ELIZABETH II



1982 CHAPTER iii

An Act to re-enact with amendments and to extend certain local enactments in force within the county of Humberside; to make further provision in regard to the improvement, health and local government of that county; to confer further powers upon the local authorities of that county; and for other purposes.

[25th February 1982]

WHEREAS—

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

The county boroughs of Grimsby and Kingston-upon-Hull;

The administrative county of Yorkshire, East Riding, except the areas in North Yorkshire;

In the administrative county of Lincoln, Parts of Lindsey—

the boroughs of Cleethorpes and Scunthorpe;

the urban districts of Barton-upon-Humber and Brigg;

the rural districts of Glanford Brigg, Grimsby and Isle of Axholme;

In the administrative county of Yorkshire, West Riding—

the borough of Goole;

the rural district of Goole:

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

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

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continue to have effect and that other local statutory provisions in force in or relating to the county should be repealed:

(5) It is expedient to sanction and confirm the construction of certain bridges across the river Hull:

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

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

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

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

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

PART I

PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the Humberside Act 1982.

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

PART I —*cont.*

Interpretation.

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

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

" the Act of 1961 " means the Public Health Act 1961; 1961 c. 64.

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

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

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

" the Act of 1980 " means the Highways Act 1980; 1980 c. 66.

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

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

" the county " means the county of Humberside;

" the county council " means the Humberside County Council;

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

" district " means a district in the county;

" district council " means the council of a district;

" the docks board " means the British Transport Docks Board;

" the electricity board " means the North Eastern Electricity Board and the Yorkshire Electricity Board or either of them, as the case may be;

" functions " includes powers and duties;

" the gas corporation " means the British Gas Corporation;

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

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

" the level of high water " means the level of mean high-water springs;

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

" officer " includes servant;

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

" operational land " in relation to statutory undertakers other than British Telecommunications and the Post Office has the same meaning as in section 222 of the

PART I —*cont.*

Act of 1971 and in relation to British Telecommunications has the same meaning as in paragraph 12 (1) of Schedule 3 to the British Telecommunications Act 1981 and in relation to the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969;

1981 c. 38.

1969 c. 48.

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

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

1981 c. 14.

" statutory undertakers " means British Telecommunications, the electricity board, the gas corporation, the generating board, the Kingston-upon-Hull City Council in respect of their telephone undertaking, the Post Office and the water authority, or any of them, as the case may be, and " statutory undertaker " shall be construed accordingly;

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

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

1967 c. 76.

" the water authority " means the Anglian Water Authority, the Severn–Trent Water Authority and the Yorkshire Water Authority, or any of them, as the case may be.

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

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

Appointed day.

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

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

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

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

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

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page, or part of a page, of

any newspaper being a page, or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice and of the date of publication. PART I —*cont.*

PART II

BRIDGES

4. In this Part— Interpretation of Part II.

" the bridges " means the bridges in the county specified in Schedule 1 to this Act;

" the county council's works " means such of the bridges as are from time to time maintainable by the county council;

" the footbridge " means the footbridge across the river Hull in the East Yorkshire borough of Beverley referred to in paragraph 12 of the said Schedule 1.

5.—(1) In this section— Confirmation of construction of certain bridges.

" the Grovehill bridge " means the bridge across the river Hull in the East Yorkshire borough of Beverley referred to in paragraph 11 of Schedule 1 to this Act;

" the Sculcoates bridge " means the bridge across the river Hull in the city of Kingston upon Hull referred to in paragraph 2 of the said Schedule 1.

(2) The construction of the Sculcoates bridge, of the Grovehill bridge and of the footbridge is hereby sanctioned and confirmed and the county council may repair, alter or reconstruct those bridges or any of them at any time and from time to time.

(3) During the time the footbridge is under repair the county council shall not do or permit or cause to be done, any act or thing, further or otherwise than shall be necessary which shall or may interfere with the free and uninterrupted flow of the water and the navigation of the river Hull.

(4) During any works of repair or alteration of the footbridge the county council shall maintain a clear navigable space beneath the footbridge of not less than twenty feet and such works shall be carried out and completed as expeditiously as possible and so far as practicable without causing any impediment or obstruction to the passage of traffic along the said river.

6.—(1) The county council may continue and maintain the county council's works together with subsidiary and incidental works constructed in connection therewith. Continuance and maintenance of works.

PART II —*cont.*

1967 c. xxxiii.

1878 c. 76.

(2) For the purposes of the Telegraph Acts 1863 to 1916 Work No. 3 authorised by the Kingston upon Hull Corporation Act 1967 shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878.

Subsidiary works in rivers and elsewhere.

7.—(1) The county council in connection with and at or near any of the county council's works may execute, place and keep in the river Hull, or the river Ouse, as the case may be, and elsewhere either permanently or temporarily all such caissons, cofferdams, piles, piers, abutments, embankments, excavations, dredging, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings and other works and conveniences as they may find necessary or expedient for, or in connection with, the maintenance or use of the county council's works:

Provided that—

(*a*) the county council shall ensure that any works executed or kept under the powers of this section shall not unnecessarily—

(i) narrow or obstruct the navigable waterway of the river Hull or the river Ouse, as the case may be;

(ii) interfere otherwise with or impede navigation;

(iii) obstruct the flow of water; or

(iv) interfere with the operation of, or unreasonably obstruct or render less convenient the access to, any dock or other property of the docks board;

(*b*) no materials raised under the provisions of this section shall be deposited in any place below the level of high water except in such a position and under such conditions and restrictions as may be fixed by the Secretary of State, nor shall such materials be deposited in any place within the jurisdiction of the docks board without the consent of that board, such consent not to be unreasonably withheld, and any question whether such consent has been unreasonably withheld shall be determined by arbitration.

(2) The county council shall at their own expense keep repaired any works kept by them under the powers of this section.

(3) If any works kept by the county council under the powers of this section shall at any time become redundant the county council shall remove the same.

(4) Nothing in this section shall authorise any interference with any subaqueous cable belonging to or used by British Telecommunications.

PART II —*cont.*

(5) As early as possible, and in any event not less than 28 days, before any exercise of the powers of this section in respect of dredging within a distance of 50 metres of any subaqueous cable belonging to or used by British Telecommunications, the county council shall give notice in writing to British Telecommunications of such intended exercise.

(6) No materials shall be laid down or deposited in any place or manner under the powers of this section so as to cover any subaqueous cable belonging to or used by British Telecommunications or to impede in any way the inspection, maintenance, removal or renewal of any such cable.

No mains or pipes to be laid in bridges without consent. 1950 c. 39.

8.—(1) Notwithstanding anything contained in the Public Utilities Street Works Act 1950, or in any other enactment relating to the breaking up of streets no person shall be entitled to enter upon, break up or interfere with the bridges or the carriageways and footways of the same for the purpose of laying down any main, pipe or wire, or executing any work therein, thereon or thereunder, except with the consent of the highway authority and in accordance with such terms and conditions as the highway authority may determine.

(2) Nothing in subsection (1) above shall prejudice or affect any rights, powers and authorities of British Telecommunications under the Telegraph Acts 1863 to 1916.

(3) The highway authority shall not unreasonably withhold their consent under subsection (1) above on an application made to them by—

(*a*) the gas corporation to enter upon, break up or interfere with the approaches to the bridge referred to in paragraph 8 of Schedule 1 to this Act for the purpose of laying down any mains, pipes, valves, syphons, stopcocks, pillars or other apparatus or executing any works in the said approaches;

(*b*) the generating board or the electricity board to enter upon, break up or interfere with the approaches to any of the bridges for the purpose of laying down any apparatus or executing any works in the said approaches;

(*c*) the Yorkshire Water Authority to enter upon, break up or interfere with the approaches to any of the bridges for the purpose of laying down any water mains, pipes or other apparatus or executing any works in the said approaches;

and, where such consent is given, any question whether any terms or conditions attached thereto are reasonable shall be referred to arbitration.

Byelaws as to opening bridges.

9.—(1) The county council may make byelaws for regulating, controlling and protecting any controlled bridge and without

PART II —*cont.*

prejudice to the generality of the foregoing the county council may make byelaws—

(*a*) for regulating, controlling and limiting the use of the opening span of any of the controlled bridges and the time and mode of vessels passing through the same and the notice to be given by the master or other person having command or charge of any such vessel;

(*b*) for preventing injury and damage to a controlled bridge;

(*c*) for regulating the conduct of all persons using a controlled bridge;

(*d*) for regulating the duties and conduct of all persons and the officers of the county council who shall be employed in connection with a controlled bridge;

(*e*) for preventing persons from negligently or wilfully obstructing the working of the opening span of a controlled bridge or doing anything to hinder or interfere with the proper working thereof and for preventing any person from negligently or wilfully obstructing the approaches by water to the opening span;

(*f*) for regulating the traffic along, over, through and under a controlled bridge and also for regulating the use of such bridge and for prohibiting the use thereof in certain cases and by certain engines, carriages and vehicles or other classes of traffic and for providing that such bridge may be temporarily closed to road traffic for repairs or other emergencies and for ensuring that road traffic shall not be unreasonably delayed;

(*g*) for prohibiting the conveyance upon a controlled bridge of any goods which may in the opinion of the county council be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of such bridge or the working thereof or the passenger and other traffic carried thereon; and

(*h*) for prohibiting the mooring, anchoring or securing of vessels in such parts of the waters in the vicinity of a controlled bridge as may be designated.

(2) In this section " controlled bridge " means—

(*a*) any of the bridges the maintenance of which is for the time being undertaken by the county council other than the footbridge;

(*b*) any other opening or swing bridge constructed by the county council across any waters by virtue of a scheme made under section 106 of the Act of 1980;

(*c*) any other opening or swing bridge across any waters being a bridge the maintenance of which is for the time being undertaken by the county council.

PART II —*cont.*

Provisions relating to Boothferry Bridge.

10.—(1) During the repair or alteration of Boothferry Bridge a navigable width of 38·1 metres under the opening span thereof shall, so far as practicable, be maintained.

(2) Subject to any byelaws made under section 9 (Byelaws as to opening bridges) of this Act in respect of the Boothferry Bridge the opening span of that bridge shall be used, maintained and worked in such a manner as to give absolute preference and priority to all vessels navigating or employed on the river Ouse over all traffic passing over the bridge.

(3) In this section "Boothferry Bridge" means the bridge (Work No. 1) authorised by the Boothferry Bridge Act 1925. **1925 c. cxi.**

For protection of certain statutory undertakers.

11. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the county council and the undertakers apply and have effect—

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

"accommodation" includes support;

"apparatus" means—

(*a*) in relation to the electricity undertakers, any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity undertakers; **1882 c. 56.**

(*b*) in relation to the gas corporation, mains, pipes, valves, syphons, stopcocks, pillars or other apparatus belonging to or maintained by the gas corporation;

(*c*) in relation to the Yorkshire Water Authority, mains, pipes or other apparatus belonging to or maintained by the water authority;

(not being in any case apparatus in respect of which the relations between the county council and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes works (other than the relevant tunnels) constructed for the lodging therein of apparatus; **1950 c. 39.**

"the electricity undertakers" means the Central Electricity Generating Board and the Yorkshire Electricity Board, or either of them, as the case may be;

PART II —*cont.*

" the relevant tunnels " means all or any of the tunnels constructed for the purpose of carrying pipes, cables, works, apparatus and conveniences under or near to the following bridges over the river Hull:—

(*a*) Scott Street Bridge referred to in paragraph 3 of Schedule 1 to this Act;

(*b*) Stoneferry Bridge referred to in paragraph 4 of the said Schedule;

(*c*) North Bridge referred to in paragraph 6 of the said Schedule; and

(*d*) in relation to the Yorkshire Water Authority, Sutton Road Bridge referred to in paragraph 7 of the said Schedule;

" specified work " means any work or thing done under the powers of section 6 (Continuance and maintenance of works) or section 7 (Subsidiary works in rivers and elsewhere) of this Act and in the case of the electricity undertakers under the powers of section 5 (Confirmation of construction of certain bridges) of this Act;

" the undertakers " means the electricity undertakers, the gas corporation and the Yorkshire Water Authority or any of them as the case may be:

(2) (*a*) Not less than 28 days before commencing to execute any specified work which is near to or is likely to affect any apparatus the county council shall submit to the undertakers a plan, section and description of the work to be executed;

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

Provided that nothing in this sub-paragraph shall preclude the county council from submitting at any time, or from time to time, but in no case less than 28 days before commencing the execution of any such work, a new plan, section and description in lieu of the plan,

section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

(*c*) The county council shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(3) If in consequence of the exercise of the powers of this Part the access to any apparatus is materially obstructed the county council shall provide an alternative means of access to such apparatus:

(4) The county council shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

(*a*) the alteration or protection of any apparatus under any of the provisions of this section; and

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

(5) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus or property of the undertakers or any interruption in the supply of electricity, gas or water shall be caused, the county council shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, or restoring the supply, and shall—

(*a*) make reasonable compensation to the undertakers for any loss sustained by them; and

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

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

Provided that—

(i) nothing in this paragraph shall impose any liability on the county council with respect to any

PART II
—*cont.*

damage or interruption which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen;

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

(6) The county council shall maintain in good repair and to the reasonable satisfaction of the undertakers the relevant tunnels and the accommodation provided therein for apparatus and the undertakers shall pay to the county council half-yearly in respect of the cost of such maintenance such amount as may be agreed with the county council or in default of agreement settled by arbitration:

(7) Subject to the provisions of this section the undertakers may continue to maintain any existing apparatus in the relevant tunnels and, subject as aforesaid, shall be entitled at all times to use free of charge the accommodation provided in the relevant tunnels for the purpose of using, inspecting, repairing, maintaining, altering (otherwise than by increasing the diameter or weight), removing or renewing the apparatus:

Provided that—

(*a*) the apparatus shall at all times conform in its design, construction and use with the reasonable requirements of the county council;

(*b*) except in the case of emergency the undertakers shall give to the county council not less than 28 days' notice in writing of their intention to execute works in the relevant tunnels and except as aforesaid shall conform with the reasonable requirements of the county council as to the time or times at which the undertakers may exercise the right of entering upon and executing works in the relevant tunnels and as to the manner in which such works are executed and the county council shall be entitled to superintend the execution of such works. The costs reasonably incurred by the county council in such superintendence shall be repaid to them by the undertakers:

(8) (*a*) The undertakers shall maintain in good repair and to the reasonable satisfaction of the county council the apparatus in the relevant tunnels and shall from time to time carry out and maintain such works on the apparatus as the county council may reasonably require by notice

PART II —*cont.*

in writing to the undertakers to be done or provided for ensuring the safety and stability of the relevant tunnels and the safety and convenience of those using the relevant tunnels being works reasonably required to be done in consequence of the exercise by the undertakers of the rights conferred upon them by this section and in default the county council may at the expense of the undertakers carry out and maintain such works and the undertakers shall repay to the county council any expenses reasonably incurred by the county council in carrying out and maintaining any such works;

(*b*) The undertakers shall repay to the county council any loss, damage or expenses suffered or incurred by the county council by reason of the failure of the undertakers to comply with the provisions of this section or by reason of any fault in or accident occurring in relation to the apparatus or the accommodation or to any mains, pipes, cables, works, apparatus or materials placed in the relevant tunnels by the undertakers (unless such fault or accident was occasioned by any wrongful act or default of the county council, their servants or agents) and shall indemnify the county council against any actions, proceedings, costs, claims or demands arising out of or in any way attributable to the exercise by the undertakers of the rights conferred upon them by this section unless such actions, proceedings, costs, claims or demands shall arise by reason of the wrongful act or default of the county council, their servants or agents:

Provided that the county council shall give to the undertakers reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the written agreement of the undertakers;

(9) If the undertakers make application to the county council for their consent to the laying down by the undertakers of apparatus in the tunnel (Work No. 2 authorised by Part III of the Kingston upon Hull Corporation Act 1952), the county council shall not unreasonably withhold their consent, but may grant their consent subject to such terms and conditions (including terms and conditions requiring the payment by the undertakers to the county council of a charge, rental or wayleave payment) as the county council may reasonably determine; 1952 c. xliii.

(10) (*a*) If the county council construct the tunnel Work No. 5 authorised by the Kingston upon Hull Corporation Act 1967 and the undertakers make application to the 1967 c. xxxiii.

PART II —*cont.*

county council for their consent to the laying down by the undertakers of apparatus in that tunnel the county council shall not unreasonably withhold their consent but may grant their consent subject to such terms and conditions as the county council may reasonably determine;

(*b*) After the laying down of the apparatus by the undertakers the provisions of paragraphs (6), (7) and (8) above shall apply as if such apparatus were existing apparatus and the said tunnel were one of the relevant tunnels;

(11) In paragraphs (6) to (8) above " the undertakers " does not include the electricity undertakers and in paragraph (10) above " the undertakers " does not include the electricity undertakers or the gas corporation;

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

(*b*) In settling any difference under this section the arbitrator may, if he thinks fit, require the county council to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

PART III

FIRE PRECAUTIONS

Parking places: safety requirements.

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

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

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

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

(2) Where—

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

PART III —*cont.*

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

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

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

(*a*) construction of the vehicular approaches;

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

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

(*d*) means of ventilation;

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

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

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

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

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

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

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

PART III —*cont.*

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

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

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

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

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

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

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

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

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

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

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

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

PART III —*cont.*

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

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

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

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

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

Firemen's switches for luminous tube signs.

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

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

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

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

PART III —*cont.*

(3) Not less than six weeks before work is begun to install apparatus to which this section applies on or in any premises, being work begun after the relevant day, the owner or occupier of the premises shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or marked.

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

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

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

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

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

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

(8) The provisions of section 290 of the Act of 1936 shall apply to notices given by the fire authority under this section as

PART III —*cont.*

they apply to the notices mentioned in subsection (1) of that section and as if—

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

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

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

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

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

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

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

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

Access for fire brigade.

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

PART III —*cont.*

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

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

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

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

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

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

Provision of means of escape from fire in certain buildings.

15.—(1) In its application to a district, section 60 of the Act of 1936 (means of escape from fire in certain buildings) shall have effect as if—

(*a*) in subsection (1) for the words "twenty feet" there were substituted "4·5 metres";

(*b*) for subsection (4) there were substituted the following subsection:—

"(4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than 4·5 metres above the surface of the street or ground on any side of the building and which—

(*a*) is let in whole or in part as a flat or as tenement dwellings; or

(*b*) is used as an inn, hotel, boarding house, hospital, nursing home, boarding school, children's home or similar institution; or

PART III —*cont.*

(*c*) is used as a restaurant, shop, store or warehouse and has on any upper floor sleeping accommodation for persons employed on the premises.".

(2) (*a*) A district council may by notice require the person having control of a building to which the said section 60, as amended by subsection (1) above, applies (other than a house used, in whole or in part, as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice and if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(*b*) A person served with a notice under this subsection may appeal to a magistrates' court on any of the following grounds:—

(i) that the requirement is not justified by the terms of this subsection;

(ii) that there has been some material informality, defect or error in, or in connection with, the notice;

(iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary;

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made.

(3) The said section 60 of the Act of 1936, as having effect in accordance with this section, and subsection (2) above shall not apply to—

(*a*) any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

(*b*) any premises to which section 9A of the Fire Precautions Act 1971 applies. 1971 c. 40.

Fire precautions in registered clubs. 1964 c. 26.

16.—(1) A fire officer authorised in writing by the chief fire officer of the fire authority may on giving (except in a case of emergency) not less than 48 hours' notice to the secretary of a club in the county registered under the Licensing Act 1964, on production of his authority, enter and inspect as regards any matter affecting fire risks the premises occupied by the club at any reasonable time on such day as may be specified in the notice.

(2) Nothing in this section shall apply to any premises occupied by a club licensed under the Gaming Act 1968. 1968 c. 65.

(3) This section shall cease to have effect upon the designation by order under section 1 or regulations made under section 12 of the Fire Precautions Act 1971 of the use of premises for purposes of a registered club as a use for which a fire certificate is required.

PART III —*cont.*

Byelaws with regard to certain temporary structures.

17.—(1) The county council may make byelaws with regard to structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—

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

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

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

(*d*) the stability of the structure;

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

(2) (*a*) Any officer of the fire authority on producing, if so required, a duly authenticated document showing his authority, or any constable may at all reasonable times enter upon, inspect and examine any structure to which this section applies and any land giving access thereto for the purpose of ascertaining whether there is, or has been, in or in connection with the structure, a contravention of the provisions of any byelaw made under this section.

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

(3) This section applies to any tent, marquee or other similar structure which is erected in the county and to which the public are admitted, whether with or without any charge for admission, for the purposes of or in connection with any fair, show, exhibit, game, sport or athletic or other contest or public entertainment or any political, religious or other public meeting except any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Act of 1961.

PART IV

STREET TRADING

Application, designation of streets and interpretation of Part IV.

18.—(1) This Part shall apply to the following districts only, that is to say, the districts of Cleethorpes and the East Yorkshire Borough of Beverley, and shall apply in any such district from the appointed day and references in this Part to " the district " and to " the district council " shall be construed as references to those districts and to the councils of those districts.

PART IV —*cont.*

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

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

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

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

(4) In this Part—

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

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

" stall " includes a barrow or other vehicle;

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

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

Resolution to prohibit or control street trading.

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

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

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

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

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

PART IV —*cont.*

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

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

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

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

Provided that—

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

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

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

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

Application for licence.

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

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

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

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

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

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

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

PART IV —*cont.*

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

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

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

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

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

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

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

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

(8) The district council shall notify the applicant of their decision on his application as soon as may be after the proceedings required by subsections (5) and (6) above have been concluded; and, without prejudice to section 89 (Suspension of proceedings pending appeal) of this Act, until such notification the applicant, in the case of renewal, may continue to trade in accordance with his former licence, notwithstanding that it may have expired.

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

PART IV —*cont.*

Contents of street trader's licence.

21. A street trader's licence shall specify—

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

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

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

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

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

(*f*) the charges, if any, that are leviable under section 27 (Charge for street cleansing) of this Act; and

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

Duration, revocation and variation of licences.

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

(2) The district council may—

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

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

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

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

(3) Subsections (5), (6), (8) and (9) of section 20 (Application for licence) of this Act shall apply to the exercise of powers conferred by subsection (2) above as they apply to the power to refuse an application for a street trader's licence or to grant it with modifications, and for that purpose shall have effect as if—

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

PART IV —*cont.*

(*b*) for the references to subsection (3) of the said section 20, there were substituted references to subsection (2) above;

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

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

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

Part IV appeals.

23. A person—

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

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

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

Disqualification of young persons.

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

Employment of assistants.

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

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

Consultation with traders, organisations, etc.

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

PART IV —*cont.*

Charge for street cleansing.

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

(*a*) be incorporated in the fee payable under subsection (2) of section 20 (Application for licence) of this Act; or

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

Offences under Part IV.

28. A person who—

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

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

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

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

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

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

Savings for Part IV.

29.—(1) Nothing in this Part shall—

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

1871 c. 96.

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

1916 c. 31.

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

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

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

(*f*) prohibit the provision of facilities for recreation or refreshment under section 213 (2) of the Act of 1971 as amended by section 31 (Highway amenities) or of structures under section 32 (Power to provide kiosks, etc.) of this Act;

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

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

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

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

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

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

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

(3) Nothing in this Part shall prohibit the sale or offering or exposure for sale of any thing in a market or fair held in pursuance of any statute, royal licence, royal charter or letters patent, or as of right from time immemorial.

PART V

MISCELLANEOUS

Application of Part V.

30.—(1) (*a*) The provisions of this Part mentioned in paragraph (*b*) of this subsection shall apply to the county and be exercisable by the county council.

(*b*) The provisions of this Part referred to in this subsection are—

Section 31 (Highway amenities);
Section 32 (Power to provide kiosks, etc.);
Section 33 (Regulation of placing things on footway);
Section 35 (Prohibition of parking of goods vehicles in residential streets);
Section 48 (Dealers in second-hand goods);
1974 c. 44. Section 50 (Extension of section 126 of Housing Act 1974);
Section 54 (Insurance of certain voluntary assistants).

(2) The sections of this Part specified in columns (1) and (2) of Schedule 2 to this Act shall apply to the districts specified in column (3) of that Schedule, and the powers therein shall be exercisable by the councils of those districts.

(3) Section 46 (Enforcement of byelaws) of this Act shall apply to all byelaws made by any local authority.

(4) Section 47 (Enforcement of section 51 of Public Health
1890 c. 59. Acts Amendment Act 1890) of this Act shall apply in any district in which the said section 51 is in operation.

A. Streets

Highway amenities.

31.—(1) Subject to the modifications specified in subsection (2) below and to the provisions of subsection (14) below, section 213 of the Act of 1971 (power for local authorities to provide facilities for recreation or refreshment in certain highways) shall in the county apply to—

(*a*) footways within the meaning of the Act of 1980 so far as designated in accordance with subsections (4) and (5) below;
(*b*) footpaths within the meaning of that Act;
(*c*) subways constructed under section 69 of that Act;
(*d*) bridges constructed under section 70 of that Act; and
(*e*) roads the use of which by vehicular traffic is prohibited by a traffic regulation order or experimental traffic order made under section 1 or 9 of the Road Traffic Regulation
1967 c. 76. Act 1967;

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

PART V —*cont.*

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

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

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

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

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

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

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

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

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

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

(*c*) a statement of the address to which, and the period, not less than six weeks after the latest date on which the

PART V —*cont.*

notice is given or published, during which representations regarding the proposed designation may be made.

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

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

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

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

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

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

(9) Where a competent authority propose—

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

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

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

PART V —*cont*

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

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

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

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

Provided that, where the competent authority are required by subsection (9) above to give notice of their proposal or, as the case may be, an application to provide facilities for recreation or refreshment and intend to consider that proposal or application on the same occasion as they consider the designation, for the purposes of subsection (1) (*a*) above, of any part of any footway on which the said facilities are to be provided, the requirements of this subsection shall be satisfied by the incorporation of the notice to be given under subsection (9) above in the particulars of the notice given by the competent authority under subsection (5) above.

(11) A competent authority shall not proceed—

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

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

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

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

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

(14) In a district not specified in relation to this section in column (3) of Schedule 2 to this Act the district council shall exercise the powers of section 213 of the Act of 1971 as contained in that section as enacted and not as it has effect by virtue of this section.

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Power to provide kiosks, etc.

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

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

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

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

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

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

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

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

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

(5) (*a*) Subsection (7) of section 31 (Highway amenities) of this Act shall apply to this section.

(*b*) Subsections (9) to (11) of the said section 31 shall apply to any proposal of the appropriate authority to exercise the powers of subsection (1) or (3) above for the provision of any structure in a street as if that structure were provided in exercise of the powers of section 213 of the Act of 1971 as having effect in accordance with the said section 31.

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

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

(*b*) any part of a street which—

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

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

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

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

(7) (*a*) The appropriate authority for the purposes of this section means the county council and also, if the street is in a district specified in relation to this section in column (3) of Schedule 2 to this Act, the district council of that district.

(*b*) A district council shall not exercise the powers conferred by this section except after consultation with the county council and the said powers shall not be exercised—

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

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

Regulation of placing things on footway.

33.—(1) The appropriate authority on an application made to them by any person may permit, either unconditionally or subject to such conditions as may be specified in the permission, that person to place on the footway of any highway in their area any structure or article which in the opinion of the appropriate authority will not unreasonably impede the passage of vehicles or pedestrians.

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

(*a*) its siting;

(*b*) its dimensions;

(*c*) its maintenance;

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

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

(3) Where the appropriate authority propose to consider an application under this section for permission to place on a footway any structure or article they shall give notice of the application, specifying the nature of the structure or article and where it is proposed that it should be placed and the period, not less than six weeks after giving the notice, during which representations regarding the application may be made to them:

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

(4) Notice for the purpose of subsection (3) above shall be given by serving the notice on the occupier of any premises appearing to the appropriate authority to be likely to be materially affected by the placing of the structure or article, addressed to that occupier

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by name or, if his name is not known, by delivering the notice at the premises addressed to him as " The Occupier ".

(5) The appropriate authority shall not proceed to grant any such permission, as is mentioned in subsection (3) above until they have taken into consideration all representations made in accordance with that subsection.

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

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

1847 c. 89.

(8) In any case in which proceedings can be taken either under this section or under Part IV (Street trading) those proceedings shall be taken under the said Part IV and not under this section.

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

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

(*b*) any part of a footway which—

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

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

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

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

(10) (*a*) The appropriate authority for the purposes of this section means the county council and also if the highway is in a district specified in relation to this section in column (3) of Schedule 2 to this Act, the district council of that district.

(*b*) A district council shall not exercise the powers conferred by this section except after consultation with the county council and the said powers shall not be exercised—

(i) by the district council, without the consent of the highway authority; or

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

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

Street numbers.

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

1847 c. 34.

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

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

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

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

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

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

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

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

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

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

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

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

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

(*c*) section 65.

Prohibition of parking of goods vehicles in residential streets.

35.—(1) In this section—

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

1968 c. 73.

1967 c. 76.

" prescribed hours " means the hours between 9.00 p.m. and 8.00 a.m.;

" residential street " means a street predominantly fronted either by residential or mainly residential buildings or by such buildings and schools or public open spaces.

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

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

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

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

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

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

(*b*) The notice under paragraph (*a*) above shall state where the draft order can be inspected and copies purchased and that

objections to the order may be made in writing to the county council before such day, not earlier than 28 days after the county council have complied with paragraph (*a*) above, as shall be specified in the notice.

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

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

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

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

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

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

(6) (*a*) Any order made under this section shall come into operation at the expiration of the period of 28 days after the first publication of the notice of the making of the order under subsection (5) above or, if an appeal is lodged under subsection (7) below, when the appeal is disposed of or withdrawn or fails for want of prosecution.

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

(7) (*a*) A person who is aggrieved by an order under this section may, within 28 days after the first publication of the notice of the making of the order under subsection (5) above, appeal to the county court.

(*b*) On an appeal to the county court under this subsection the judge may make such order, either confirming or quashing or varying the order as he thinks fit, but shall not so vary the order

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that it is more onerous than the order made by the county council.

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

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

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

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

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

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

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

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

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

Prohibition of parking of goods vehicles in front gardens.

36.—(1) In this section—

" front garden " means so much of the curtilage of a dwelling-house fronting on a street as lies between that street and—

(*a*) any building line within the curtilage prescribed under section 74 of the Act of 1980 or any other enactment; or

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(*b*) if there is no such building line, a line, parallel to the street, which passes through the forwardmost part of any wall of the dwelling-house nearest to the street;

"goods vehicle" means a vehicle, whether mechanically propelled or not, constructed or adapted for the carriage of goods not being a vehicle falling within paragraph (*a*) of the definition of small goods vehicle in section 60 (4) of the Transport Act 1968 or a dual purpose vehicle as defined in paragraph 14 of Schedule 5 to the Road Traffic Regulation Act 1967; 1968 c. 73. 1967 c. 76.

"residential street" means a street predominantly fronted either by residential or mainly residential buildings or by such buildings and schools or public open spaces.

(2) (*a*) If, after the appointed day in any district it appears to the district council whether in consequence of a representation made to the district council in accordance with paragraph (*b*) below or otherwise, that the amenities of any part of the district are prejudicially affected by the habitual use of any land within the front garden of any dwelling-house in a residential street in the district for the parking in the open of one or more goods vehicles, the district council may, by an order made in accordance with this section, prohibit the use of land within the front gardens of the dwelling-houses in the street, or any part thereof, specified in the order for the parking in the open of goods vehicles.

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

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

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

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

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

(*b*) The notice under paragraph (*a*) above shall state where the draft order can be inspected and copies purchased and that objections to the order may be made in writing to the district

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council before such day, not earlier than 12 weeks after the council have complied with paragraph (*a*) above, as shall be specified in the notice.

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

(i) consider all objections made as provided in paragraph (*b*) above and the availability of parking facilities;

(ii) consult the chief officer of police, the highway authority (if any) for the street in question and, if the county council are not the highway authority or if the street is not a highway, the county council; and

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

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

(5) When an order has been made by the district council under this section they shall publish notice of it, and of the right of appeal under subsection (9) below, in the manner required by subsection (3) above for notice of a proposal.

(6) (*a*) Any order made under this section shall come into operation at the expiration of the period of three months after the first publication of the notice of the making of the order under subsection (5) above or, if an appeal is lodged under subsection (9) below, when the appeal is disposed of or withdrawn or fails for want of prosecution.

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

(7) A district council may revoke an order made under this section and may vary an order so made so as to diminish the scope thereof.

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

(9) (*a*) A person who is aggrieved by an order under this section may, within 28 days after the first publication of the notice of the making of the order under subsection (5) above, appeal to the county court.

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

(10) Nothing in any order made under this section shall prevent the waiting of a goods vehicle on any land within the front garden of a dwelling-house for such period as is reasonably necessary for loading or unloading or for dealing with a breakdown or other emergency.

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

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

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

(12) If any person uses, or permits to be used, land within the front garden of a dwelling-house in contravention of an order under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

B. Public health

Dust, etc., from building operations.

37.—(1) This section applies to any building operation including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air except that, in any district in which section 29 of the Act of 1961 has effect in accordance with section 43 (Control of demolitions) of this Act this section does not apply to any demolition to which subsection (1) of the said section 29 applies.

(2) Except as provided in subsection (6) below, a district council may give notice to any person carrying out, or controlling the carrying out of, an operation to which this section applies

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in their district requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from the operation.

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

1974 c. 37.

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

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

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

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

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

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

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

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

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

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(*d*) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or varying any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions as he thinks fit but shall not so vary any conditions that they are more onerous than those specified by the district council.

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

Paving of yards and passages.

38.—(1) Where any court or yard is appurtenant to, or any passage gives access to, industrial premises in any district as well as to a house or houses the district council may exercise the powers of section 56 of the Act of 1936 (paving and draining of courts, yards and passages) in respect of any such industrial premises as if they were a house.

(2) In this section " industrial " shall be construed in accordance with the Industry Act 1975. 1975 c. 68.

Power to order alteration of chimneys.

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

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

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

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

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

(*b*) in any other case £1,500;

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

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

(4) Unless the Secretary of State has granted scheduled monument consent under section 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed building consent under section 55 of the Act of 1971 for the alteration of any chimney in a scheduled monument or listed building no complaint shall be made to a magistrates' court under this section in respect of any chimney in such monument or building. 1979 c. 46.

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

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

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

1956 c. 52.

Control of rats and mice.

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

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

1949 c. 55.

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

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

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

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

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

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

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

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

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

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

Tattooists.

42.—(1) As from the appointed day in any district a person shall not in that district carry on the business of a tattooist unless he is registered by the district council under this section and he shall not carry on that business on premises occupied by him unless the premises are so registered.

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

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

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

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

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

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

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

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

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

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

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

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

(9) Nothing in this section shall extend to the practice of tattooing by or under the supervision of a person who is a registered medical practitioner or to premises on which the practice of tattooing is carried on by or under the supervision of such a person.

C. Public order and public safety

Control of demolitions.

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

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

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

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

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

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

PART V —*cont.*

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

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

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

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

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

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

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

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

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

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

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

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

PART V —*cont.*

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

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

"or

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

1972 c. 60.

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

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

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

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

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

1936 c. 49.

and

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

PART V —*cont.*

(2) Section 29 of the Act of 1961 (except subsection (12) thereof which is spent) is set out in Schedule 3 to this Act, as that section has effect in accordance with subsection (1) above.

Protection of damaged buildings.

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

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

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

Securing unoccupied buildings.

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

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

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

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

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

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

PART V —*cont.*

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

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

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

Enforcement of byelaws.

46. Nothing in section 298 of the Act of 1936 (restriction on right to prosecute) or any other enactment prohibits a constable from taking proceedings in respect of an offence consisting of a breach of byelaws made by a local authority.

Enforcement of section 51 of Public Health Acts Amendment Act 1890. 1890 c. 59.

47. A constable may take proceedings in respect of an offence under section 51 of the Public Health Acts Amendment Act 1890 (music and dancing licences).

Dealers in second-hand goods.

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

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

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

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

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

PART V —*cont.*

(6) (*a*) A duly authorised officer of the county council, on producing if so required a duly authenticated document showing his authority, or any constable, may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are used for or in connection with the business of a dealer in second-hand goods and any book kept in accordance with subsection (3) above, and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this section.

(*b*) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to premises and the examination of books under this section as they apply to entry to premises for the purposes of subsection (1) of that section and as so applied shall have effect as if an authorised officer included a police constable.

(7) This section shall not apply to—

(*a*) any person engaged in a business carried on by a group, organisation or body which is registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section; or 1960 c. 58.

(*b*) a person in respect of whom particulars are registered under the Scrap Metal Dealers Act 1964 in respect of his business as a scrap metal dealer; or 1964 c. 69.

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

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

(*e*) a person engaged in the business either of financing the acquisition of goods by means of hire purchase agreements, conditional sale agreements or credit sale agreements (as defined in section 189 (1) of the Consumer Credit Act 1974) or of financing the use of goods by means of bailment agreements, in respect of any such business or any transaction incidental thereto; 1974 c. 39.

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

Touting, hawking, photographing, etc.

49.—(1) A district council may designate, in accordance with subsection (5) below, any of the following places, or any part of

PART V —*cont.*

such places, in the district as places to which this section applies for any of the purposes of subsection (2) below:—

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

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

(*c*) the seashore:

Provided that the district council shall not designate—

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

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

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

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

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

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

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

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

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

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

PART V —*cont.*

(4) A person aggrieved by—

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

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

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

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

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

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

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

(7) This section shall not prohibit—

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

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

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

PART V —*cont.*

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

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

D. Land and open spaces

Extension of section 126 of Housing Act 1974.

1974 c. 44.

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

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

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

1972 c. 70.

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

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

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

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

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

PART V —*cont.*

Provision of parking places in parks, etc.

51.—(1) In the interests of persons resorting to any open space under their management and control a local authority may set apart an area (not exceeding the prescribed area) of the open space for use for the parking of vehicles and provide parking places and facilities in connection therewith.

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

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

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

(*a*) where the total area of the open space does not exceed 4 hectares, one-eighth of that area;

(*b*) where such area exceeds 4 hectares but does not exceed 6 hectares, one-half hectare;

(*c*) in any other case, one-twelfth of such area.

Grass verges, etc.

52.—(1) A district council may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, any of the following things:—

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

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

(*c*) using any equipment provided on such land:

Provided that in the case of such prohibition as is mentioned in paragraph (*c*) above the district council may exempt a child under such age as may be specified in the notice in respect of that paragraph and may similarly exempt any other person who is in charge of such a child while the child is on the land.

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

(*a*) land vested in the district council and laid out as a public garden or used for the purpose of public recreation, or a disused burial ground provided by the council and maintained as a public garden or for those purposes or as a disused burial ground, as the case may be;

(*b*) other land vested in the district council and mown or otherwise maintained in an ornamental condition;

(*c*) land vested in a person other than the district council and laid out, used, mown or maintained as aforesaid:

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

PART V —*cont.*

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

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

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

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

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

(5) Notice of a prohibition contained in subsection (1) (*b*) above if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 99 of the Road Traffic Regulation Act 1967) shall be indicated by a traffic sign and subsection (1) of section 55 of the said Act of 1967 shall have effect as respects the erection and display of the notice by the district council.

1967 c. 76.

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

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

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

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

(*c*) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 71 of the Act of 1980 (provision of margins for horses and livestock).

Prohibition of vehicles on certain vacant land.

53.—(1) Subject to subsection (2) below, a district council may by notice prohibit persons, either entirely or at such times or on such days as may be specified in the notice, from driving a mechanically propelled vehicle on to any vacant land accessible from a highway.

(2) A council shall not without the consent of the owner give a notice under subsection (1) above in respect of land not vested in them.

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

PART V —*cont.*

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

(5) A prohibition under this section shall cease to have effect after six months, or such longer period as the council may by resolution prescribe, after the date when the notice referred to in subsection (1) above was first displayed.

E. Finance

Insurance of certain voluntary assistants.

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

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

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

1774 c. 48.

1974 c. 49.

(4) In this section—

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

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

F. Public service vehicles

Power to run public service vehicles.

1927 c. lxxvii.

1928 c. lxxvi.

55. Notwithstanding the repeal by this Act of section 47 (Power to provide and run omnibuses) of the Grimsby Corporation Act 1927 and section 31 (Power to provide and run omnibuses) of the Cleethorpes Urban District Council Act 1928, the Great

PART V —*cont.*

Grimsby Borough Council and the Cleethorpes Borough Council shall each continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act 1930 (which authorises the running of public service vehicles by local authorities).

1930 c. 43.

PART VI

BEVERLEY PROVISIONS

Preliminary

Interpretation of Part VI.

56. In this Part—

"banks" has the meaning given by section 116 of the Land Drainage Act 1976;

1976 c. 70.

"the beck" means the Beverley Beck for its whole length;

"the Beverley Council" means the East Yorkshire Borough of Beverley Borough Council;

"the borough" means the East Yorkshire Borough of Beverley;

"master" means, in relation to any vessel, the person (whether or not the owner) for the time being having command or charge of the vessel;

"the river" means that length of the river Hull which lies within the borough south of the confluence with the Aike Beck;

"vessel" includes any description of water craft used or capable of being used as a means of transportation on water, including a seaplane and a hovercraft as defined in the Hovercraft Act 1968;

1968 c. 59.

"the waterways" means the beck and the river, and "waterway" means either the beck or the river.

Beverley Beck

Maintenance of beck.

57.—(1) The Beverley Council may maintain and improve the beck and for that purpose may deepen, dredge and scour and cleanse the beck and remove obstructions from the bed and banks of the beck.

(2) The powers conferred upon the Beverley Council by this section may be exercised notwithstanding temporary interference with public rights of navigation.

General powers in relation to the waterways.

58. The Beverley Council may—

(1) construct, improve and maintain—

(*a*) staithes, wharves and locks on the beck; and

(*b*) staithes and wharves on the river;

(2) lay down, maintain and use moorings in either of the waterways or on the banks thereof on land owned by or leased to the Beverley Council or in which they have a sufficient interest and on other land with the consent of the owner or lessee of such land;

PART VI —*cont.*

(3) construct, lay out, equip and maintain all such works, buildings and facilities, maintain and improve those which for the time being exist, provide all such equipment and services and do all such other acts or things as they may think necessary or expedient.

Byelaws as to waterways.

59.—(1) The Beverley Council may make byelaws in relation to the waterways for any matter falling within their functions in respect thereof, for the purposes of recreation and the occupation of leisure thereon and for controlling the navigation thereon and in particular, but without prejudice to the generality of those powers, for all or any of the following purposes:—

(*a*) to secure the conservation and improvement of the waterways and their amenities for the purposes of recreation and the occupation of leisure and to promote the ease, convenience and safety of navigation;

(*b*) to regulate vessels on the beck and their launching on or entry into, departure from and movement on the beck;

(*c*) to prescribe the speed of vessels on the waterways;

(*d*) to prescribe in respect of the beck—

(i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured;

(ii) which vessels of a specified class may not enter;

(iii) where activities of a specified type may not be carried on or may only be carried on in accordance with specified conditions;

(*e*) to prescribe periods (including days and parts of a day) when vessels of a specified class or description may not navigate the whole or part of the beck;

(*f*) with a view to ensuring the safety of passengers in vessels on the beck and of other vessels or persons using the beck, to prescribe standards for any engines, appliances, fittings or equipment in such vessels, and to make provision with regard to the use and operation of such vessels, engines, appliances, fittings and equipment and, without prejudice to the generality of the foregoing—

(i) to make provision with regard to the construction, maintenance and use of engines used for the propulsion of powered boats and with regard to the storage and supply of fuel for such engines;

(ii) to require the provision of effective fire extinguishers;

(iii) to regulate appliances for cooking, heating, lighting or refrigeration, and the storage and supply of fuel for such appliances;

PART VI —*cont.*

(*g*) to regulate the laying down, maintenance and use of moorings in the beck, or in the river on land owned by the Beverley Council;

(*h*) to prevent the misuse of and damage to the bed and banks of a waterway and to regulate the use of and to prevent the misuse of and damage to services, locks, landing places and other facilities (including moorings) provided by the Beverley Council in or adjoining a waterway;

(*i*) to promote the safety of persons on the banks of the waterways, including the provision of life-saving equipment, and the safety of vessels on the beck;

(*j*) to prescribe a minimum age for persons to be master of or wholly in charge of the navigation of a powered boat or any class or description of powered boat on the beck;

(*k*) to regulate the conduct of persons using the beck or its banks whether for business, recreation or any other purposes;

(*l*) for the preservation of flora and fauna in, or on the banks of, a waterway.

(2) Different byelaws may be made under this section in relation to either waterway and to different classes of vessels navigating or using either waterway.

(3) (*a*) No byelaw made under this section shall render unlawful the doing on private land outside a waterway of any act by, or with the lawful authority of, the owner or occupier which does not injure or endanger any person lawfully using a waterway or enjoying the amenities thereof.

(*b*) In this subsection "private land" means any land other than land to which the public has access (whether as of right or by express or implied permission).

(4) If any person contravenes any byelaws made by virtue of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50; and if the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £5 for each day on which it is so continued.

(5) Nothing in any byelaw made under this section shall prejudice or affect the operation of the relevant statutory provisions as defined in section 53 of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(6) No byelaw made under this section in relation to the river shall conflict or interfere with the operation of any byelaw made by the Yorkshire Water Authority.

(7) In this section "powered boat" means a vessel which is mechanically propelled. PART VI —*cont.*

Charges.

60. The Beverley Council may demand, take and recover such reasonable charges as they may determine in respect of—

(1) any vessel entering or using the beck or the river in order to load or unload any goods at or in any part of, or at any place along the beck or the river;

(2) goods loaded or unloaded at or in any part of, or at any place along, the beck or the river;

(3) any services or facilities provided by them or on their behalf in connection with a waterway.

Conditions relating to payment of charges.

61. Charges shall be payable subject to such conditions as the Beverley Council may specify in their published list of charges including any condition that charges or particular charges shall be deemed not to have been paid unless there is affixed to such part of the vessel in respect of which the charge has been remitted as may be so specified, such mark or notice as may be supplied by the Beverley Council as evidence of payment.

As to payment of charges.

62.—(1) The several charges which the Beverley Council are for the time being authorised to demand, take and recover in respect of vessels and goods under any enactment shall be payable before the removal from a waterway of any vessel or goods in respect of which they are payable, and may be demanded, taken or recovered by such persons, at such places, at such times and under such regulations as the Beverley Council may from time to time appoint and make.

(2) Charges payable to the Beverley Council shall be payable by the owner or other person having charge of any vessel or goods in relation to which the charges are payable.

(3) Where charges payable to the Beverley Council may be recovered by them from more than one person, the said persons shall be jointly and severally liable.

Penalty for evading payment of charges.

63. If the owner of any vessel or goods shall at any time avoid, or attempt to avoid, payment of or wrongfully refuse to pay any charges payable by such owner to the Beverley Council at the time when the same shall become due and payable, he shall be liable to pay to the Beverley Council a sum of £15 or a sum equal to three times the amount of such charges (whichever shall be the greater), which sum shall be a civil debt due to the Beverley Council.

Deposit for charges.

64. The Beverley Council may, if they think fit, require any person who is, or may become liable to pay charges to the

PART VI —*cont.*

Beverley Council, to deposit with their collector, or to guarantee such sum as, in the opinion of the Beverley Council is reasonable having regard to the probable amount of the charges.

Power to enter vessels.

65. Any duly authorised officer of the Beverley Council on producing, if so required, a duly authenticated document showing his authority, may at any reasonable time enter upon any vessel moored or anchored at any point on a waterway and inspect any documents held by the master relating to the cargo being conveyed by that vessel.

Miscellaneous

Extinguishment of ferry rights.

66. All rights and obligations in or relating to the franchise of the ferry of the Beverley Council across the river between Grovehill and Tickton in the borough are hereby extinguished.

Powers as to markets and fairs.

67.—(1) In this section—

" the fairs " means—

(*a*) the fairs held in the borough by virtue of a charter granted by His late Majesty King John in the year 1200;

(*b*) the fairs held in the borough by virtue of a charter granted by His late Majesty King Edward II in the year 1318;

(*c*) the fair held in the borough by virtue of a charter granted by His late Majesty King James II in the year 1685;

" the markets " means—

(*a*) the market held in the borough by virtue of a charter granted by His late Majesty King John in the year 1199;

(*b*) the market held in the borough by virtue of a charter granted by His late Majesty King Edward II in the year 1318; and

(*c*) the market held in the borough by virtue of a charter granted by His late Majesty King James II in the year 1685.

(2) The Beverley Council may by resolution—

(*a*) appoint the days on which and the hours during which the markets or fairs are to be or may be held;

(*b*) designate the places in which the markets or fairs are to be or may be held and prescribe the placing of stalls and standings and the parking of vehicles.

(3) The proper officer of the Beverley Council shall be the clerk of the market last mentioned in subsection (1) above.

(4) Any person contravening the requirements of a resolution passed in accordance with subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50. PART VI —*cont.*

PART VII

CLEETHORPES PROVISIONS

Interpretation of Part VII.

68. In this Part—

"the borough" means the borough of Cleethorpes;

"the Cleethorpes Council" means the Cleethorpes Borough Council;

"the seashore" means the seashore in the borough and includes the foreshore and all the beach and sands in the borough.

Weighing equipment.

69.—(1) The Cleethorpes Council may, if they think fit, make available for the use of other persons any weighing machine which the Cleethorpes Council provide on land held by them and which is used for or in connection with the exercise of any of their functions.

(2) The Cleethorpes Council may make reasonable charges for the use of any such weighing machine.

(3) The Cleethorpes Council shall not allow the use of any such weighing machine so as to obstruct the access to or exit from any station or depot of the British Railways Board or of any passenger road transport undertaker or the landing steps and slipway referred to in subsection (3) of section 72 (Powers in relation to sea wall) of this Act.

Control of digging for or removal of sand, bait, etc., from seashore.

70.—(1) If any person digs for on, or takes from, the seashore—

(*a*) any sand, gravel, shingle, rock, soil or other material; or

(*b*) lugworms or any other form of fishing bait;

without the consent of the Cleethorpes Council he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200:

Provided that this section shall not apply to the digging for on, or the taking from, any land forming part of the seashore of any such material or bait by or with the consent of the owner or leaseholder of such land.

(2) A consent granted by the Cleethorpes Council for the purposes of this section may be granted either unconditionally or subject to conditions including the payment for the consent of such reasonable fee to cover the expense of the council in dealing with applications for such consents as the council may by resolution prescribe.

PART VII —*cont.*

(3) Subsection (1) (*a*) above shall not apply to any area of the seashore in relation to which an order is for the time being in force under section 18 of the Coast Protection Act 1949. 1949 c. 74.

Publication of weather reports.

71.—(1) The Cleethorpes Council may provide and maintain barometrical and other instruments for recording the state of the weather and may take all necessary steps for making and publishing weather reports and statistics.

(2) The Cleethorpes Council may make reasonable charges for copies of such reports and statistics.

Powers in relation to sea wall. 1902 c. cliv.

72.—(1) In this section " the sea wall " means the sea wall and embankment with slips comprised in Work No. 1 authorised by the Cleethorpes Improvement Act 1902.

(2) The Cleethorpes Council may construct such improvements of and additions to the sea wall as they may deem necessary.

(3) The Cleethorpes Council shall maintain in manner to be reasonably approved by the docks board the three flights of landing steps and the slipway for vehicles on the face of the sea wall.

(4) The Cleethorpes Council shall at their own expense remove all deposits of shells, rubbish or other material deposited on the foreshore if not removed pursuant to any byelaw and in case the Cleethorpes Council fail to do so the docks board may themselves remove the same and recover the reasonable cost of so doing from the Cleethorpes Council.

Byelaws as to Cleethorpes Pier.

73.—(1) The Cleethorpes Council may make byelaws in relation to the pier—

(*a*) prohibiting the use, navigation or mooring of pleasure vessels within a distance not exceeding 100 metres from any part of the pier;

(*b*) prohibiting any pleasure vessel from anchoring, mooring or passing under the pier;

subject to such exemptions as may be prescribed by the byelaws.

(2) Byelaws made under this section may—

(*a*) relate to all pleasure vessels or to a class of pleasure vessels and to particular periods of time;

(*b*) empower the Cleethorpes Council to confer exemptions from any of the byelaws on being satisfied as to arrangements made in relation to a particular vessel or type of activity.

PART VII —*cont.*

(3) In this section—

"the pier" means Cleethorpes Promenade Pier authorised by the Cleethorpes Promenade Pier Order 1867 and the Cleethorpes Pier Act 1873; 1867 c. 61. 1873 c. lx.

"pleasure vessel" means any vessel which is used for the purposes of pleasure.

Registration of hawkers of food and their premises.

74.—(1) As from the appointed day—

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

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

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

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

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

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

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

(5) This section shall not apply to—

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

(*b*) the sale or offer or exposure for sale of food by a dairyman registered under regulations in force under Part II of the Food and Drugs Act 1955, or having effect by virtue of section 136 (2) of and Schedule 12 to that Act as if they had been made under the said Part II or to any dairy so registered; 1955 c. 16 (4 & 5 Eliz. 2).

PART VII —*cont.*

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

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

1955 c. 16 (4 & 5 Eliz. 2).

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

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

(6) In this section—

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

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

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

PART VIII

GREAT GRIMSBY PROVISIONS

Interpretation of Part VIII.

75. In this Part—

" the borough " means the borough of Great Grimsby;

" the Great Grimsby Council " means the Great Grimsby Borough Council;

" 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 River Head " means so much of Grimsby Haven in the borough as lies between Victoria Street and an imaginary straight line drawn in an easterly direction and forming a continuation of the line of the former highway known as West Dock Street;

PART VIII —*cont.*

"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 line of the western boundary of the former highway known as South Dock Street.

Exclusion of public and private rights to use quays, etc. 1849 c. lxxxi.

76.—(1) 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 belonging to the Great Grimsby Council, whether acquired before or after the commencement of this Act; and

(*b*) no part of any of the wharves;

shall be a public quay, wharf or landing place, neither shall any part of the said land or any part of the wharves be subject to any private rights for the purpose of loading or unloading goods, wares or merchandise.

(2) In this section "the wharves" means the three wharves in the borough belonging to the Great Grimsby Council and known respectively as Ranter's Wharf, Freeport Wharf and Lower Staithe Wharf, but does not include the highway known as Ranter's Wharf.

Provision of recreational facilities at certain places. 1968 c. 41.

77. The provisions of section 8 of the Countryside Act 1968 (sailing, boating, bathing and fishing facilities in waterways in country parks) 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 Great Grimsby Council under the said Act of 1968.

Use of lands as public walks, etc.

78. The Great Grimsby Council 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 commencement 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 Great Grimsby Council 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 29 of the Land Drainage Act 1976. 1976 c. 70.

Mobile stalls, etc.

79.—(1) In this section—

"mobile stall" means—

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

or

PART VIII —*cont.*

(*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.

(2) (*a*) No person shall, without the consent of the Great Grimsby Council 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 10.00 p.m. and 8.00 a.m.

(*b*) The Great Grimsby Council 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 10.00 p.m. and 8.00 a.m. or the behaviour 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 Great Grimsby Council 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 10.00 p.m. and 8.00 a.m. as they may think fit, but shall not impose any term or condition which requires the payment of money.

(*c*) If the Great Grimsby Council refuse consent, they shall within 7 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 Great Grimsby Council may at any time revoke, as from such date as they may specify (being a date not earlier than 7 days from the date of service of notice of the revocation upon the person to whom the consent was given), any consent given under subsection (2) above if they are satisfied that the sale or offer for sale of refreshments from a mobile stall, between 10.00 p.m. and 8.00 a.m. 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 subsection (2) above has not been complied with.

(4) Any person aggrieved by the refusal of the Great Grimsby Council 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 21 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 guilty of an offence and liable on summary conviction to a fine not exceeding £200.

PART VIII
—*cont.*

Great Grimsby Charities.

80.—(1) In this section—

" the Grimsby Eleemosynary Charities " means the charities administered together and comprising the Charity of Anthony Acham, the Charity of Michael Spencer, the Charity of Hammond Greathead, the Elizabeth Beels Charity, the Charity of Frederick Fields Lord and the John William and Florence Louisa Tuxworth Fund;

" the Mayor of Grimsby's Fund " means the registered charity established by the 1978 deed;

" the Mayor of Grimsby's Christmas Fund " means the registered charity of that name which was established by the former Grimsby County Borough Council and the capital and income of which have already been transferred to the Mayor of Grimsby's Fund;

" the 1978 deed " means the deed dated 3rd January 1978 and made between the Grimsby Borough Council and the persons named therein as trustees.

(2) On the coming into operation of this Act—

(*a*) the Mayor of Grimsby's Fund shall be known as the " Mayor of Great Grimsby's Fund " and the deed by which it was established and the scheme under which it is administered shall be read accordingly;

(*b*) the funds of the Grimsby Eleemosynary Charities shall be paid or transferred to the Mayor of Great Grimsby's Fund and shall be held by the trustees of such fund upon the trusts thereof;

(*c*) the investment specified in Schedule 4 to this Act (being the permanent endowment of the Grimsby Eleemosynary Charities) or any subsequent re-investment thereof shall become the permanent endowment of the Mayor of Great Grimsby's Fund and the Third Schedule to the 1978 deed shall have effect as though such permanent endowment were excluded from the power to apply trust capital for the objects of the Mayor of Great Grimsby's Fund.

(3) On the payment or transfer of the funds of the Grimsby Eleemosynary Charities pursuant to subsection (2) above the Grimsby Eleemosynary Charities and the Mayor of Grimsby's Christmas Fund shall be extinguished and the trusts thereof revoked.

(4) For the avoidance of doubt it is hereby declared that save as is provided in paragraph (*c*) of subsection (2) above all monies received by the Mayor of Great Grimsby's Fund whether prior to the coming into operation of this Act or in pursuance of subsection (2) above from the Grimsby Eleemosynary Charities and

PART VIII —*cont.*

the Mayor of Grimsby's Christmas Fund shall merge with and form part of the other monies of the Mayor of Great Grimsby's Fund and shall be held upon and applied under the trusts of the Mayor of Great Grimsby's Fund free from any other trusts, obligations or limitations whatsoever.

(5) Nothing in this section shall derogate from the powers of the court or of the Charity Commissioners under the Charities Act 1960.

1960 c. 58.

(6) The provisions of this section may be amended by a scheme made under section 18 of the said Act of 1960; and upon the coming into force of any such scheme embodying all such provisions, whether or not so amended, this section shall cease to have effect.

Grimsby Pastures Acts. 1849 c. xvi. 1949 c. x.

81.—(1) In this section "the Act of 1849" and "the Act of 1949" mean the Grimsby Pastures Act 1849 and the Grimsby Corporation Act 1949 respectively.

(2) The following shall cease to have effect:—

(*a*) in the Act of 1849—

(i) sections XLVIII, LI to LXI, LXXII to LXXV and LXXVIII;

(ii) in section VI the words "and Assessors" in both places where they occur; the words "of the Borough" where they first occur; the words from "in the Manner" to the words "List of the Borough"; the word "Burgesses" and the words from "and all the Powers" to the word "Freemen" where it fifthly occurs;

(iii) in section VIII the words "or who shall have received Parochial Relief from the Parish of Great Grimsby" and the words "have received Parochial Relief from any other Parish than Great Grimsby, or shall";

(iv) in section XVIII the words "Three others of the enrolled Freemen to be";

(v) in section XIX the words "and Auditor respectively";

(vi) in section XXXIX the words "for Building purposes" and "and the Rent granted or reserved by any such Deed or Lease be made payable quarterly or oftener";

(vii) in section L the words "as by this Act provided" in both places where they occur;

(viii) in section LXVI the words from "or such" where they first occur to the word "thereof" where it secondly occurs; the words from "or such" where

PART VIII —*cont.*

they secondly occur to the word " Annuities " where it secondly occurs and the words from " or such " where they thirdly occur to the word " thereof " in the last place where it occurs;

(ix) in section LXXVI the words from " or sum " onwards;

(x) in section LXXVII the words from " and the " where they secondly occur to the word " Parish " where it secondly occurs;

(*b*) in the Act of 1949—

(i) sections 4, 9, 11 to 16, 18 and 19 and the Schedules;

(ii) in section 2 the definitions of " The Act of 1933 ", " The appointed day " and " The town clerk ";

(iii) in section 6 subsection (1) and in subsection (2) the words " after the appointed day ";

(iv) in section 7 subsection (1); in subsection (2) the words " Before the appointed day ", " from the appointed day " and " after the appointed day "; in subsection (3) the words from " of the borough " where they first occur onwards;

(v) in section 8 subsection (1); in subsection (2) the words " Before the appointed day ", " from the appointed day " and " after the appointed day "; in subsection (3) the word " town " where it first occurs and the words from " and as from " onwards.

(3) The Act of 1849 shall have effect as if—

(*a*) in Section I—

(i) in the definition of " Corporation " for the words " Mayor, Aldermen, and Burgesses of the Borough " there were substituted the words " Great Grimsby Borough Council ";

(ii) in the definition of " enrolled Freemen " for the word " Pasture " there were substituted the word " Pastures "; and

(iii) after the definition of " Clerk " there were inserted the following definition:—

" The Expression ' Borough Treasurer ' shall mean the Borough Treasurer for the Time being of the Borough ";

(*b*) in Section III for the words " Scot and Lot " there were substituted the word " Rates " and as if for the words " One Shilling " there were substituted " 5p ";

(*c*) in Section V for the words " One Shilling " there were substituted " 5p ";

PART VIII —*cont.*

(*d*) in Section VI for the words "Burgess Lists of the Borough" there were substituted the words "List of Freemen"; as if for the word "such" where it thirdly occurs there were substituted the word "the"; and as if for the words "Scot and Lot" there were substituted the word "Rates";

(*e*) in Section VII for the words "Scot and Lot" there were substituted the word "Rates";

(*f*) in Section VIII for the word "Felony" there were substituted the words "an arrestable Offence"; and for the words "Scot and Lot" there were substituted the word "Rates";

(*g*) after section XVIII there were inserted the following section:—

"As to qualifications of auditors.

XVIIIA. And be it enacted that no person shall be qualified to be appointed an auditor for the purposes of this Act unless he is a member or in the case of a firm all the partners therein are members of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland;

Any other body of accountants established in the United Kingdom and recognised for the purposes of section 161 (1) (*a*) of the Companies Act 1948 by the Secretary of State.";

1948 c. 38.

(*h*) in Section XIX for the word "Freemen" where it secondly occurs there were substituted the word "Freeman";

(*i*) in Section XLV for the words "Mayor, Aldermen and Burgesses" there were substituted "local Government Electors";

(*j*) in Section XLIX for the words "Treasurer for the Time being of the Borough" there were substituted the words "Borough Treasurer" and as if for the words "Borough Fund" there were substituted the words "General Rate Fund";

(*k*) in Section LXXVII for the words " Mayor, Aldermen and Burgesses " there were substituted the word " Corporation ". PART VIII —*cont.*

(4) The Act of 1949 shall have effect as if in section 2 in the definition of " The borough " for the words " county borough of Grimsby " there were substituted the words " borough of Great Grimsby " and in the definition of " The Corporation " for the words " Mayor Aldermen and Burgesses of the borough " there were substituted the words " Great Grimsby Borough Council ".

(5) The unrepealed provisions of the Act of 1849 and of the Act of 1949 as having effect in accordance with the foregoing provisions of this section are set out in Schedule 5 to this Act and shall continue to have effect and section 262 (9) of the Act of 1972 shall not apply to those provisions.

PART IX

SCUNTHORPE PROVISIONS

Power to enforce restrictive covenants.

82.—(1) Where before 5th August 1971, the mayor, aldermen and burgesses of the borough of Scunthorpe (in this section called " the Corporation ") sold land for building purposes and on such sale the purchaser entered into a covenant with the Corporation restrictive of the user of such land expressed to be for the benefit of other lands sold or to be sold by the Corporation the Scunthorpe Borough Council shall have power to enforce such covenant against persons deriving title under such purchaser notwithstanding that the Scunthorpe Borough Council are not in possession of or interested in any land for the benefit of which the covenant was entered into in the like manner and to the like extent as if they were possessed of or interested in such land.

(2) This section shall not apply to a covenant unless such covenant was registered as a local land charge within three months from 5th August 1971.

Provision of catering facilities in certain premises.

83.—(1) The Scunthorpe Borough Council may in any premises mentioned in subsection (2) below so long as they remain in the occupation of the Scunthorpe Borough Council sell and supply or enter into any agreement or arrangement with any person for the sale and supply of or let any rights (exclusive or otherwise) of selling and supplying refreshments of all kinds subject to the provisions of all enactments relating thereto:

Provided that nothing in this subsection shall override the terms or conditions of any lease or agreement relating to lands occupied by the Scunthorpe Borough Council but not owned by them.

PART IX —*cont.*

(2) The premises in which the Scunthorpe Borough Council may exercise the powers of subsection (1) above are the following premises in the borough of Scunthorpe:—

(*a*) Normanby Hall and park;

(*b*) the Civic Centre;

(*c*) recreational and cultural premises occupied by the Scunthorpe Borough Council;

(*d*) the market hall.

PART X

GENERAL

Disputes about compensation.

84.—(1) Any dispute arising on a claim for compensation under this Act, being a dispute for the determination of which no other provision is made by or under this or any other Act, shall be determined, if the parties so agree, by arbitration, or, in default of agreement, by a county court.

(2) A county court shall have jurisdiction to deal with any dispute which by virtue of subsection (1) above is to be determined by such a court notwithstanding that, by reason of the amount of the claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

(3) Nothing in this section shall prejudice the operation of section 115 of the County Courts Act 1959 (removal into the High Court of proceedings commenced in a county court).

1959 c. 22.

Local inquiries.

85. A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Saving for conduct of business or use of premises.

86. Where under any provision of this Act the licence or consent of a local authority for the carrying on of any business or to the use of premises for any purpose is required as from an appointed day, it shall be lawful for any person who—

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

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

to continue to carry on that business or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 89 (Suspension of proceedings pending appeal) of this Act.

PART X —*cont.*

87. Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act. Appeals to magistrates' court.

88.—(1) On an appeal to the Secretary of State under subsection (6) of section 12 (Parking places: safety requirements) of this Act the Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose. Appeals to Secretary of State.

(2) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination.

(3) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the local authority may appeal to the High Court against the decision on a point of law.

(4) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court). 1981 c. 54.

(5) In this section "decision" includes a direction, and references to the giving of a decision shall be construed accordingly.

89. Where a requirement, refusal or other decision of a local authority against which a right of appeal is conferred by this Act— Suspension of proceedings pending appeal.

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

(*b*) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

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

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

PART X —*cont.*

(ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

Restriction on right to prosecute.

90. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, or a constable.

Arbitration.

91. Where under this Act any question or difference is to be determined by arbitration, then, unless otherwise provided, the question or difference shall be referred to, and settled by, a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Liability of directors, etc.

92.—(1) Where an offence under this Act, or against any byelaw made under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Penalty for obstruction.

93. Any person who intentionally obstructs any officer of a local authority acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Defence of due diligence.

94.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

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

Part III (Fire precautions);

Paragraphs (*a*) to (*c*) of section 28 (Offences under Part IV);

Section 33 (Regulation of placing things on footway);

Section 37 (Dust, etc., from building operations);

Subsection (5) of section 42 (Tattooists);

PART X —*cont.*

Subsection (4) of section 48 (Dealers in second-hand goods);
Section 49 (Touting, hawking, photographing, etc.);
Section 59 (Byelaws as to waterways);
Section 67 (Powers as to markets and fairs);
Paragraph (*a*) of subsection (1) of section 74 (Registration of hawkers of food and their premises);
Section 79 (Mobile stalls, etc.);
Section 101 (Tidal works).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

Application of general provisions of Act of 1936.

95.—(1) The sections of the Act of 1936 mentioned in Schedule 6 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

Section 12 (Parking places: safety requirements);
Section 13 (Firemen's switches for luminous tube signs);
Section 34 (Street numbers);
Section 37 (Dust, etc., from building operations);
Section 39 (Power to order alteration of chimneys);
Section 42 (Tattooists);
Section 44 (Protection of damaged buildings);
Section 45 (Securing unoccupied buildings);
Section 57 (Maintenance of beck);
Section 74 (Registration of hawkers of food and their premises):

Provided that, before entry on any operational railway line of the British Railways Board in pursuance of any of those provisions of this Act and of the said section 287 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of that board for the protection of their undertaking.

PART X —*cont.*

Crown rights.

96.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises a local authority to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary)—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or

(*b*) belonging to Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy; or

(*c*) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

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

(3) Nothing in this section shall prejudice or affect any statutory powers of a local authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State.

1950 c. 39.

For protection of docks board.

97. Unless otherwise agreed in writing between the county council or, as the case may require, the district council by whom the powers in question are exercisable (all or any of whom are hereinafter referred to as "the council") and the docks board, the provisions of this section shall have effect for the protection of the docks board—

(1) (*a*) In this section—

"the dock estate" means the docks, stages, jetties and other landing places, roadways and other works and lands within the county for the time being owned, occupied or administered by the docks board wholly or mainly for the purposes of their statutory functions;

"Humber tidal work" means a tidal work on, under or over the foreshore or bed of the river Humber authorised by section 72 (Powers in relation to sea wall) of this Act and as regards paragraphs (5), (8) and (9) shall include works

executed under the Cleethorpes Improvement Act 1902 and the Cleethorpes Urban District Council Act 1928; PART X —*cont.* 1902 c. cliv. 1928 c. lxxvi.

(*b*) For the purposes of this section, references to the construction of a Humber tidal work shall include the execution, placing, alteration and removal of any such work; and "construct" and "constructed" shall be construed accordingly:

(2) The following sections of this Act do not authorise the exercise of powers or the imposition of conditions, restrictions or prohibitions, or apply to any street or building within the dock estate:—

Section 31 (Highway amenities);
Section 32 (Power to provide kiosks, etc.);
Section 33 (Regulation of placing things on footway);
Section 45 (Securing unoccupied buildings):

(3) (*a*) A consent granted under section 70 (Control of digging for or removal of sand, bait, etc., from seashore) of this Act shall not affect the requirements of section 8 (Sand &c. not to be removed from bed or foreshore of river Humber without licence of Commissioners) of the Humber Conservancy Act 1905 or of any conditions subject to which any licence under the said section 8 has been granted; 1905 c. clxxix.

(*b*) This paragraph shall not have effect so as to require the person to whom a consent is granted under section 70 of this Act to obtain a licence under section 8 of the said Act of 1905 for the purpose of digging for lugworms or any other form of fishing bait provided that no powered tools are used for such digging and that no material excavated is removed from the foreshore or bed of the river Humber;

(*c*) Notice of the effect of sub-paragraphs (*a*) and (*b*) of this paragraph shall be endorsed on any consent granted under section 70 of this Act:

(4) (*a*) Before commencing to construct a Humber tidal work the council shall submit to the docks board for their reasonable approval plans, sections and particulars of the work showing the general mode of construction and such work shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by the docks board, or as may be determined by the Secretary of State as hereinafter provided, and all such work shall be executed to the reasonable satisfaction of the docks board;

PART X —*cont.*

(*b*) If it appears to the council that the docks board have unreasonably withheld their approval to any plans, sections and particulars under sub-paragraph (*a*) of this paragraph they may appeal to the Secretary of State whose decision shall be binding on both parties:

(5) After the purpose of any temporary structure in the river Humber has been accomplished the council shall with all reasonable dispatch or after a reasonable period of notice in writing from the docks board requiring them so to do remove any such temporary structure in the river Humber or any materials for the same which may have been placed in the river Humber below the level of high water by or on behalf of the council and on their failing so to do within a reasonable period after receiving such notice the docks board may remove the same charging the council with the reasonable expense of so doing and the council shall repay to the docks board such expense:

(6) In the event of the docks board failing to express their disapproval of any plans, sections or particulars within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted:

(7) If, during the construction of a Humber tidal work or within 12 months after the completion of such work and in consequence of the construction of such Humber tidal work any accumulation of silt or other material shall be created in the vicinity of such work which shall cause impediment to navigation in the river Humber the council if so requested by the docks board within the period of 12 months after such completion, shall remove such accumulation of silt or other material and if they refuse or fail so to do the docks board may themselves cause the work to be done and may recover from the council the reasonable cost thereof:

(8) The council shall on request afford all such reasonable facilities to the docks board to place and maintain on any Humber tidal work any such signals, tide-boards, tide-gauges, masts, or other apparatus for the benefit of navigation as the docks board may from time to time reasonably require, provided that anything done under this paragraph shall be at the expense of the docks board:

(9) The council shall allow at all reasonable times access both by water and by land to the docks board, their officers, servants and licensed pilots on, to and over a

PART X —*cont.*

Humber tidal work both during and after the construction thereof without payment or hindrance whilst in the execution of their duties, provided that until the tidal work has been completed the access shall be given only so far as is reasonably practicable:

(10) Nothing in this Act shall affect prejudicially any statutory or other rights, powers or privileges vested in, or enjoyed by, the docks board at the commencement of this Act or any title of the docks board in, to or over any lands or foreshore held or acquired by them:

(11) Any difference arising between the council and the docks board under the foregoing provisions of this section (other than a difference as to the construction of those provisions or as to the approval under paragraph (4) of this section of plans, sections and particulars) shall be determined by arbitration.

For protection of Yorkshire Water Authority.

98. For the protection of the water authority the following provisions shall unless otherwise agreed in writing between the appropriate authority and the water authority apply and have effect:—

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

" appropriate authority " means the county council or the East Yorkshire Borough of Beverley Borough Council as the case may require;

" authorised work " means so much of—

(*a*) the county council's works as defined in section 4 (Interpretation of Part II) of this Act;

(*b*) the works authorised by section 7 (Subsidiary works in rivers and elsewhere) of this Act; and

(*c*) the works, operations and activities authorised by section 58 (General powers in relation to the waterways) of this Act;

(whether temporary or permanent) as may be constructed on, over or under or in any other way affect—

(i) the river Hull or either of the banks thereof; or

(ii) the Beverley and Barmston Drain;

" banks " has the meaning given to it by section 116 of the Land Drainage Act 1976; 1976 c. 70.

PART X —*cont.*

"construction" includes execution, alteration, reconstruction and placing and "construct" and "constructed" have corresponding meanings;

"plans" in relation to permanent works includes sections and particulars and in relation to temporary works includes sections;

(2) (*a*) Before commencing the construction of an authorised work the appropriate authority shall submit plans of such work to the water authority for their reasonable approval and shall not commence the authorised work until such plans have been approved by the water authority or in the case of difference until they shall have been settled by arbitration:

Provided that unless the water authority within two months after the receipt of any such plans signify to the appropriate authority their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;

(*b*) Not less than 28 days before commencing any work of maintenance, repair or renewal of an authorised work the appropriate authority shall except in the case of emergency submit to the water authority for their information a notice of intention to commence the work and a description of the work:

(3) (*a*) An authorised work shall not be constructed except in accordance with such plans as may be approved or deemed to be approved by the water authority as aforesaid or settled by arbitration and shall be constructed to the reasonable satisfaction of the water authority who shall be given reasonable notice of the date and time on and at which the authorised work is to be commenced:

(*b*) The appropriate authority shall at all reasonable times afford to an officer of the water authority duly appointed for the purpose access to the authorised work for the purpose of inspection:

(4) If by reason of the construction, maintenance or repair of any authorised work or of the failure thereof or of the failure to maintain or repair the same injury or damage is caused to the river Hull or the banks thereof or to the Beverley and Barmston Drain or to any property of the water authority lying or situate therein, such injury or damage shall be forthwith made good by the appropriate authority to the reasonable satisfaction of the water authority and if the appropriate authority fail so to do

PART X —*cont.*

the water authority may make good the same and recover from the appropriate authority the costs and expenses reasonably incurred by them in so doing:

(5) If the appropriate authority construct any work in contravention of this section the water authority may remove, alter or pull down the work and recover from the appropriate authority the expenses incurred in so doing:

(6) Section 29 of the Land Drainage Act 1976 shall not apply to the construction of an authorised work: 1976 c. 70.

(7) Any difference arising between the appropriate authority and the water authority under this section (other than a difference as to the construction of this section) shall be determined by arbitration.

Saving for Health and Safety at Work etc. Act 1974. 1974 c. 37.

99.—(1) In the Health and Safety at Work etc. Act 1974—

(*a*) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;

(*b*) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

(2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—

Section 37 (Dust, etc., from building operations);

Section 39 (Power to order alteration of chimneys);

Section 43 (Control of demolitions).

Saving for Fire Precautions Act 1971. 1971 c. 40.

100. Subsection (2) of section 30 of the Fire Precautions Act 1971 (avoidance of duplication by local Act provisions) shall apply to this Act as if passed before the coming into operation of that subsection.

Tidal works. 1967 c. xxxiii. 1897 c. ccxlix.

101.—(1) Subject to subsection (3) below the following provisions in this section shall apply to tidal works, that is to say, works on, under or over tidal waters or tidal lands below the level of high water, being works (other than Works Nos. 1, 4 and 5 authorised by the Kingston upon Hull Corporation Act 1967), authorised by the following enactments:—

(*a*) the Kingston-upon-Hull Corporation Act 1897;

PART X —*cont.*

(*b*) the Kingston-upon-Hull Corporation Act 1901;
1901 c. cxxiv.
(*c*) the Cleethorpes Improvement Act 1902;
1902 c. cliv.
(*d*) the Boothferry Bridge Act 1925;
1925 c. cxi.
(*e*) the Kingston upon Hull Corporation Act 1926;
1926 c. lxxiv.
(*f*) the Cleethorpes Urban District Council Act 1928;
1928 c. lxxvi.
(*g*) the Kingston upon Hull (Sutton Road Bridge) Scheme 1934;
1934 c. lxxxi.
(*h*) the Kingston upon Hull Corporation Act 1952;
1952 c. xliii.
(*i*) the Kingston upon Hull Corporation Act 1967;
1967 c. xxxiii.
(*j*) section 72 (Powers in relation to sea wall) of this Act;

in substitution for statutory provisions repealed by this Act relating to the lighting, survey, abandonment or decay of, and injury to, those works, each of which is in this section referred to as " tidal work ".

(2) (*a*) In case of injury to or destruction or decay of a tidal work, or any part thereof, the owners of the work shall forthwith notify the appropriate authority and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the appropriate authority shall from time to time direct.

(*b*) If the owners fail to notify the appropriate authority as required by this subsection or to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) (*a*) The owners of a tidal work shall during the whole time of the construction and after the completion thereof exhibit every night from sunset to sunrise in such positions on or near the tidal work as may be directed from time to time by the appropriate authority such lights, if any, as may be so directed; and shall take such other steps for the prevention of danger to navigation as may be so directed.

(*b*) If the owners fail to comply in any respect with a direction given under this subsection, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(*c*) The docks board shall not under this subsection require the display of lights on works authorised by the Cleethorpes Improvement Act 1902 and the Cleethorpes Urban District Council Act 1928.

PART X —*cont.*

(4) (*a*) Where a tidal work is abandoned, or suffered to fall into decay, the appropriate authority may by notice in writing require the owners of the work at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the appropriate authority think proper.

(*b*) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere, or to cause reasonable apprehension that it may interfere, with the right of navigation or other public rights over the foreshore, the appropriate authority may include that part of the work or any portion thereof in any notice under this subsection.

(*c*) If, on the expiration of 30 days from the date when a notice under this subsection is served upon the owners, they have failed to comply with the requirements of the notice, the appropriate authority may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the owners as a simple contract debt.

(5) If there shall be any inconsistency between a requirement of the Secretary of State and a requirement of the docks board, the Kingston upon Hull City Council or Trinity House, as the case may be, under this section the requirement of the Secretary of State shall prevail.

(6) The appropriate authority may at any time, if they deem it expedient, order a survey and examination of a tidal work, and any expenditure incurred by the appropriate authority in any such survey and examination shall be recoverable from the owners of the work as a simple contract debt.

(7) In this section—

" appropriate authority " means—

(*a*) in subsection (2) above—

(i) in relation to any tidal work which is situate within the jurisdiction of the docks board, the docks board;

(ii) in relation to any other tidal work, Trinity House;

(*b*) in subsection (3) above—

(i) in relation to any tidal work which is situate within the jurisdiction of the docks board, the docks board;

(ii) in relation to any other tidal work, Trinity House;

PART X —*cont.*

and in addition so far as that subsection relates to the construction of any tidal work the Secretary of State;

(*c*) in subsection (4) above, the Secretary of State and in addition—

(i) in relation to any tidal work which is situate within the jurisdiction of the docks board, the docks board;

(ii) in relation to any tidal work situate in that part of the river Hull within the city of Kingston upon Hull, the Kingston upon Hull City Council;

(*d*) in subsection (6) above, the Secretary of State and in addition in relation to any tidal work which is situate within the jurisdiction of the docks board, the docks board;

" statutory maximum " means the prescribed sum as defined in section 32 (9) of the Magistrates' Courts Act 1980.

1980 c. 43.

Transitional provisions, savings and repeals.

102.—(1) The transitional provisions and savings in Schedule 7 to this Act shall have effect.

(2) Subject to the provisions of the said Schedule 7—

(*a*) so much of the Kingston upon Hull Corporation Act 1967 as relates to Works Nos. 4 and 5 authorised by that Act shall continue to have effect and to that extent section 262 (9) of the Act of 1972 shall not apply to those enactments;

1967 c. xxxiii.

(*b*) the Acts specified in column (1) of Part I of Schedule 8 to this Act and the Orders specified in column (1) of Part II of that Schedule and the confirmation Acts relating to any of those Orders specified in the said Part II (which include certain spent enactments) in so far as they apply within the county are hereby repealed (subject to subsection (3) below) to the extent mentioned in column (2) of that Schedule.

(3) The repeal of the enactments specified in Part III of Schedule 8 to this Act (being enactments corresponding to section 13 (Firemen's switches for luminous tube signs) of this Act) shall not take effect until the relevant day as defined in the said section 13.

(4) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.

(5) The inclusion in this Act of any express transitional provision, saving or amendment shall not be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (effect of repeals).

1978 c. 30.

SCHEDULES

SCHEDULE 1

Sections 4, 5, 8 and 11.

BRIDGES ACROSS NAVIGABLE WATERS

1. The bridge over the dock at Great Grimsby authorised by the Grimsby Improvement Act 1869 and known as the Corporation Road Bridge. 1869 c. x.

2. The bridge constructed on the land authorised to be acquired by the Order relating to Kingston-upon-Hull dated 22nd May 1871, and confirmed by the Local Government Supplemental Act 1871 (No. 4), and known as Sculcoates Bridge. 1871 c. clxxxvii.

3. The bridge authorised by the Kingston-upon-Hull Corporation Act 1897 and known as Scott Street Bridge. 1897 c. ccxlix.

4. The bridge (Work No. 26) authorised by the Kingston-upon-Hull Corporation Act 1901, and known as Stoneferry Bridge. 1901 c. cxxiv.

5. The bridge (Work No. 1) authorised by the Boothferry Bridge Act 1925. 1925 c. cxi.

6. The bridge (Work No. 1) authorised by the Kingston upon Hull Corporation Act 1926, and known as North Bridge. 1926 c. lxxiv.

7. The bridge (Work No. 1) authorised by the Public Works Facilities Scheme (Kingston upon Hull Corporation Sutton Road Bridge) Confirmation Act 1934, and known as Sutton Road Bridge. 1934 c. lxxxi.

8. The bridge (Work No. 1) authorised by the Kingston upon Hull Corporation Act 1952, and known as Drypool Bridge. 1952 c. xliii.

9. The bridge comprised in Work No. 2 authorised by the Kingston upon Hull Corporation Act 1967 and known as Myton Bridge. 1967 c. xxxiii.

10. The bridge which formerly carried the Victoria Dock railway line over the river Hull in the city of Kingston upon Hull known as the Wilmington Swing Bridge and transferred to the county council by the British Railways Act 1978. 1978 c. xxi.

11. The bascule bridge across the river Hull at Grovehill in the East Yorkshire Borough of Beverley constructed by the mayor, aldermen and burgesses of the borough of Beverley as existing immediately before 1st April 1974.

12. The footbridge across the river Hull in the East Yorkshire Borough of Beverley constructed in substitution for the bridge reconstructed by the former county council of the East Riding of Yorkshire in pursuance of the East Riding County Council Act 1910 and in that Act referred to as " the Hull Bridge ". 1910 c. cxviii.

Part V.

SCHEDULE 2

APPLICATION OF PART V (MISCELLANEOUS) TO DISTRICTS

Section (1)	Marginal note (2)	Districts to which section applies (3)
31	Highway amenities	East Yorkshire Borough of Beverley Scunthorpe
32	Power to provide kiosks, etc.	Cleethorpes East Yorkshire Borough of Beverley Great Grimsby Scunthorpe
33	Regulation of placing things on footway	Great Grimsby Scunthorpe
34	Street numbers	Cleethorpes East Yorkshire East Yorkshire Borough of Beverley Scunthorpe
36	Prohibition of parking of goods vehicles in front gardens	Cleethorpes East Yorkshire East Yorkshire Borough of Beverley Great Grimsby Scunthorpe
37	Dust, etc., from building operations ...	East Yorkshire East Yorkshire Borough of Beverley
38	Paving of yards and passages	Cleethorpes East Yorkshire Borough of Beverley Great Grimsby
39	Power to order alteration of chimneys...	Cleethorpes East Yorkshire Borough of Beverley
40	Control of rats and mice...	Cleethorpes East Yorkshire East Yorkshire Borough of Beverley
41	Powers of entry for Prevention of Damage by Pests Act 1949	Cleethorpes
1949 c. 55.		East Yorkshire
42	Tattooists	Cleethorpes East Yorkshire Great Grimsby
43	Control of demolitions	Cleethorpes East Yorkshire Scunthorpe

SCH. 2 —*cont.*

Section (1)	Marginal note (2)	Districts to which section applies (3)	
44	Protection of damaged buildings ...	Cleethorpes East Yorkshire Great Grimsby Scunthorpe	
45	Securing unoccupied buildings ...	Cleethorpes East Yorkshire Great Grimsby Scunthorpe	
49	Touting, hawking, photographing, etc. ...	Cleethorpes East Yorkshire East Yorkshire Borough of Beverley Scunthorpe	
50	Extension of section 126 of Housing Act 1974	Cleethorpes East Yorkshire Borough of Beverley Great Grimsby	1974 c. 44.
51	Provision of parking places in parks, etc.	Cleethorpes East Yorkshire Borough of Beverley	
52	Grass verges, etc.	Cleethorpes East Yorkshire East Yorkshire Borough of Beverley Scunthorpe	
53	Prohibition of vehicles on certain vacant land	Cleethorpes East Yorkshire East Yorkshire Borough of Beverley Scunthorpe	
54	Insurance of certain voluntary assistants	Cleethorpes East Yorkshire Borough of Beverley Great Grimsby	
55	Power to run public service vehicles ...	Cleethorpes Great Grimsby	

Section 43.

SCHEDULE 3

SECTION 29 OF THE ACT OF 1961 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 43 (CONTROL OF DEMOLITIONS) OF THIS ACT

29.—(1) Subject to the provisions of this section, a local authority may serve a notice under this section on any person who undertakes the demolition of the whole or of part of a building.

(2) Subsection (1) of this section shall not apply to the demolition—

(*a*) of an internal part of a building where the building is occupied, and it is intended that it should continue to be occupied, or

(*b*) of a building which has a cubic content (as ascertained by external measurement) of not more than one thousand seven hundred and fifty cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building, of that greenhouse, conservatory, shed or prefabricated garage, or

(*c*) without prejudice to the last foregoing paragraph, of an agricultural building (as defined in section two of the Rating and Valuation (Apportionment) Act, 1928) unless it is contiguous to another building which is not itself of a kind mentioned in this or the last foregoing paragraph.

1928 c. 44.

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

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

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

and a person contravening this subsection shall be liable to a fine not exceeding £500:

Provided that notice need not be given under this subsection of a demolition undertaken to comply with any requirement contained in—

(*a*) a notice, order or other instrument issued by, or on the application of, the local authority in pursuance of any power conferred by or under an Act of Parliament, or

(*b*) an injunction or other direction given in legal proceedings brought by the local authority,

except where compliance with the requirement is effected, at the election of the person complying with it, either by undertaking the demolition or by taking some other steps.

SCH. 3 —*cont.*

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

(4) The time within which a notice may be served under subsection (1) of this section shall be—

(*a*) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and

(*b*) in the case of a demolition undertaken to comply with a requirement contained in a demolition order under the Housing Act, 1957, at any time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and 1957 c. 56.

(*c*) in any other case, within six weeks from the beginning of the demolition.

(5) A notice under subsection (1) of this section may require the person undertaking the demolition to take action under all or any of the following paragraphs, that is to say—

(*a*) to shore up adjacent buildings,

(*b*) to weatherproof any surfaces of an adjacent building which are exposed by the demolition and to make good any damage to adjacent premises,

(*c*) to remove material or rubbish resulting from the demolition and clearance of the site,

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

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

(*f*) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (*d*) or paragraph (*e*) of this subsection,

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

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

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

SCH. 3 —*cont.*

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

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

(6) No one shall be required under paragraph (*b*), except so far as it relates to the weatherproofing of surfaces, or paragraph (*d*) or paragraph (*e*) of subsection (5) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

1936 c. 49.

(7) Nothing in subsection (5) of this section shall be construed as exempting any person from—

(*a*) the obligation to obtain any consent required under section sixty-eight of the Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus), or under any similar enactment, or

1945 c. 42.

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

1972 c. 60.

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

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

(8) Before a person complies with any requirement under paragraph (*d*) or paragraph (*e*) of subsection (5) of this section he shall give at least forty-eight hours notice to the local authority, and before he complies with paragraph (*f*) of that subsection, he shall give at least twenty-four hours notice to the local authority; and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds.

(9) Subject to subsection (9A) of this section the provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under subsection (1) of this section.

1936 c. 49.

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

(10) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under subsection (1) of this section shall be—

(*a*) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up, and

(*b*) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, or any damage to any adjacent premises to be made good, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces or of making good that damage.

(11) Where the grounds on which an appeal under the said section two hundred and ninety is brought include any ground specified in the last foregoing subsection, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne as between the appellant and any such other person.

SCHEDULE 4

Section 80.

PERMANENT ENDOWMENT OF MAYOR OF GREAT GRIMSBY'S FUND

Great Grimsby Borough Council £1,105 Bond No. 12617 repayable on 1st April 1985.

Section 81.

SCHEDULE 5

1849 c. xvi.
1949 c. x.

UNREPEALED PROVISIONS OF THE GRIMSBY PASTURES ACT 1849 AND OF THE GRIMSBY CORPORATION ACT 1949 CONTINUED AS HAVING EFFECT IN ACCORDANCE WITH SECTION 81 (GRIMSBY PASTURES ACTS) OF THIS ACT

The Grimsby Pastures Act 1849

An Act for the Management and Disposal of the Freemen's Pastures in the Parish of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln*; and for other Purposes.

[24th *May* 1849.]

* * * * *

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, That in the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction,

Interpretation of Terms in this Act.

The Word " Borough " shall mean the Borough of *Great Grimsby*;

The Word " Corporation " shall mean the Great Grimsby Borough Council;

The Word " Freemen " shall mean the Freemen and Widows of Freemen of the Borough;

The Expression " enrolled Freemen " shall mean the Freemen whose Names are included in the Pastures Roll for the Time being in force;

The Word " Pastures " shall mean such Parts of such Pastures called the *East Marsh*, *Little Field*, and *Hay Croft* as have not been purchased and taken by the *Manchester*, *Sheffield*, *and Lincolnshire* Railway Company, with their Rights, Members, and Appurtenances;

The Word " Mayor " shall mean the Mayor for the Time being of the Borough;

The Expression " Clerk " shall mean the Clerk for the Time being of the Enrolled Freemen;

The Expression " Borough Treasurer " shall mean the Borough Treasurer for the Time being of the Borough;

The Word " Treasurer " shall mean the Treasurer for the Time being of the Enrolled Freemen;

The Word " Month " shall mean Calendar Month;

Words importing the Singular Number only shall include the Plural Number;

Words importing the Plural Number only shall include the Singular Number; and

Words importing the Masculine Gender only shall include Females.

II. And be it enacted, That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Grimsby* Pastures Act, 1849."

Short Title.

III. And be it enacted, That on the Fifth Day of *September* next after the passing of this Act, and on the Fifth Day of *September* in every succeeding Year, the Clerk shall make out an alphabetical List of such of the Freemen as are then resident within the Borough, and paying Rates, and are not disqualified as hereinafter provided for being on the Pastures Roll, and shall post a Copy of such List on every Day during the Week next preceding the Fifteenth Day of *September* in every Year, and shall keep a Copy of such List, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Fifth and Fifteenth Days of *September* (*Sundays* excepted) in every Year, and shall deliver a Copy of such List to any Person requiring the same, on Payment of a Sum not exceeding 5p for each Copy.

Clerk to make out List of Freemen yearly, and post the same, which shall be open to Inspection.

IV. And be it enacted, That every Freeman whose Name is omitted from such List, and who claims to have his Name inserted therein, shall, on or before the Fifteenth Day of *September* in every Year, give Notice thereof in Writing to the Clerk, and every Freeman whose Name is inserted in such List may object to any other Person as not being entitled to have his Name retained in such List, and every Freeman so objecting shall, on or before the Fifteenth Day of *September* in every Year, give Notice thereof in Writing to the Clerk, and also give Notice thereof in Writing to the Person objected to, or leave such Notice for him at his usual or last known Residence in the Borough.

Notices of Claims and Objections.

V. And be it enacted, That the Clerk shall make out an alphabetical List of the Names of all Freemen so claiming to be inserted, and an alphabetical List of the Names of all Persons so objected to, and shall post Copies of such Lists on every Day during the Eight Days next preceding the First Day of *October* in every Year, and shall keep Copies of such Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during the Eight Days (*Sunday* excepted) next preceding the First Day of *October* in every Year, and shall deliver a Copy of each of such Lists to any Person requiring the same, on Payment of a Sum not exceeding 5p for each Copy.

Lists of Claimants, &c. to be made out, and fixed on Town Hall.

Copies of such Lists to be kept for Perusal.

VI. And be it enacted, That at the Court held by the Mayor for the Purpose of revising the List of Freemen the Clerk shall in every Year produce such List of Freemen, and Copies of such Lists of Freemen claiming and of Persons objected to, and the Mayor shall revise such List of Freemen; and such Court and the Mayor shall have like Powers of revising such Lists, and of retaining or inserting in or expunging from such List of Freemen the Names of any Persons, as such Court and the Mayor respectively have with reference to such List; and the revised List shall, so far as such Court can ascertain, contain the Names of such and of such only, of the Freemen as were on the Fifth Day of *September* next preceding the Time of such Revision resident within the Borough, and paying Rates, and not disqualified as herein-after provided for being on the Pastures Roll.

List of Freemen to be revised by Mayor at Revision of List of Freemen.

VII. And be it enacted, That the Mayor shall in every Year deliver the List of Freemen, revised and signed by him, to the Clerk, who shall keep such List, and shall in every Year copy the same fairly

Clerk to make Copy of revised List, to be called "The Pastures Roll".

SCH. 5 —*cont.*

and truly into One general alphabetical List in a Book, to be by him provided for that Purpose, with every Name therein numbered, beginning the Numbers from the first Name and continuing them in a regular Series to the last Name, and shall complete such Book on or before the Twenty-second Day of *October* in every Year, and shall deliver such Book, together with the Lists, at the Expiration of his Period of Office, to the Person succeeding him in such Office; and every such Book in which the List of Freemen is copied shall be called "The Pastures Roll," and the Persons named on such Roll shall, to the Exclusion of all other Persons whomsoever, be entitled to have and enjoy during the Year between the First Day of *November* inclusive in the Year wherein such Roll is made and the First Day of *November* in the succeeding Year, subject to the Provisions in this Act contained, and the Regulations made by virtue thereof, such Rights of Pasturage on the Pastures as have heretofore been enjoyed by the Freemen and Widows of Freemen of the Borough resident within the Borough, and paying Rates, and such other Rights and Interests and such Authorities as are by this Act given either expressly or by Implication to the enrolled Freemen.

Disqualification for being on the Pastures Roll.

VIII. And be it enacted, That any Freeman who shall have been convicted of an arrestable Offence, shall not at any Time thereafter be entitled to have his Name inserted in the Pastures Roll; and any Freeman who within Twelve Months next before the Fifth Day of *September* in any Year shall not have been resident within the Borough, or shall not have paid Rates within the Borough, shall not be entitled to have his Name included in the Pastures Roll for the then next Year.

Meetings of the enrolled Freemen.

IX. And be it enacted, That the enrolled Freemen shall hold a Meeting on the first *Monday* in *November* next after the passing of this Act, and shall hold an annual Meeting on the first *Monday* in the Month of *June* in the Year One thousand eight hundred and fifty, and in every succeeding Year.

Special Meetings of the enrolled Freemen.

X. And be it enacted, That the enrolled Freemen may from Time to Time hold Special Meetings for the Transaction of any extraordinary Business, and the Chairman or if there shall be no Chairman the Clerk of the Enrolled Freemen may call any such Special Meeting at any Time that he may think proper; and any Five Members of the Pastures Committee, herein-after provided for may at any Time, by Writing under their Hands, require the Chairman or if there shall be no Chairman the Clerk of the Enrolled Freemen to call a Special Meeting, and such Requisition shall fully express the Object of the Meeting required to be called, and shall be delivered to or left at the usual Residence of the Chairman or if there shall be no Chairman the Clerk of the Enrolled Freemen; and forthwith upon the Receipt of such Requisition the Chairman or if there shall be no Chairman the Clerk of the Enrolled Freemen shall call a Special Meeting accordingly, and if for Three Days after such Receipt the Chairman or if there shall be no Chairman the Clerk of the Enrolled Freemen fail to call such Meeting any Five Members of the Pastures Committee may call such Meeting, by giving Notice as herein-after provided.

SCH. 5 —*cont.*

Notice of Meetings.

XI. And be it enacted, That not less than Three nor more than Seven clear Days Notice shall be given of every Meeting of the enrolled Freemen, and every such Notice shall be signed by the Chairman or if there shall be no chairman the Clerk of the Enrolled Freemen or the Persons calling the Meeting, and shall be posted; and every Notice of a Special Meeting, and every Notice of an Annual Meeting, if any other Business than the Business hereby appointed for Annual Meetings, is to be done thereat, shall specify the Business to be done thereat.

Time and Place for Meetings.

XII. And be it enacted, that every Meeting of the enrolled Freemen shall be held at Noon in such convenient Place within the Borough as shall be appointed by the Chairman or if there shall be no chairman the Clerk of the Enrolled Freemen or other the Persons calling the Meetings, or by any previous Meeting, and be expressed in the Notice for such Meeting.

Quorum of Meetings.

XIII. And be it enacted, That in order to constitute a Meeting of the enrolled Freemen, whether annual or special, not less than Twenty enrolled Freemen shall be personally present, and if within One Hour from the Time appointed for holding the Meeting such Number of enrolled Freemen be not present such Meeting shall be held to be adjourned *sine Die*.

Adjournment of Meetings.

XIV. And be it enacted, That every Meeting of the enrolled Freemen may be adjourned from Time to Time and from Place to Place, and, except as regards any Meeting adjourned to a later Hour of the same Day or to the next Day, all adjourned Meetings shall be called by Notice as herein-before provided for, and shall be deemed original Special Meetings.

* * * * *

Authorities of enrolled Freemen to be exercised at Meetings.

XVI. And be it enacted, That the Authorities by this Act given, either expressly or by Implication, to the enrolled Freemen, may be exercised by the enrolled Freemen present, either personally or by Proxy, at any Annual or Special Meeting, or any Adjournment thereof respectively, and not declining to act thereat: Provided always, that any Annual Meeting shall not enter on any special Business but such as is set forth in the Notice for such Meeting, and any special Meeting shall not enter upon any Business but such as is set forth in the Notice for such Meeting, and any adjourned Meeting shall not enter on any Business but such as was left unfinished at the Meeting from which the Adjournment took place, and might have been transacted at such Meeting.

Proceedings and Votes at Meetings.

XVII. And be it enacted, That at every Meeting of the enrolled Freemen such of them as are Men shall alone be allowed to vote or take part personally in the Proceedings; and every enrolled Widow of a Freeman may vote by Proxy, such Proxy being an enrolled Freeman, authorized by Writing under her Hand; and every enrolled Freeman present, either personally or by Proxy, shall be entitled to One Vote and every Question shall be determined by the Majority of the Votes of the enrolled Freemen present, either personally or by Proxy, and not declining to vote thereon: Provided always, that in all Cases of Equality of Votes at any Meeting the Chairman shall have a Second or casting Vote.

SCH. 5 —*cont.*

Pastures Committee and Auditors to be appointed yearly.

XVIII. And be it enacted, That the enrolled Freemen at the first Meeting after the passing of this Act, or some Adjournment thereof, shall, as the first Business of the Meeting after the taking of the Chair thereat, appoint Fourteen of the enrolled Freemen to be a Committee for the Purposes of this Act, and such Committee shall be called the Pastures Committee, and shall, as the next Business of the Meeting, appoint Auditors for the Purposes of this Act; and the enrolled Freemen at the Annual Meeting in the Year One thousand eight hundred and fifty, and at every subsequent Annual Meeting, or some Adjournment thereof respectively, shall in like Manner appoint another like Committee and other like Auditors: Provided always, that every retiring Committee-man and Auditor respectively shall be eligible for immediate Reappointment; provided also, that in case the enrolled Freemen fail at any such Meeting, or at an Adjournment thereof, to make any such Appointment, the enrolled Freemen may make the same at any subsequent Special Meeting, or at an Adjournment thereof; provided also, that such Committee and Auditors respectively shall remain in Office until the Appointment of their respective Successors.

As to qualifications of Auditors.

XVIIIA. And be it enacted that no person shall be qualified to be appointed an auditor for the purposes of this Act unless he is a member or in the case of a firm all the partners therein are members of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales;
The Institute of Chartered Accountants of Scotland;
The Association of Certified Accountants;
The Institute of Chartered Accountants in Ireland;
Any other body of accountants established in the United Kingdom and recognised for the purposes of section 161 (1) (*a*) of the Companies Act 1948 by the Secretary of State.

1948 c. 38.

As to Vacancies in Pastures Committee.

XIX. And be it enacted, That every Vacancy in the Office of Pasture Committee-man may be filled up by the enrolled Freemen, by the Appointment at any Special Meeting, or an Adjournment thereof, of any enrolled Freeman to supply the same.

Meetings and Proceedings of Pastures Committee.

XX. And be it enacted, That the Pastures Committee may meet from Time to Time, and adjourn from Place to Place, as they think proper, for the Purposes of their Appointment; and at any Time any Two Members of such Committee may call or direct the Clerk to call a Meeting of such Committee, but any Business shall not be transacted except at a Meeting of such Committee at which Five Members are present; and at all Meetings One of the Members present shall be appointed Chairman; and all Questions shall be determined by the Majority of the Votes of the Members present, and in all Cases of Equality of Votes the Chairman shall have a Second or casting Vote.

General Powers of Pastures Committee.

XXI. And be it enacted, That, subject to such Regulations and Restrictions as the enrolled Freemen from Time to Time determine, the Pastures Committee shall have the general Superintendence and Management of the Affairs of the enrolled Freemen, and the Regulation and the Occupation and Stocking of the Pastures, and shall from

SCH. 5 —*cont.*

Time to Time make and enforce such Orders and Regulations as to the Number and Description of Cattle and Animals which the enrolled Freemen respectively shall be authorized to depasture in the Pastures, and as to the good Management and Occupation of the Pastures, as such Committee think right, and shall see that all the Resolutions of the enrolled Freemen are duly carried into effect, and shall exercise, in accordance with the Provisions of this Act, all such Authorities as shall from Time to Time be by the enrolled Freemen delegated to them, and shall, except in the Cases by this Act otherwise provided for, carry the several Provisions of this Act into execution.

Pastures Committee to appoint Officers.

XXII. And be it enacted, That the Pastures Committee in every Year at some of their Meetings shall appoint such Officers, besides the Clerk and the Treasurer, as they think necessary for carrying this Act into execution, and may from Time to Time discontinue the Appointment of such Officers, and appoint others in their Place; and such officers besides the Clerk and the Treasurer shall be paid such reasonable Salaries or Allowances as the Pastures Committee shall appoint.

Contracts by Pastures Committee.

XXIII. And be it enacted, That, subject to such Regulations and Restrictions as the enrolled Freemen from Time to Time determine, the Pastures Committee may at any of their Meetings enter into all such Contracts and Agreements as they think advantageous for the Purposes of this Act, and alter, rescind, and abandon, either on Terms or gratuitously, as they think fit, any Contracts and Agreements entered into by or with them for the Purposes of this Act: Provided always, that every such Contract and Agreement, and every Alteration, Rescision, and Abandonment of any such Contract and Agreement, respectively, shall be in Writing signed by Five or more Members of the Pastures Committee, and countersigned by the Clerk.

Annual Report of Pastures Committee.

XXIV. And be it enacted, That in every Year the Pastures Committee shall make to the Annual Meeting of the enrolled Freemen a full Report of the Proceedings of the Pastures Committee during the preceding Year, with all such Particulars as shall be proper for explaining the Treasurer's Accounts and Balance Sheets, and for showing the State and Prospects of the Pastures, and the Rents, Profits, and Proceeds thereof, and shall make to the Annual Meeting all such Explanations as are required by any of the enrolled Freemen present thereat.

Validity of Proceedings of Pastures Committee.

XXV. And be it enacted, That all Proceedings of the Pastures Committee shall be valid, notwithstanding any mere Informality, and notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any Person to be a Member thereof, and notwithstanding any Vacancy in the Number of the Committee, so as the Number thereof be not less than Nine.

Members of Pastures Committees Indemnified for all Acts done in execution of this Act.

XXVI. And be it enacted, That any Person, being or having been a Member of the Pastures Committee, shall not by reason of his lawfully exercising any of the Powers given to such Committee be subject to be sued, either alone or with any other Person being or

SCH. 5 —*cont.*

having been a Member of such Committee, by any Person whomsoever, and all Persons, being or having been Members of such Committee, their Heirs, Executors, and Administrators, shall be indemnified by and out of the Monies and Property in or to which the enrolled Freemen are under this Act entitled or interested for all Payments made and Liabilities incurred in respect of any Acts done or suffered by the Pastures Committee in the Execution of this Act, and against all Losses, Costs, and Damages which such Committee may incur in or by reason of the Execution of this Act; and such Committee may from Time to Time order the Application of such Monies and Property for the Purposes of such Indemnity.

* * * * *

Minutes of Proceedings to be made by Clerk.

XXVIII. And be it enacted, That Minutes of all the Proceedings of the Meetings of the enrolled Freemen and of the Pastures Committee respectively shall from Time to Time be entered by the Clerk of the Enrolled Freemen in Books to be provided for the Purpose, which shall be kept at the office of the freemen; and every such Entry shall, as soon as conveniently may be after the holding of the Meeting at which the Proceedings took place, be signed by the Chairman thereof; and every such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices and others, without Proof of such Meeting having been duly called or held, or of the Persons attending such Meeting having been enrolled Freemen or Members of the Pastures Committee, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all which Matters shall be presumed, until the contrary be proved; and such Books shall at all reasonable Times be open to the Inspection of every enrolled Freeman; and a Copy of the Minutes of every Meeting shall be made by the Clerk, and be delivered by him to the Person who was the Chairman thereof.

* * * * *

Monies received under this Act to be paid to the Treasurer.

XXX. And be it enacted, That all the Monies to be received under or by virtue of this Act shall be paid to the Treasurer, and his Receipts shall be absolute Discharges for the same, and from all Liability, Claims, and Demands in respect thereof; and he shall keep distinct Accounts, to be called "The Pastures Accounts," of all his Receipts and Payments for or on account of the enrolled Freemen, and of all such Credits and Liabilities, with reference to the carrying into execution of this Act, as the Pastures Committee shall from Time to Time direct.

Regulation as to Payments by Treasurer.

XXXI. And be it enacted, That the Treasurer shall not pay any Money without the Order of the Pastures Committee in Writing signed by Three Members thereof, and countersigned by the Clerk, and such Order shall be sufficient Warrant to the Treasurer to make the Payments thereby directed.

Treasurers Accounts.

XXXII. And be it enacted, That the Treasurer shall in the Year One thousand eight hundred and forty-nine, and in every succeeding Year, make up "The Pastures Accounts," and also the Accounts of the enrolled Freemen's Fund, to the First Day of *March* and the

SCH. 5 —*cont.*

First day of *September* in such Year, and shall deliver to the Auditors Copies of such Accounts and a Balance Sheet thereof respectively within Fourteen Days after each of such Days, and shall, when required by the Auditors, verify such Accounts, by producing the proper Vouchers for the same.

Auditors Report.

XXXIII. And be it enacted, That it shall be the Duty of the Auditors to receive from the Treasurer his Accounts and Balance Sheets, and to examine the same, and the Auditors shall either make a Special Report on such Accounts, or simply confirm the same, and every such Report or Confirmation shall be read at the Annual Meeting with the Annual Report from the Pastures Committee.

* * * * *

Power to lease the Pastures for 21 Years or less Terms.

XXXVII. The Pastures Committee may grant any Leases of all or any Part of the Pastures, either together or in such Lots as the Pastures Committee think most beneficial for the Purposes of this Act, for any Term or Number of Years not exceeding Twenty-one Years at any One Time; and the Pastures Committee may, by Writing under the Hands of any Three Members of such Committee, let the same at annual Rents from Year to Year or by the Year: Provided always, that such Leases and Lettings respectively be made to take effect in possession only, and without Fine or anything in the Nature thereof, and be made for the best yearly Rents, to be payable half-yearly or oftener, that can be reasonably obtained for the same, and that the Lessees execute Counterparts of their respective Leases, and that such yearly Tenants respectively pay down One Half Year's Rent in advance.

Power to appropriate Pastures for Building Purposes.

XXXVIII. The Pastures Committee may appropriate the Pastures or any Part thereof for Building Purposes, and in order thereto lay out any Part thereof as Squares or other open Spaces, Roads, Ways, Sewers, Drains, and Watercourses, and other Parts thereof as Lots for Building, or in such other Manner in all respects as the Pastures Committee deem most advantageous for the Purposes of this Act, and repair, alter, and improve any open Spaces, Roads, Ways, Drains, and Watercourses in or upon the Pastures.

Power to sell and lease Pastures.

XXXIX. The Pastures Committee may sell, lease, or otherwise dispose of all or any Part of the Pastures to any Persons whomsoever, in such Manner, and on such Terms and Conditions, and with and subject to such Covenants and Agreements, as the Pastures Committee shall for the Time being deem most advantageous for the Purposes of this Act, and for such Purposes may and shall from Time to Time, enter into such Contracts and Arrangements as the Pastures Committee shall from Time to Time think proper; and any such Sale may be either absolute and in consideration of a gross Sum, or in consideration of any Ground Rent or other Rent or Reservation which the Pastures Committee think fit, or in consideration partly of a gross Sum and partly of any such Rent or Reservation, and any such Lease may be for any Term or Number of Years, either absolute or conditional, and either with or without Fine: Provided always, that any such Sale, Lease, or other Disposition shall take effect in possession only; and in every Deed or Lease by which any Rent shall be granted or reserved

SCH. 5 —*cont.*

there shall be granted or reserved and made payable the best yearly Rent which can at the Time of making or granting such Deed or Lease, or the Contract or Arrangement for the making or granting of the same, considering the Amount of the gross Sum or Fine, if any, to be paid in respect thereof, and the Nature and Circumstances of the Case, be reasonably obtained for the same, and the respective Purchasers and Lessees shall execute Counterparts of the respective Deeds and Leases by which any Rents are granted or reserved; provided also, that the first Payment of the Rent to be granted or reserved by any Deed or Lease may be made to commence and become payable on any Day not exceeding Two Years and a Half from the Time of the making of the Contract or Arrangement for such Deed or Lease, and may be made to increase periodically, beginning with such Proportion of the full Rent to be ultimately payable as shall be thought advisable, and increasing up to the full Rent, as shall be found convenient or be thought proper, and as shall be expressed in such Deed or Lease, regard being had to the Circumstances of the Case.

Contracts, Sales, and Leases may be made on Terms approved by Pastures Committee, but Leases not to be renewable.

XL. The Pastures Committee shall make any Sales, Leases, Dispositions, Contracts, and Agreements under the Authority of this Act, upon such Terms and Conditions, and subject to such Covenants and Agreements, as well by or on behalf of the Pastures Committee as by or on the Behalf of the Persons to or with whom the same shall be respectively made, and otherwise, as the Pastures Committee deem most advantageous for the Purpose of this Act: Provided always, that such Leases and Contracts for Leases respectively be not made with any Provision for the Renewal thereof.

Certain Covenants to be inserted in all Deeds and Leases.

XLI. Provided also, and be it enacted, That in every Deed by which any such yearly or other Rent or Reservation is reserved or granted, and in every Lease respectively executed under the Authority of this Act, there shall be contained on the Part of the Purchaser or Lessee a Covenant for the due Payment of the Rent or Reservation thereby respectively granted or reserved, and also a Proviso or Condition that if the Rent thereby granted or reserved, or any Part thereof, be at any Time in arrear for a Period (to be therein specified) not exceeding One Year, and be not paid within a further Period (to be therein specified) not exceeding One Year after the same shall be demanded by a Notice in Writing, to be delivered to the Purchaser or Lessee, his Heirs, Executors, Administrators, or Assigns, or to be affixed on some conspicuous Part of the Premises comprised in such Deed or Lease, or left with any Tenant or Occupier of such Premises, then and as often as the same shall happen the lessor may enter into and upon and repossess such Premises.

* * * * *

Sales, Leases, &c. to be made by public Auction, of which Notice shall be given.

XLIII. Provided also, and be it enacted, That every Sale, Lease, Letting, and other Disposition of the Pastures or any Part thereof which shall be made under the Authority of this Act shall be made by public Auction at some Meeting of the Pastures Committee, of which Meeting and Auction One Calendar Month's Notice shall be given by Writing fixed on or near the Town Hall, or in some other public and conspicuous Situation within the Borough, and also by Advertisement in Two or more Newspapers published in the County of *Lincoln*, and circulated in the Borough, and such Auctions shall be

holden subject to such Conditions, whether ordinary or special, and such reserved Biddings, as the Pastures Committee think most advantageous for the Purposes of this Act.

In certain Cases Sales and Leases to be made by private Contract.

XLIV. Provided also, and be it enacted, That whenever any Lot shall be bought in at any such Auction, or not sold thereat, by reason of the reserved Bidding for the same not having been reached, the Pastures Committee shall sell, lease, or let the same by private Contract at some Meeting of the Pastures Committee after One Calendar Month's Notice of such Meeting, and the Intention to make such Sale, Lease, or Letting thereat, given by Writing and Advertisement as in the Case of an Auction, and stating that the highest Offer made at such Meeting will be accepted, and such Meeting shall be open to all Persons desirous of attending the same.

As to Sales and Leases to Freemen and Members of the Corporation.

XLV. And be it enacted, That any Person who for the Time being shall be One of the local Government Electors of the Borough, or One of the enrolled Freemen, and whether or not he shall be One of the Council or of the Pastures Committee, may purchase or take at any such Auction: Provided always, that in case any Lot shall at any such Auction be knocked down to any Person being One of the Council, or One of the Pastures Committee, or One of the enrolled Freemen, such Committee shall give One Calendar Month's Notice by Writing and Advertisement of a Meeting for confirming the Sale, Lease, or Letting to such Person, and such Notice shall state the Particulars of such Lot, and the Amount of the Bidding for the same at which the same was so knocked down, and the Name and Description of such Person, and the Fact of his being One of the Council, or One of the Pastures Committee, or One of the enrolled Freemen, and that if a higher Bidding be not offered at such Meeting for such Lot such Sale, Lease, Letting, or other Disposition to such Person will be confirmed; provided also, that such Person shall not by himself or his Agent attend such Meeting; provided also, that in case any person shall at such Meeting offer such higher Bidding for such Lot, and shall enter into a sufficient Contract to take the same at such higher Bidding, in case the same be not, at such Auction as is next herein-after mentioned, sold, leased, let, or otherwise disposed of at an Increase on such higher Bidding, such Sale, Lease, Letting, or other Disposition to such first-mentioned Person shall not be so confirmed, but such Lot shall again be offered at an Auction as by this Act provided.

Where no new Offer at the Meeting, existing Bidding confirmed.

XLVI. Provided always, and be it enacted, That in case at such Meeting some Person shall not offer such higher Bidding for such Lot, and enter into such sufficient Contract, such Sale, Lease, Letting, or other Disposition to such first-mentioned Person shall be confirmed.

* * * * *

Application of Rents of the Pastures.

XLIX. And be it enacted, That all such Monies as are from Time to Time received in respect of the yearly Rents and Profits of the Pastures, or such Parts thereof as for the Time being are let or leased, or are sold or otherwise disposed of subject to any Ground Rent or other Rent or Reservation, shall be appropriated and applied as follows; to wit, first, there shall be paid thereout all such ordinary Expenses of and incident to the carrying of this Act into execution as the Pastures Committee shall think fit; secondly, One equal Twentieth

SCH. 5 —*cont.*

Part of the then Residue of such Monies shall be paid to the Borough Treasurer, to the Credit of the General Rate Fund of the Borough, and shall be disposed of accordingly; and, thirdly, the ultimate Surplus of such Monies shall be appropriated as by this Act provided for the enrolled Freemen.

Application of Purchase Monies and Fines for Leases.

L. And be it enacted, That all such Monies as are from Time to Time received as the Purchase Money for any Part of the Pastures, or as or by way of Fine for any such Lease or Disposition, shall be applied as follows; to wit, first, there shall be paid thereout all such Expenses of and incident to the carrying of this Act into execution as are not otherwise paid or satisfied; secondly, One equal Twentieth Part of the Residue of such Monies shall be appropriated for the Corporation; and, thirdly, the ultimate Surplus of such Monies shall be appropriated for the enrolled Freemen.

* * * * *

Enrolled Freemen's Fund.

LXII. And be it enacted, That in every Year commencing on the First Day of *November* the Share of the Monies received in respect of the yearly Rents and Profits of the Pastures which shall during such Year be appropriated as herein-before directed for the enrolled Freemen, and the yearly Rents and Profits of all Lands conveyed to and holden for the Benefit of the enrolled Freemen which shall be received during such Year, shall be paid to the Treasurer, and the same, and the Dividends, Interest, and annual Proceeds paid during such Year to the Treasurer for the Benefit of the enrolled Freemen, as herein-before directed, shall be applied, in the first instance, in Payment of the Salaries and Allowances under this Act during such Year of the Clerk, the Treasurer, and the Officers appointed by the Pastures Committee, and such other Expenses, if any, during such Year of carrying this Act into execution as are not thereby otherwise provided for, and the Surplus thereof shall form a Fund, to be called the Enrolled Freemen's Fund, and shall be carried by the Treasurer to a distinct Account accordingly.

Distribution of enrolled Freemen's Fund.

LXIII. And be it enacted, That the Amount of the enrolled Freemen's Fund for every Year commencing on the First Day of *November* shall be divisible in equal Shares between the Persons who during such Year are the enrolled Freemen, and shall be paid to them, or their respective Executors, Administrators, or Assigns, by half-yearly Payments, on such Days as the Pastures Committee shall from Time to Time appoint, and in default of such Appointment the first half-yearly Payment thereof shall be made on the Fifteenth Day of *November* in such Year, and the second half-yearly Payment thereof shall be made on the Fifteenth Day of *May* next after such Year.

Order to be made for Distribution.

LXIV. Provided always, and be it enacted, That any half-yearly Distribution of the enrolled Freemen's Fund shall not be made except in pursuance of an Order of the Pastures Committee, in Writing signed by Three of the Members of such Committee, and countersigned by the Clerk, and forthwith after the making of any such Order the Clerk shall deliver the same to the Treasurer, and shall post a Copy thereof; and after the Receipt by the Treasurer of such Order he shall, on Demand, make the half-yearly Distribution and Payment of the enrolled Freemen's Fund accordingly, but without Interest in respect of any Time elapsed before due Demand for Payment.

SCH. 5 —*cont.*

LXV. Provided also, and be it enacted, That whenever any Share of the enrolled Freemen's Fund to which any enrolled Freeman, his Executors, Administrators, or Assigns, is or are entitled, is not duly demanded within Six Years next after the half-yearly Day on which the same became payable, his or their Right to such Share shall on the Expiration of such Six Years absolutely cease, and the same shall be added to and be distributed as Part of the enrolled Freemen's Fund for the Year in or with which such Six Years expired.

Right of Shares unclaimed for Six Years to cease.

LXVI. And be it enacted, That after the passing of this Act the Corporation shall not have any other Estate, Right, Interest, or Authority in, to, over, or in respect of the Pastures, or the Rents, Profits, or Proceeds thereof, or any Part of the same respectively, than such Estate, Right, Interest, and Authority in, to, over, and in respect of the same respectively as the Corporation may lawfully claim by virtue of this Act; and any Person, being or claiming to be a Freeman, shall not, unless and except only in respect of his being or being entitled under this Act to be an enrolled Freeman, have any Right, Interest, or Authority in, to, over, or in respect of the Pastures, or the Rents, Profits, or Proceeds thereof, and any Person, being or being entitled under this Act to be an enrolled Freeman, shall not have any other Right, Interest, or Authority in, to, over, or in respect of the Pastures, or the Rents, Issues, Profits, or Proceeds thereof, or any Part of the same respectively, than such Right, Interest, and Authority in, to, over, and in respect of the same respectively as he may lawfully claim by virtue of this Act.

Limitation of the Rights of the Corporation and the Freemen.

* * * * *

LXIX. And be it enacted, That the Court of Chancery may from Time to Time, upon the Petition of the Corporation, or of the Pastures Committee, or of any other Party interested, to be presented in a summary Way, make such Orders as the Court think meet for carrying into effect any of the Provisions or Purposes of this Act, and for ascertaining, taxing, settling, and providing for the Payment of all Costs and Expenses by this Act authorized to be paid, and the Costs and Expenses of and incident to the Application to such Court.

Orders of Court of Chancery on Petitions in a summary Way.

* * * * *

LXXI. And be it enacted, That every List, Copy, and Notice required by this Act to be posted shall be posted by fixing the same on or near the outer Door of the Town Hall, or in some other public and conspicuous Situation within the Borough.

Posting Lists and Notices on Town Hall, &c.

* * * * *

LXXVI. And be it enacted, That every Order, Regulation, Bye Law, Contract, Letting, Lease, Sale, and other Disposition, Act, and Thing whatsoever, which shall be made, done, and executed respectively in pursuance of the Provisions of this Act, shall be absolutely valid and binding at Law and in Equity upon the Corporation, and all Persons for the Time being claiming any Estate, Interest, Right, or Charge, at Law or in Equity, in, upon, to, or affecting the Pastures, or the Rents, Profits, or Proceeds thereof.

Proceedings under the Act to bind all Parties interested.

SCH. 5 —*cont.*

General Saving.

LXXVII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Person and Persons, Bodies Politic, Corporate, and Collegiate, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the Corporation of the Borough, and their Successors, and the Freemen and Widows of Freemen of the Borough, and their respective Heirs, Executors, and Administrators,) all such Estates, Rights, and Interests as they or any of them had enjoyed before the passing of this Act, or could or ought to have had in case this Act had not been passed.

* * * * *

1949 c. x.

GRIMSBY CORPORATION ACT 1949

AN ACT to regulate and define the position of the Mayor Aldermen and Burgesses of the Borough of Grimsby in relation to the acquisition of lands held for the benefit of the Enrolled Freemen of the said Borough and subject to the provisions of the Grimsby Pastures Act 1849; to relieve the said Mayor Aldermen and Burgesses from the duties of trusteeship in relation to such lands; to amend the said Act; to provide for the discontinuance of the Freemen's Grammar Schools in Grimsby; and for other purposes.

1849 c. xvi.

[31ST MAY 1949.]

* * * * *

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

Short and collective titles.

1. This Act may be cited as the Grimsby Corporation Act 1949 and The Grimsby Pastures Act 1849 and this Act may be cited together as the Grimsby Pastures Acts 1849 and 1949.

Interpretation

2.—(1) In this Act the following expressions shall have the following meanings unless there be something in the subject or context repugnant to such construction:—

"The Act of 1849" means The Grimsby Pastures Act 1849;

"The borough" means the borough of Great Grimsby;

"The borough treasurer" means the borough treasurer of the borough;

"The Corporation" means the Great Grimsby Borough Council;

"Enactment" includes any Act of Parliament whether public general local or private any order or other instrument made under an Act of Parliament or any provision in an Act of Parliament or in any such order or other instrument;

"The Freemen" "the Enrolled Freemen" and "the Pastures" have the respective meanings assigned to those expressions by the Act of 1849;

SCH. 5 —*cont.*

" Functions " includes powers and duties;

" Land " includes any interest in land and any easement or right in to or over land;

" The Pastures Committee " means the Pastures Committee of the Enrolled Freemen appointed under the Act of 1849.

(2) 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.

As to acquisition by Corporation of land within the Pastures.

3. Nothing in the Act of 1849 or in the relation of trusteeship which the Corporation have held under that Act towards the Enrolled Freemen shall prevent interfere with or prejudice the grant to the Corporation in pursuance of the provisions of any enactment of authority or power to acquire whether by compulsion or by agreement any part of the Pastures or the exercise by the Corporation of any such authority or power which may be or become vested in them in pursuance of the provisions of any enactment.

* * * * *

Pastures Committee to convey &c. on behalf of Official Trustee of Charity Lands.

5. On the application of the Pastures Committee and in pursuance of an order of the Charity Commissioners for the purpose of completing or implementing any lawful sale exchange lease mortgage or charge of or other dealing with the Pastures or any part thereof or any other property or any rights for the time being vested in the Official Trustee of Charity Lands for the purposes and subject to the unrepealed provisions of the Act of 1849 or otherwise for the benefit of the Enrolled Freemen such conveyances leases mortgages charges or other instruments as the Pastures Committee may properly require for that purpose shall be executed by the Pastures Committee in the name and on behalf of the said Official Trustee.

Chairman of meetings of Enrolled Freemen and Pastures Committee.

6.—

* * * * *

(2) At any time a meeting of the Enrolled Freemen may by resolution appoint a person who for the time being is an Enrolled Freeman to act as Chairman of the Enrolled Freemen. The person so appointed shall if present preside at all meetings of the Enrolled Freemen until the expiration of such period as may be specified in that behalf in the resolution or any earlier date at which he shall cease to hold office by reason of death or resignation or by reason of his ceasing to be an Enrolled Freeman or being removed from office by resolution of a meeting of the Enrolled Freemen. Upon the occurrence of any vacancy in such office of Chairman of the Enrolled Freemen another such appointment may be made to that office.

(3) At any meeting of the Enrolled Freemen before a person is so appointed to act as Chairman or during any vacancy in the office of Chairman or if the Chairman is not present at the meeting a Member of the Pastures Committee to be elected by the meeting or if all the members of that Committee are absent another person being an Enrolled Freeman to be elected by the meeting shall preside.

SCH. 5 —*cont.*

(4) The Pastures Committee shall from time to time appoint one of their number to act as Chairman for such period as may be specified in the resolution of appointment.

Treasurer of Enrolled Freemen.

7.—

* * * * *

(2) The Pastures Committee shall appoint a person to act as treasurer for the purposes of the Act of 1849 and upon the occurrence of any vacancy in the office of such treasurer the Pastures Committee shall appoint another person to act as such treasurer.

(3) The treasurer so appointed shall perform all the duties which under the unrepealed provisions of the Act of 1849 are assigned to the treasurer.

(4) The Pastures Committee shall determine the conditions of employment of any person appointed as treasurer in pursuance of this section including the amount of his remuneration.

Clerk of Enrolled Freemen.

8.—

* * * * *

(2) The Pastures Committee shall appoint a person to act as clerk to the Enrolled Freemen and the Pastures Committee and upon the occurrence of any vacancy in the office of such clerk the Pastures Committee shall appoint another person to act as such clerk.

(3) The clerk shall perform all the duties which under the unrepealed provisions of the Act of 1849 are assigned to the clerk.

(4) The Pastures Committee shall determine the conditions of employment of any person appointed as clerk to the Enrolled Freemen in pursuance of this section including the amount of his remuneration.

* * * * *

Right of access to accounts of Enrolled Freemen.

10. The borough treasurer and any auditor of the accounts of the Corporation and their respective assistants shall be entitled at any reasonable times to have access to and to inspect and to take extracts from any account books deeds contracts accounts vouchers and receipts relating to the accounts of the Enrolled Freemen for the purpose of ascertaining or verifying the correctness of any sums payable to the Corporation in pursuance of the provisions of the Act of 1849.

* * * * *

Saving for jurisdiction of High Court and Charity Commissioners.

17. Subject to the express provisions of this Act nothing in this Act shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice the Charity Commissioners and the Minister of Education.

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SCHEDULE 6

Section 95.

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
275	Power of local authority to execute certain works on behalf of owners or occupiers.
276	Powers of local authority to sell certain materials.
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

Section 102.

SCHEDULE 7

TRANSITIONAL PROVISIONS AND SAVINGS

1. In so far as anything done under a statutory provision in force in any area which is repealed by this Act could have been done under any provision of this Act relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned provision.

2. Where an instrument or document refers, either expressly or by implication, to a statutory provision in force in any area which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any provision of this Act relating to the same matter in the same area.

3.—(1) Anything begun under a statutory provision repealed by this Act may be continued under any provision of this Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, a statutory provision repealed by this Act is current at the date of the coming into operation under this Act of any provision thereof relating to the same matter, that provision of this Act shall have effect as if it were in force when that period began to run.

4. For the purpose of any provision of this Act specifying penalties for a second or subsequent offence, a previous conviction under a statutory provision repealed by this Act creating the like offence shall be taken as an offence under that provision of this Act.

5. Where an Act or Order is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from the repeal, the repeal shall not affect the interpretation of the excepted provision.

SCHEDULE 8

Section 102 (2).

ENACTMENTS REPEALED

PART I

LOCAL ACTS

Title or short title (1)	Extent of repeal (2)	
An Act for cleansing, deepening and widening a creek, called Beverley Beck, running into the River Hull, and for Repairing the Staiths near the said Beck, and for Amending the Roads leading from the said River to the Town of Beverley in the East Riding of the County of York, and for cleansing the Streets of the said Town	The whole Act.	1726 c. 4.
An Act for more effectually Cleansing, Deepening, Widening, and Preserving a Creek called Beverley Beck, running into the River Hull; and for more effectually Repairing the Staiths near the said Beck, and the Roads leading from the said River to the Town of Beverley; and for Cleansing the Streets of the said Town; and for regulating the Carriages to and from the said Beck, and the River Hull	The whole Act.	1744 c. 13.
An Act for dividing and inclosing the Open Common Fields, Meadows, Pastures, and other Commonable Lands and Waste Grounds, in the Lordship of Scartho, in the County of Lincoln	The whole Act.	1795 c. lxvi.
An Act for repairing, altering, and widening the Road from a Lane called Back Lane, in the Parish of Scartho, to Hollowgate Head, in the Parish of Louth, in the County of Lincoln	The whole Act.	1803 c. cxxxiii.
An Act for lighting, watching, and regulating the Streets and Lanes, and other public Passages and Places in the Town of Beverley, in the County of York	The whole Act.	1808 c. lxxxvii.

SCH. 8 —*cont.*

Short title (1)	Extent of repeal (2)
1825 c. cxxxviii. An Act to amend and enlarge the Powers of an Act passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, for lighting, watching, and regulating the Streets, Lanes, and other public Passages and Places within the Town of Beverley in the County of York	The whole Act.
1827 c. *18*. An Act for dividing, inclosing, and exonerating from Tithes Lands in the Parish of Great Grimsby in the County of Lincoln	The whole Act.
1842 c. *1*. An Act for inclosing Lands in the Parish of Clee in the County of Lincoln	The whole Act.
1846 c. cxvii. Great Grimsby Gas Act 1846 ...	The whole Act.
1849 c. xvi. Grimsby Pastures Act 1849 ...	Sections XLVIII, LI to LXI, LXXII to LXXV and LXXVIII. In section VI the words "and Assessors" in both places where they occur; the words "of the Borough" where they first occur; the words from "in the Manner" to the words "List of the Borough"; the word "Burgesses" and the words from "and all the Powers" to the word "Freemen" where it fifthly occurs. In section VIII the words "or who shall have received Parochial Relief from the Parish of Great Grimsby" and the words "have received Parochial Relief from any other Parish than Great Grimsby, or shall". In section XVIII the words "Three others of the enrolled Freemen to be". In section XIX the words "and Auditor respectively". In section XXXIX the words "for Building purposes" and "and the Rent granted or reserved by any such Deed or Lease be made payable quarterly or oftener". In section L the words "as by this Act provided" in both places where they occur. In section LXVI the words from "or such" where they first occur to the word "thereof" where it secondly occurs; the words from "or such" where they secondly

SCH. 8 —*cont.*

Short title (1)	Extent of repeal (2)	
	occur to the word " Annuities " where it secondly occurs and the words from " or such " where they thirdly occur to the word " thereof " in the last place where it occurs.	
	In section LXXVI the words from " or sum " onwards.	
	In section LXXVII the words from " and the " where they secondly occur to the word " Parish " where it secondly occurs.	
Great Grimsby Improvement Act 1853.	The whole Act.	1853 c. xxx.
Great Grimsby Gas Act 1867 ...	The whole Act except sections 1 and 8 and the Schedule.	1867 c. xc.
Humber Conservancy Act 1868 ...	Section 29.	1868 c. lviii.
Grimsby Improvement Act 1869 ...	The whole Act.	1869 c. x.
Great Grimsby Street Tramways Act 1879	The whole Act.	1879 c. cxxvii.
Goole and District Gas and Water Act 1881	The whole Act except sections 38, 39, 56, 58 and 59, the sections referred to in Part IV of this Schedule and the First Schedule.	1881 c. lxxx.
Driffield Water Act 1882	The whole Act except sections 1 and 6 and the section referred to in Part IV of this Schedule.	1882 c. cl.
Hull (Drypool) Bridge and Improvements Act 1885	The whole Act.	1885 c. clxxi.
Bridlington Gas Act 1886	The whole Act except sections 1 and 56 and the Schedule and the section referred to in Part IV of this Schedule and, so far as they are relevant, sections 3 and 4.	1886 c. xxxv.
Grimsby Extension and Improvement Act 1889	The whole Act.	1889 c. xxxiv.
Bridlington Local Board Act 1889	The whole Act.	1889 c. cxxiii.
Bridlington Local Board Act 1894	The whole Act.	1894 c. lxiv.
Bridlington Water Act 1895 ...	The whole Act.	1895 c. cxv.
Kingston-upon-Hull Corporation Act 1897	Part III.	1897 c. ccxlix.
Great Grimsby Street Tramways Act 1899	The whole Act.	1899 c. clvii.
Great Grimsby Street Tramways Act 1900	The whole Act.	1900 c. cxxxvi.
Kingston-upon-Hull Corporation Act 1901	Section 6 and so much of that Act as relates to the bridge authorised by that section.	1901 c. cxxiv.
Cleethorpes Improvement Act 1902	The whole Act.	1902 c. cliv.
Bridlington Corporation Act 1904	The whole Act.	1904 c. ccxxii.
Great Grimsby Gas Act 1910 ...	The whole Act except sections 1, 3 and 18, the section referred to in Part IV of this Schedule and the Second Schedule.	1910 c. xlix.
East Riding County Council Act 1910	The whole Act.	1910 c. cxviii.

SCH. 8 —*cont.*

	Short title (1)	Extent of repeal (2)
1911 c. lxxviii.	Hornsea Urban District Council Act 1911	The whole Act.
	Great Central Railway (Grimsby	The whole Act.
1912 c. clxv.	Fish Dock) Act 1912	
1920 c. lxv.	Bridlington Corporation Act 1920	The whole Act.
1921 c. lxxvi.	Grimsby Corporation Act 1921 ...	The whole Act.
1925 c. cxi.	Boothferry Bridge Act 1925 ...	The whole Act.
	Kingston upon Hull Corporation	So much of that Act as relates to
1926 c. lxxiv.	Act 1926	Works Nos. 1 to 4 authorised by that Act.
1927 c. lxxvii.	Grimsby Corporation Act 1927 ...	The whole Act.
	Cleethorpes Urban District Council	The whole Act.
1928 c. lxxvi.	Act 1928	
	Grimsby Corporation (Dock &c.)	The whole Act except sections 1 to 4,
1929 c. lxxxiv.	Act 1929	7, 8, 12 to 17, 22, 33, 34 and 63 and the Second Schedule and the Third Schedule.
1933 c. lxxiii.	Bridlington Corporation Act 1933	The whole Act except the section referred to in Part IV of this Schedule.
	Grimsby Corporation (Grimsby Cleethorpes and District Water	The whole Act except sections 1, 4, 48, 51 to 53, 58, 72, 78, 91, 93,
1937 c. xli.	&c.) Act 1937	129, 174 and 175 and the section referred to in Part IV of this Schedule.
1948 c. li.	Beverley Corporation Act 1948 ...	The whole Act.
	West Riding County Council	The whole Act.
1948 c. lii.	(General Powers) Act 1948	
1949 c. x.	Grimsby Corporation Act 1949 ...	In section 2 the definitions of "The Act of 1933", "The appointed day" and "The town clerk".
		Section 4.
		In section 6 subsection (1) and in subsection (2) the words "after the appointed day".
		In section 7 subsection (1); in subsection (2) the words "Before the appointed day", "from the appointed day" and "after the appointed day"; in subsection (3) the words from "of the borough" where they first occur onwards.
		In section 8 subsection (1); in subsection (2) the words "Before the appointed day", "from the appointed day" and "after the appointed day"; in subsection (3) the word "town" where it first occurs and the words from "and as from" onwards.
		Sections 9, 11 to 16, 18 and 19 and the Schedules.
1951 c. xliii.	West Riding County Council (General Powers) Act 1951	The whole Act.

SCH. 8 —*cont.*

Short title (1)	Extent of repeal (2)	
Kingston upon Hull Corporation Act 1952	Part III and paragraphs (2) to (7) of section 113.	1952 c. xliii.
Grimsby Corporation Act 1962 ...	The whole Act.	1962 c. xxvi.
West Riding County Council (General Powers) Act 1964	The whole Act.	1964 c. xxxix.
Kingston upon Hull Corporation Act 1967	So much as relates to Works Nos. 2 and 3 authorised by that Act, section 33, Part VIII and section 90.	1967 c. xxxiii.
West Riding County Council Act 1970	The whole Act.	1970 c. xxv.
Lindsey County Council Act 1970	The whole Act.	1970 c. lxiii.
Grimsby Corporation Act 1970 ...	The whole Act.	1970 c. lxxxii.
Scunthorpe Corporation Act 1971	The whole Act except sections 1, 2, 84 to 87 and 100 and Schedule 2.	1971 c. lxviii.

PART II

CONFIRMATION ACTS AND ORDERS

Short title (1)	Extent of repeal (2)	
Public Health Supplemental Act 1851 (No. 2)	The Order relating to Beverley.	1851 c. 98.
Local Government Supplemental Act 1865 ...	The Order relating to Bridlington.	1865 c. 24.
Local Government Board's Provisional Orders Confirmation (Bridlington, &c.) Act 1877	The Order relating to Bridlington.	1877 c. cxxv.
Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1880	The Order relating to Beverley.	1880 c. xxxvi.
Gas and Water Orders Confirmation (No. 2) Act 1885	The Great Grimsby Gas Order 1885.	1885 c. lxiv.
Tramways Orders Confirmation (No. 1) Act 1886	The Great Grimsby Street Tramways (Cleethorpes Extension) Order 1886.	1886 c. x.
Local Government Board's Provisional Orders Confirmation Act 1887	The Order relating to Bridlington.	1887 c. xlix.
Local Government Board's Provisional Orders Confirmation (No. 15) Act 1980	The Borough of Grimsby Order 1890.	1890 c. cciv.
Local Government Board's Provisional Orders Confirmation (No. 12) Act 1981	The Order relating to Grimsby.	1891 c. clviii.
Local Government Board's Provisional Order Confirmation (No. 3) Act 1893	So much as relates to Bridlington.	1893 c. cx.
Electric Lighting Orders Confirmation (No. 2) Act 1894	The Grimsby (Corporation) Electric Lighting Order 1894.	1894 c. l.
Local Government Board's Provisional Orders Confirmation (No. 4) Act 1896	The Goole Order 1896.	1896 c. xxix.
Tramways Orders Confirmation (No. 2) Act 1897	The Great Grimsby Street Tramways Extension Order 1897.	1897 c. clii.

SCH. 8 —*cont.*

Short title (1)	Extent of repeal (2)
1899 c. cix. Local Government Board's Provisional Orders Confirmation (No. 3) Act 1899	The Grimsby Order 1899.
1900 c. xxii. Electric Lighting Orders Confirmation (No. 2) Act 1900	The Cleethorpes Electric Lighting Order 1900.
1900 c. xlviii. Electric Lighting Orders Confirmation (No. 4) Act 1900	The Bridlington Electric Lighting Order 1900.
1902 c. ccix. Local Government Board's Provisional Orders Confirmation (No. 7) Act 1902	The County of the West Riding of Yorkshire Order 1902.
1907 c. cxiv. Electric Lighting Orders Confirmation (No. 3) Act 1907	The Grimsby Electric Lighting (Extension) Order 1907.
1907 c. clv. Local Government Board's Provisional Orders Confirmation (No. 5) Act 1907	The Scunthorpe Order 1907.
1907 c. clix. Local Government Board's Provisional Orders Confirmation (No. 9) Act 1907	The Goole Joint Hospital Order 1907.
1908 c. cxliii. Local Government Board's Provisional Orders Confirmation (No. 2) Act 1908	The Bridlington Order 1908.
1909 c. cxvii. Local Government Board's Provisional Orders Confirmation (No. 1) Act 1909	The Bridlington Order 1909.
1909 c. cxli. Electric Lighting Orders Confirmation (No. 1) Act 1909	The Cleethorpes Electric Lighting (Amendment) Order 1909.
1910 c. lxxxii. Local Government Board's Provisional Orders Confirmation (No. 5) Act 1910	The Scunthorpe Order 1910.
1912 c. cxxvii. Local Government Board's Provisional Orders Confirmation (No. 1) Act 1912	The Cleethorpe with Thrunscoe Order 1912.
1915 c. xxxiv. Local Government Board's Provisional Orders Confirmation (No. 2) Act 1915	The Bridlington Order 1915.
1916 c. xxix. Local Government Board's Provisional Orders Confirmation (No. 4) Act 1916	The Hedon Order 1916.
1921 c. xviii. Ministry of Health Provisional Orders Confirmation (No. 2) Act 1921	The Cleethorpes Order 1921 and the Goole Joint Hospital Order 1920.
S.R. & O. 1921/2087. Great Grimsby Gas (Charges) Order 1921 ...	The whole Order.
1923 c. xliv. Ministry of Health Provisional Order Confirmation (Bridlington Extension) Act 1923	The whole Act.
1923 c. lxiii. Ministry of Health Provisional Orders Confirmation (No. 9) Act 1923	The Goole Order 1923.
1924 c. xvii. Ministry of Health Provisional Orders Confirmation (No. 5) Act 1924	The Bridlington Order 1924.
1925 c. xx. Ministry of Health Provisional Orders Confirmation (No. 1) Act 1925	The County of the East Riding of Yorkshire Order 1925.
1930 c. c. Ministry of Health Provisional Orders Confirmation (Chippenham and Grimsby) Act 1930	The Grimsby Order 1930.
——— Buckrose and District Electricity Special Order 1930	The whole Order.
1932 c. liii. Ministry of Health Provisional Orders Confirmation (Bridlington and Wells) Act 1932	The Bridlington Order 1932.
1934 c. lxxxi. Public Works Facilities Scheme (Kingston upon Hull Corporation Sutton Road Bridge) Confirmation Act 1934	The whole Act.

Short title (1)	Extent of repeal (2)	SCH. 8 —*cont.*
Grimsby Corporation (Trolley Vehicles) Order Confirmation Act 1936	The whole Act.	1936 c. lxxxix.
Cleethorpes Corporation (Trolley Vehicles) Order Confirmation Act 1937	The whole Act.	1937 c. lx.
Ministry of Health Provisional Order Confirmation (Hornsea) Act 1937	The whole Act.	1937 c. lxxxvi.
Ministry of Health Provisional Order Confirmation (Bridlington) Act 1937	The whole Act.	1937 c. cv.
Grimsby, Cleethorpes and District Water Board Order 1947	The whole Order.	S.R. & O. 1947/97.
Bridlington Corporation (Water Charges) Order 1958	The whole Order.	S.I. 1958/216.
Bridlington Corporation Water Order 1958 ...	The whole Order.	S.I. 1958/440.
Grimsby (Extension) Order 1958	The whole Order.	S.I. 1958/463.
East Yorkshire (Wolds Area) Water Board Order 1961	The whole Order except sections 1 to 3, 28 and 29 and Schedules 3 and 4.	S.I. 1961/2399.
East Yorkshire (Wolds Area) Water Board Order 1963	Section 3.	S.I. 1963/339.
Grimsby Order 1967	The whole Order.	S.I. 1967/1820.

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Grimsby Corporation Act 1962, section 17.	1962 c. xxvi.
West Riding County Council (General Powers) Act 1964, section 31.	1964 c. xxxix.
Kingston upon Hull Corporation Act 1967, section 53.	1967 c. xxxiii.

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Driffield Water Act 1882	Section 9.	1882 c. cl.
Bridlington Gas Act 1886	Section 60.	1886 c. xxxv.
Great Grimsby Gas Act 1910	Section 46.	1910 c. xlix.
Bridlington Corporation Act 1933	Section 23.	1933 c. lxxiii.
Grimsby Corporation (Grimsby Cleethorpes and District Water &c.) Act 1937	Section 178.	1937 c. xli.

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