock or wharf works.

(5) In this section " refuse " includes trade refuse trade waste house refuse filth rubbish dust and other like matter.

Byelaws as to throwing slop water into street gullies.

16. Section 81 of the Act of 1936 shall extend to empower the Corporation to make byelaws for preventing slop water from any house or premises from being discharged or thrown or suffered to be discharged or thrown or to pass into any street gully in the borough.

PART III —*cont.*

Further powers for prevention of damage by rats and mice.

17.—(1) Where the Corporation by agreement with the owner or occupier of any premises in the borough take steps under the Prevention of Damage by Pests Act 1949 for the destruction of rats or mice on the premises of such owner or occupier or otherwise for keeping the premises free from rats or mice they may make and recover such reasonable charge for so doing as they think fit.

(2) Section 22 of the Prevention of Damage by Pests Act 1949 (which confers powers of entry) shall have effect in its application within the borough as if the following provisions were inserted after subsection (1):—

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

(*a*) that admission to any land has been refused or that refusal is apprehended or that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(*b*) that there is reasonable ground for entry upon the land for any such purpose as is mentioned in subsection (1) of this section;

the justice may by warrant under his hand authorise the local authority by any person duly authorised in writing to enter upon the land if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

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

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

Restriction on attendance at public places etc.

18. Section 148 of the Act of 1936 in its application to the borough shall have effect as if the following paragraph were substituted for paragraph (*b*) thereof:—

"(*b*) having the care of a person—

(i) whom he knows to be suffering from a notifiable disease; or

PART III —*cont.*

(ii) whom he cannot permit to attend school without contravening section 150 of this Act;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or ".

Exclusion of children from places of entertainment or assembly.

19.—(1) With a view to preventing the spread of a notifiable disease the Corporation on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in the borough (including public swimming baths) for a time specified in the notice.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by the Corporation with a copy of a notice published under the foregoing subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a penalty not exceeding five pounds:

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression " prescribed age " in relation to any notice means such age not exceeding sixteen as may be prescribed by the notice.

PART IV

FOOD

Protective clothing for persons in slaughterhouses.

20.—(1) Every person who employs a person in any slaughterhouse shall cause such person while engaged in a slaughterhouse in carrying meat to wear and every person while so engaged shall wear a clean and washable overall and a clean and washable head covering.

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding five pounds.

(3) The provisions of this section shall not apply in relation to meat which is packed in hampers or other strongly constructed and impervious cases or is adequately wrapped in jute or some other stout fabric so as to protect it from contamination.

(4) This section shall cease to have effect upon the coming into operation of any regulations made under section 13 of the Food and Drugs Act 1955 and relating to the wearing of protective clothing by persons handling meat in slaughterhouses.

PART IV —*cont.*

Byelaws as to sale etc. of animal feeding meat.

21.—(1) The Corporation may make byelaws—

(*a*) for regulating the construction and equipment of any premises at or from which animal feeding meat is—

(i) prepared for sale;

(ii) sold or offered or exposed for sale; or

(iii) deposited for the purpose of sale or preparation for sale;

(*b*) for regulating the cleanliness and sanitary condition of such premises and the provision of suitable storage therein for animal feeding meat;

(*c*) for requiring the keeping of accurate records of—

(i) the description quantities and weights of all animal feeding meat delivered at or sold otherwise than by retail at or from any premises at which the sale or offer or exposure for sale of animal feeding meat is carried on;

(ii) the dates at which deliveries and sales take place; and

(iii) the names and addresses of the persons from whom the articles so delivered are obtained and of the persons to whom such sales are made;

(*d*) for prohibiting the sale or offer or exposure for sale of animal feeding meat unless such meat has been sterilised in such manner as may be prescribed by the byelaws;

(*e*) for empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid:

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is bona fide supplied to a zoological garden or to a menagerie for consumption only by carnivorous animals in such zoological garden or menagerie and which has been examined and passed as fit for animal food by an authorised officer.

(2) Nothing in any byelaw made under paragraph (*a*) or (*b*) of subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

(*a*) in tins or other containers effectually sealed and bearing a clearly legible statement appearing prominently and conspicuously thereon or on a label securely attached thereto to the effect that the animal feeding meat is for animal consumption only;

PART IV —*cont.*

(*b*) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

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

(4) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order licence or act of any Minister made granted or done thereunder or having effect by virtue of subsection (2) of section 89 thereof.

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

22.—(1) (*a*) As from the appointed day and subject to the provisions of this subsection no premises shall be used for the sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of animal feeding meat unless such premises are registered under this section for that purpose by the Corporation and a person who uses any premises in contravention of the provisions of this subsection shall be liable in the case of a first offence to a penalty not exceeding ten pounds and in the case of a subsequent offence to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such penalty and such imprisonment.

(*b*) Subject to the following provisions of this subsection the Corporation shall on the application of the occupier of or of a person proposing to occupy any premises register those premises for the purposes of this subsection.

(*c*) If it appears to the Corporation that any premises for the registration of which application has been made under this subsection or which are registered under this subsection do not satisfy the requirements of any byelaws made under the last foregoing section or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used the Corporation shall serve on the applicant for registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time not being less than twenty-one days after the date of the service of the notice at which they propose to take the matter into consideration and informing him that he may attend before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.

(*d*) If a person on whom a notice is served under the last foregoing paragraph fails to show cause to the satisfaction of the Corporation they may refuse the application or (as the case

PART IV —*cont.*

may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it is based.

(*e*) A person aggrieved by the decision of the Corporation under this subsection to refuse to register any premises or to cancel the registration of any premises may appeal to a magistrates' court.

(*f*) Upon any change in the occupation of premises registered under this section the incoming occupier shall if he intends to use them for the purpose for which they are registered forthwith give notice of the change to the Corporation who shall thereupon make any necessary alteration in their register If a person required to give a notice under this paragraph fails to do so he shall be liable to a penalty not exceeding five pounds.

(2) Nothing in subsection (1) of this section shall extend or apply to any premises used for the sale or offer or exposure for sale of animal feeding meat—

(*a*) in tins or other containers effectually sealed and bearing a clearly legible statement appearing prominently and conspicuously thereon or on a label securely attached thereto to the effect that the animal feeding meat is for animal consumption only ;

(*b*) in the form of dog biscuits or other articles of a similar nature ;

which premises are not otherwise used for any purpose in connection with the preparation storage or sale of animal feeding meat.

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

Interpretation of this Part of Act.

23. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them :—

" animal feeding meat " means any flesh of cattle horses asses mules swine sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance ;

" authorised officer " has the same meaning as in section 86 of the Food and Drugs Act 1955 ;

" flesh " includes any part of an animal ;

PART IV —*cont.*

"knacker's yard" and "slaughterhouse" have the same respective meanings as in section 135 of the Food and Drugs Act 1955;

"premises" does not include a knacker's yard or slaughterhouse.

PART V

FINANCE AND MISCELLANEOUS

Power to borrow.

24.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 to borrow without the consent of any sanctioning authority the sum requisite for the payment of the costs charges and expenses of this Act and they shall repay any sum so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed by this section for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Police telephone call boxes and shelters.

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

(*a*) such police telephone call boxes and installations; and

(*b*) such shelters or boxes for the use of police constables;

in such positions in any street park or public place in the borough as they think fit.

(2) Nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(3) The Corporation shall not exercise the powers of this section—

(*a*) without the consent of the Minister of Transport and Civil Aviation in any street being a trunk road; or

(*b*) without the consent of the undertakers concerned—

(i) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street; or

(ii) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers; or

PART V —*cont.*

(iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of such undertakers ; or

(*c*) without the consent of the owner of the premises concerned in any street or on land abutting on any street in such manner as to obstruct an existing access to any premises abutting on such street.

(4) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the Corporation shall remove any box or shelter either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(5) Any question whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any box or shelter has been unreasonably required shall—

(*a*) in the case of a consent of the Minister of Transport and Civil Aviation be referred to and determined by arbitration ;

(*b*) in the case of any other consent be referred to and determined by the Minister of Transport and Civil Aviation.

(6) In this section the expression " transport undertakers " means any railway canal inland navigation or passenger road transport undertakers.

Offences in respect of telephone boxes fire hydrants etc.

26.—(1) If any person wilfully and without the consent of the Corporation—

(*a*) obstructs the access to any police telephone call box or installation provided by the Corporation or any shelter or box so provided for the use of police constables or any fire alarm ; or

(*b*) removes obliterates alters defaces or obscures any plate notice or mark provided by the Corporation for indicating the position of any such call box installation shelter box or fire alarm or the position of any fire hydrant or any underground tank provided for fire-fighting purposes ; or

(*c*) interferes with the equipment in any such call box installation shelter or box ;

he shall be liable to a penalty not exceeding five pounds and the Corporation may recover from him the expenses of removing the obstruction or replacing or making good the plate notice or mark.

PART V —*cont.*

(2) (*a*) If any person telephones or causes to be telephoned from any such call box any statement which he knows to be false (other than any such false alarm of fire as is referred to in section 31 of the Fire Services Act 1947) he shall be liable to a penalty not exceeding five pounds.

(*b*) If any person for the purpose of requiring the services of the police the fire brigade or an ambulance telephones or causes to be telephoned any such statement as aforesaid from a telephone call box provided in the borough by the Postmaster-General he shall be liable to a penalty not exceeding twenty-five pounds.

Devolution of licences in case of death of licensee.

27. Upon the death of the holder of a licence granted in respect of a place or premises in the borough under the Cinematograph Act 1909 or the Theatres Act 1843 the person carrying on at the place or premises the functions in respect of which the licence was granted or acting as the actual and responsible manager of the place or premises in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence has been transferred to some other person.

Collection and recovery of water rents and charges.

28.—(1) Any water rent or charge payable to the Corporation in respect of a supply of water to any premises in the borough may be demanded and collected together with the general rate and the same books may be used for the water rent or charge and the general rate.

(2) Notwithstanding the provisions of any other enactment any water rent or charge recoverable by the Corporation in a magistrates' court may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions in respect of such recovery as the general rate.

(3) Section 94 (Recovery of rates from certain owners) of the Huddersfield Corporation Act 1949 shall apply within the water limits to water rents or charges payable to the Corporation to the same extent as they apply within the borough to the general rate and for the purpose of such application the said section 94 shall have effect as if for references to "general rates" or "rates" there were substituted references to "water rents".

(4) There may be included in one and the same complaint information summons or warrant or in any schedule thereto two or more sums payable to the Corporation by any one person in respect of the water rent or charge and general rate payable by him.

(5) Any summons relating to a sum due to the Corporation in respect of any water rent or charge may be served and any warrant relating to a sum due to the Corporation in respect of

any water rent or charge may be directed to the same persons as and executed in the same way as if it related to the general rate. PART V —*cont.*

(6) In this section "the water limits" means the limits within which the Corporation are for the time being authorised to supply water.

Recovery of rates from tenants and lodgers.

29. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Publication of records etc.

30. The Corporation may publish or contribute to the publication of—

(*a*) such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933;

(*b*) such other documents of historical or other public interest as are in the possession or under the management or control of the Corporation;

(*c*) bulletins journals and leaflets prepared or adapted in the exercise of or in connection with the powers of the Corporation under the Public Libraries Acts 1892 to 1919 or section 134 of the Local Government Act 1948;

(*d*) any work of scholarship having reference to the borough or its neighbourhood or to any museum specimen work of art or document in the possession or under the management or control of the Corporation;

(*e*) any illustration of any museum specimen or work of art in the possession or under the management or control of the Corporation:

Provided that nothing in this section shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or to authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

Further powers as to libraries.

31. Notwithstanding anything contained in Part X (Libraries Museums Schools of Science and Art) of the Act of 1871 or the Public Libraries Acts 1892 to 1919 the powers of the Corporation under the said Part X and the said Acts in relation to any library provided by them under the said Part X or the said Acts shall include—

(1) the power to provide and lend or permit the use of gramophone records and films and to make such

PART V —*cont.*

reasonable charges for the loan or use thereof as the Corporation may think fit;

(2) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of a book;

(3) the power to prescribe a period not being less than fourteen days within which any book borrowed from such library must be returned thereto;

(4) the power to recover from any person who fails within such prescribed period to return to the said library any book so borrowed such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such book together with any expenses incurred by the Corporation in sending to such person notices in respect of such book;

(5) the power to prohibit any such person from borrowing any other book from the said library or from any other library provided by the Corporation under the said Part X or the said Acts until such person has paid any such sum as is due to the Corporation under paragraph (4) of this section;

(6) the power to prescribe different periods and charges for the purposes of this section in relation to different books or kinds of books;

(7) the power to require an applicant for cards authorising him to borrow books from the said library to pay such reasonable sum as the Corporation may prescribe:

Provided that—

(*a*) nothing in this section shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or to authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright;

(*b*) the sums prescribed by the Corporation for the purposes of paragraph (4) of this section shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

Welfare of aged and handicapped persons.

32.—(1) The Corporation may make arrangements for—

(*a*) providing aged persons and persons to whom section 29 of the National Assistance Act 1948 applies with meals and for providing aged persons with other domiciliary services in their own homes;

PART V —*cont.*

(*b*) providing aged persons with recreational facilities in their own homes or elsewhere.

(2) The Corporation may recover from persons availing themselves of any service provided under this section such charges (if any) as having regard to the cost of the service the Corporation may determine whether generally or in the circumstances of any particular case.

(3) This section shall apply to such aged persons and such persons to whom the said section 29 applies as are resident in the borough.

Supply of refreshments at swimming baths etc.

33. The Corporation may—

(*a*) provide and sell refreshments of all kinds (excluding intoxicating liquor) subject to the provisions of all enactments relating thereto;

(*b*) enter into any agreement or arrangement for the provision and sale of such refreshments;

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

at—

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

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

(iii) any parking place for public service vehicles provided by them under section 68 of the Public Health Act 1925;

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

Power to use ladders etc. for entry or inspection.

34.—(1) Any power conferred on an officer of the Corporation by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works.

(2) If the builder of or contractor for any such building or works or any person employed by him in or about the building or works—

(*a*) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or

PART V —*cont.*

(*b*) otherwise obstructs such an officer in the exercise of those powers;

he shall be liable to a penalty not exceeding five pounds.

Further provisions as to hairdressers and barbers.

35.—(1) As from the appointed day section 46 (Registration of hairdressers and barbers and their premises) of the Huddersfield Corporation Act 1949 shall extend and apply (in addition to persons referred to in that section) to any person who carries on the trade or business of a hairdresser or barber but does not carry on such trade or business at any premises occupied by him and for the purpose of such application the said section 46 shall have effect subject to the following modifications:—

(*a*) references to premises at which a trade or business is carried on shall be omitted; and

(*b*) subsections (2) (3) and (4) and any byelaws made under subsection (2) shall not apply:

Provided that nothing in this section shall extend the provisions of section 287 of the Act of 1936 as applied by section 138 (Application of provisions of Act of 1936) of the Huddersfield Corporation Act 1949.

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

(*a*) the instruments towels materials and equipment used by persons to whom this section applies for the purposes of their trade or business; and

(*b*) such persons in regard to both themselves and their clothing.

Accommodation for pet animals.

36.—(1) As from the appointed day no person shall for gain provide accommodation for pet animals belonging to any other person on any premises in the borough unless he and those premises are registered by the Corporation.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(3) The Corporation may make byelaws in relation to premises registered under this section for the purpose of securing that—

(*a*) pet animals will at all times be kept in accommodation suitable as respects size temperature lighting ventilation and cleanliness;

PART V —*cont.*

(*b*) pet animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;

(*c*) all reasonable precautions will be taken to prevent the spread among pet animals of infectious diseases;

(*d*) appropriate steps will be taken in case of fire or other emergency.

(4) If any person provides accommodation for pet animals in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (3) of this section he shall be liable—

(*a*) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds; and

(*b*) in the case of a contravention of a byelaw to a penalty not exceeding five pounds and the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

(*a*) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty 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.

(6) The Corporation may authorise in writing any of their officers or any veterinary surgeon or veterinary practitioner to inspect (subject to compliance with such precautions as the Corporation may specify to prevent the spread among animals of infectious disease) any premises in the borough—

(*a*) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this section or of any byelaws made thereunder; and

(*b*) generally for the performance by the Corporation of their functions under this section or any such byelaws;

and any person authorised under this section may on producing his authority if so required enter any such premises at all reasonable times and inspect them and any animals found thereon or any thing therein for the purposes aforesaid.

PART V —*cont.*

(7) In this section—

"animals" includes any description of vertebrate;

"pet animals" means dogs and cats and all animals kept wholly or mainly for domestic purposes or for ornamental purposes;

"veterinary practitioner" means a person who is for the time being registered in the Supplementary Veterinary Register; and

"veterinary surgeon" means a person who is for the time being registered in the Register of Veterinary Surgeons.

(8) Nothing in this section or in any byelaw made thereunder shall—

(*a*) apply to premises kept by a person under the authority of a licence granted in accordance with the provisions of the Pet Animals Act 1951;

(*b*) apply with respect to any accommodation for greyhounds provided at or in connection with any greyhound race-course owned by a member of the National Greyhound Racing Association of Great Britain Limited and licensed by the stewards of the National Greyhound Racing Club;

(*c*) apply so as to require the registration of a veterinary surgeon or a veterinary practitioner or of any premises at which accommodation for pet animals is provided by such person;

(*d*) affect the application of any prohibition restriction or requirement imposed by or under the Diseases of Animals Act 1950 in respect of any premises or in respect of the movement of any animal to or from any premises.

Prohibiting certain sales in markets.

37.—(1) The Corporation may prohibit any person from selling any article by auction in the markets of the Corporation if they have reason to believe that such person has conducted a sale by auction otherwise than in good faith in the said markets.

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

(3) Any person who shall sell any article by auction in the markets of the Corporation in contravention of a prohibition under this section shall be liable to a penalty not exceeding five pounds.

Disposal of meat unfit for human consumption.

38.—(1) If it appears to an authorised officer of the Corporation that any meat intended for human consumption which has been sold or is offered or exposed for sale or is in the possession of or has been deposited with or consigned to any person for the

PART V —*cont.*

purpose of sale or of preparation for sale is unfit for human consumption the Corporation may with the consent of the owner of such meat sell the meat after treating the same so as to ensure that it will not be used for human consumption.

(2) The Corporation shall pay to the said owner the proceeds of the sale of such meat after deducting a reasonable sum in respect of the cost of treating handling and selling the meat.

(3) In this section—

"authorised officer" has the same meaning as in section 86 of the Food and Drugs Act 1955;

"meat" means the flesh of any animal including bacon and ham and edible offal and fat.

Disposal of lost and uncollected property.

39.—(1) Where any lost property is contained in a package bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

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

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

(5) In this section the expression "lost property" means any property coming into the custody of the Corporation after being accidentally left in any premises occupied by the Corporation to which the public have access and the expression "uncollected property" means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsection (3) of this section.

Loose leaf minute books.

40. Notwithstanding anything contained in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the council or of any committee

PART V —*cont.*

thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled by the person presiding at that meeting or at the next ensuing meeting of the council or committee and any minutes purporting to be so signed shall be received in evidence without further proof.

Penalties under trolley vehicle byelaws.

41. Section 47 of the Tramways Act 1870 (which provides that byelaws made under section 46 of that Act may impose reasonable penalties not exceeding forty shillings for each offence) as applied to trolley vehicles by any of the provisions of the Huddersfield Corporation (Trolley Vehicles) Acts Schemes and Order 1913 to 1953 shall have effect as if for the words " not exceeding forty shillings for each offence " there were substituted the words " not exceeding five pounds for each offence ".

Enforcement of certain provisions of Public Health Acts etc.

42. Notwithstanding anything in section 253 of the Public Health Act 1875 or section 298 of the Act of 1936 proceedings for the enforcement of any of the provisions of—

(*a*) section 68 of the Public Health Act 1925 so far as they relate to a parking place forming part of a street ; or

(*b*) any byelaws relating to a parking place forming part of a street and made by the Corporation under the said section 68 ; or

(*c*) any byelaws made by the Corporation under section 75 of the Public Health Act 1925 ; or

(*d*) section 154 of the Act of 1936 ;

may be instituted by any officer of the police of the borough not below the rank of inspector.

PART VI

GENERAL

Confirming authority for byelaws.

43. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

1	2
21 (Byelaws as to sale etc. of animal feeding meat)	The Minister of Agriculture Fisheries and Food.
36 (Accommodation for pet animals) ...	The Secretary of State.

Local inquiries.

44.—(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.

PART VI —*cont.*

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression " department " in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(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.

Arbitration.

45. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party giving notice in writing to the other party or parties:—

1	2
Provision of Act	Person appointing arbitrator
Paragraph (*a*) of subsection (5) of section 25 (Police telephone call boxes and shelters)	The President of the Institution of Civil Engineers.
Subsection (4) of section 50 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

The appointed day.

46.—(1) For the purposes of this Act the expression " the appointed day " means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

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

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

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

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

(4) Either—

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

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a

PART VI —*cont.*

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 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 registration required by that provision ;

to continue to carry on that business and 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.

Restriction on right to prosecute.

47. Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken 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 any enactment in this Act as it applies with respect to appeals to a court of summary jurisdiction under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

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

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

(*b*) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any 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.

PART VI —*cont.*

Application of general provisions of Act of 1936.

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

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act that is to say:—

Part II (Streets sewers and drains);

Part III (Buildings nuisances and health matters);

Part IV (Food);

and to section 26 (Offences in respect of telephone boxes fire hydrants etc.) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section.

For protection of certain statutory undertakers.

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

(1) In this section—

"apparatus" means—

(*a*) in relation to the electricity authority and the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity authority or the electricity board as the case may be; and

(*b*) in relation to the gas board mains pipes or other apparatus belonging to or maintained by the gas board;

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

"undertakers" means—

the electricity authority;

the electricity board;

the gas board:

(2) Nothing in the following sections 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 sections and the Corporation

PART VI —*cont.*

shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 4 (Decorations in streets);

Section 25 (Police telephone call boxes and shelters):

(3) Nothing in subsection (1) of section 26 (Offences in respect of telephone boxes fire hydrants etc.) of this Act shall render the undertakers liable to a penalty in respect of the exercise by them of any right with respect to any apparatus (including the placing of apparatus) in the vicinity of any police telephone call box installation shelter or box:

Provided that in the exercise of such right the undertakers provide to the satisfaction of the Corporation suitable temporary access to such police telephone call box installation shelter or box:

(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 which does not arise in the course of the arbitration) shall be referred to arbitration;

(*b*) In settling any difference under this section the arbitrator shall have regard to any duties or obligations 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.

Costs of Act.

51. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

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SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS II III AND IV AND SECTION 26 OF THIS ACT

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

PART III

SECTION APPLIED TO PARTS II III AND IV OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Tramways Act 1870	33 & 34 Vict. c. 78.
Huddersfield Improvement Act 1871 ...	34 & 35 Vict. c. cli.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 12.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Petroleum (Consolidation) Act 1928 ...	18 & 19 Geo. 5 c. 32.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Physical Training and Recreation Act 1937...	1 Edw. 8 & 1 Geo. 6 c. 46.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Ministers of the Crown (Transfer of Functions) Act 1946.	9 & 10 Geo. 6 c. 31.
Fire Services Act 1947	10 & 11 Geo. 6 c. 41.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Huddersfield Corporation Act 1949... ...	12 13 & 14 Geo. 6 c. xxxvii.
Prevention of Damage by Pests Act 1949 ...	12 13 & 14 Geo. 6 c. 55.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Pet Animals Act 1951	14 & 15 Geo. 6 c. 35.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 2*s.* 3*d.* net

(37797) PRINTED IN GREAT BRITAIN

British Transport Commission Act, 1956

4 & 5 ELIZ. 2 **Ch. lxxiv**

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3. Interpretation.
4. Incorporation of general Acts.

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7. Period for completion of railways.
8. Power to make subsidiary works.
9. Power to dredge in Humber.
10. Limits of pier master's jurisdiction.
11. As to jurisdiction of justices.
12. Further works and powers.
13. As to certain level-crossings.
14. Incorporation of provisions of Acts of 1949 and 1950 relating to works.

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18. Maintenance of Kennet waterways during interim period.
19. Closing for navigation of portions of Nottingham Canal and Walsall Canal.
20. Prevention of nuisance.

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22. For protection of conservators and river boards.
23. For protection of Reading Corporation.
24. Supply of water from Lancaster Canal.
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27. Driving offences on dock roads.

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31. Extinction of private rights of way.
32. Power to acquire easements only in certain cases.
33. Period for compulsory purchase of lands.
34. Incorporation of provisions of Act of 1949 relating to lands.

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61. For protection of Beckenham Corporation.
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