CHAPTER xvi

An Act to confer further powers on the lord mayor aldermen and citizens of the city of Liverpool in relation to streets and the local government health improvement and finances of the city and in relation to their markets undertaking and for other purposes.

[27th July 1955.]

WHEREAS—

(1) The city of Liverpool (hereinafter referred to as " the city ") is a county borough under the management and local government of the lord mayor aldermen and citizens of the city acting by the council (hereinafter referred to as " the Corporation "):

(2) It is expedient that further and better provision should be made with reference to streets and for the local government health and improvement and finances of the city and that the powers of the Corporation in relation thereto should be enlarged and extended:

(3) It is expedient that an increase or alteration in the tolls and stallages chargeable by the Corporation in connection with their markets undertaking should be authorised:

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

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

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

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Liverpool Corporation Act 1955.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Streets.
Part III.—Public health.
Part IV.—Nuisances.
Part V.—Movable dwellings and camping grounds.
Part VI.—Public order and safety.
Part VII.—Weights and measures.
Part VIII.—Finance and miscellaneous.
Part IX.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Public Health Act, 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires the following expressions have the following meanings:—

"Act of 1921" means the Liverpool Corporation Act 1921;

"Act of 1927" means the Liverpool Corporation Act 1927;

"Act of 1933" means the Local Government Act 1933;

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

"appointed day" has the meaning which is assigned to it by section 89 (The appointed day) of this Act;

"city" means the city of Liverpool;

"city building surveyor" has the same meaning as in the Act of 1921;

"commission" means the British Transport Commission;

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

PART I —*cont.*

" Corporation " means the lord mayor aldermen and citizens of the city acting by the council ;

" council " means the council of the city ;

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

" dock board " means the Mersey Docks and Harbour Board ;

" electricity authority " means the Central Electricity Authority ;

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

" food " has the same meaning as in section 100 of the Food and Drugs Act 1938 ;

" gas board " means the North Western Gas Board ;

" general rate fund " and " general rate " mean respectively the general rate fund and the general rate of the city ;

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

" statutory undertakers " means any company body or person authorised by any enactment to supply electricity gas or hydraulic power ;

" street byelaws " means any byelaws for the time being in force in the city with respect to the level width and construction of new streets ;

" telegraphic line " has the same meaning as in the Telegraph Act 1878 ;

" town clerk " " medical officer " and " sanitary inspector " mean respectively the town clerk the medical officer of health and any sanitary inspector of the city and include any person duly appointed by the Corporation to discharge temporarily the duties of any of those officers.

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

(4) For the purposes of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began whichever is the earlier.

PART II

STREETS

Interpretation of Part II.

4. In this Part of this Act the expression " structure " means a wall fence hoarding or similar erection but for the purpose of this definition the expression " wall " does not include a wall forming part of a permanent building.

New streets

Prohibition of building until street defined.

5.—(1) Where a plan and sections of a new street have been deposited with the Corporation in pursuance of street byelaws or under section 296 (Approval and conditions of formation of streets) of the Act of 1921 and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts on the land on which the building is to be erected and on any land which will be occupied in connection with the building.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a penalty not exceeding twenty pounds and the Corporation may—

(*a*) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street ; and

(*b*) in the case of a contravention of subsection (2) remove the building or structure ;

and in either case recover the expenses of so doing from that person.

Prohibition of building until street formed and sewered.

6.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws or under section 296 (Approval and conditions of formation of streets) of the Act of 1921 are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws :

Provided that where the plan shows that the street will exceed one hundred yards in length the Corporation shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

PART II —*cont.*

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of any such notice he shall be liable to a penalty not exceeding twenty pounds and the Corporation may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under the Private Street Works Act 1892 or any local Act relating to private street works for the time being in force in the city.

Termination of new streets.

7.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws or under section 296 (Approval and conditions of formation of streets) of the Act of 1921 are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways repairable by the inhabitants at large.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove the structure and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

Adjustment of boundaries of estates in connection with streets.

8.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws or under section 296 (Approval and conditions of formation of streets) of the Act of 1921 are approved by them they may for the

PART II —*cont.*

purpose of securing the proper laying out or development of any estate through which the street is to run by notice require that such provision shall be made—

(*a*) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto and for effecting exchanges of land in connection therewith; and

(*b*) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate;

as may be necessary or desirable having regard to the line and layout of the new street.

(2) Any such notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall failing agreement between the Corporation and the persons interested in the respective estates be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the Corporation but no such award shall provide for the payment of money by any other person without his consent.

(6) Any award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land or the removal modification or imposition of covenants restrictions and conditions attaching to any land which may be provided for by the award and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall unless and except in so far as the award may otherwise provide be paid by the Corporation.

(8) Any land or money received by any person in respect of any adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts (if any) as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the land exchanged therefor and any such covenants restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

PART II —*cont.*

(10) For the purposes of this section the Corporation may themselves purchase any land by agreement and—

(*a*) may sell or lease the whole or part of any land so purchased at such time and at such price and on such conditions as they think fit; or

(*b*) may exchange the whole or part of any such land for other land at such time and on such conditions as they think fit and pay or receive money for equality of exchange; or

(*c*) may appropriate any such land for any purpose approved by the Minister;

and until any such sale lease exchange or appropriation may occupy manage or let the land or any part thereof in such manner as they think reasonable:

Provided that the Corporation shall not without the consent of the Minister sell or lease any such land at a price or rent or for a consideration of a value less than the current market value of the land but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(11) In this section the expression "estate" includes any parcel of land.

Miscellaneous

Trees grass verges and gardens.

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

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

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

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

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

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

(*f*) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

PART II —*cont.*

(2) Any such notice as is referred to in paragraph (*f*) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

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

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

(5) Nothing in this section shall affect the duty of the Corporation to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

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

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

Adjustment of boundaries of streets.

10.—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the city not being a trunk road for the adjustment of the boundary of the street.

(2) For the purposes of this section the Corporation—

(*a*) may exchange land including land forming the site of the street for other land and pay or receive money for equality of exchange; and

(*b*) shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey any such land in accordance with the agreement.

PART II —*cont.*

(3) As from the date of any such exchange as aforesaid all public rights over the part of any such street so exchanged shall be extinguished.

(4) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in a local newspaper circulating in the city.

(5) During the said period of one month any four ratepayers may appeal to a magistrates' court against the proposal to enter into the agreement.

(6) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any land of the Corporation in any case in which the consent of that department would have been required if this Act had not been passed.

(7) In this section the expression " ratepayer " means a person who is liable to any rate in respect of property in the city entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

Stopping up and diversion of highways.

11.—(1) Subject to the provisions of this section a magistrates' court—

(*a*) if satisfied on the application of the Corporation that a highway within the city is unnecessary may by order authorise the stopping up thereof ; and

(*b*) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) An application or order under this section—

(*a*) may provide for the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway ;

(*b*) may be made with respect to any part of a highway ;

(*c*) may be made with respect to two or more highways or parts of highways which are connected with each other ;

and in relation to any application or order in respect of a part of a highway or two or more highways or parts of highways any reference in the following provisions of this section to a highway shall be construed as a reference to that part or those highways or parts of highways as the case may be.

(3) No application or order shall be made under this section with respect to a trunk road or a public path within the meaning of Part IV of the National Parks and Access to the Countryside Act 1949.

PART II —*cont.*

(4) No order shall be made under this section unless the court is satisfied that notice of the intention to apply for the order specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing the effect of the order)—

(*a*) has at least twenty-eight days before the date on which the application is made been served on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport and Civil Aviation ; and

(*b*) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as may be reasonably sufficient for notifying persons using the highway of the application ;

and that a similar notice (except that there may be substituted for the plan a statement of the place where the plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the city.

(5) No order under this section authorising the diversion of a highway—

(*a*) shall be made unless the written consent of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court ;

(*b*) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace of the city.

(6) On the hearing of the application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard.

(7) An appeal against a decision of a magistrates' court under this section may be brought to quarter sessions by any person (including the Corporation) who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 and of the Magistrates' Courts Act 1952 with respect to appeals to quarter sessions where more than two persons were heard or claimed to be heard in opposition to the application it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served

PART II —*cont.*

upon any two of those persons in addition to the clerk of the court but without prejudice to the right of any of those persons to appear as respondents to the appeal.

(8) Where by reason of the diversion of a highway under this section any person is relieved from liability to repair the highway he shall be liable to pay to the Corporation such sum as may be agreed between him and the Corporation or in default of agreement as may be determined by arbitration to represent the value to him of the relief and any such sum shall be payable either—

(*a*) as a lump sum ; or

(*b*) by annual payments of such amount and continuing for such number of years as may be agreed or determined as aforesaid.

(9) Every order made under this section—

(*a*) shall have annexed thereto a plan signed by the chairman of the court ; and

(*b*) shall be transmitted by the clerk of the court to the clerk of the peace of the city together with any written consents produced to the court under subsection (5) of this section ;

and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (5) of this section among the records of quarter sessions.

(10) Every order made under this section shall be binding on all persons whatsoever.

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

For protection of Postmaster-General.

12.—(1) When pursuant to section 10 (Adjustment of boundaries of streets) of this Act the Corporation have entered into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceased to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Public Utilities Street Works Act 1950 shall have effect in relation to those powers:

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the

PART II —*cont.*

alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

(2) As between the Corporation and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Public Utilities Street Works Act 1950 or the rights of the Postmaster-General and the Corporation thereunder.

(3) Where any highway or any part of a highway is stopped up in pursuance of an order made under section 11 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (4) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

(*b*) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(*c*) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may reasonably require;

(*d*) Where under paragraph (*b*) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the owner of the soil under in upon over along or across which it is situate and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

PART II —*cont.*

(4) As soon as the whole or any part of any highway has been stopped up in pursuance of an order under the said section 11 the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (3) of this section shall commence to run from the date on which such notice is sent:

Provided that—

(*a*) where it is proposed to carry out building or other development on the site of any highway or part thereof which has been so stopped up and such development will be impeded by or will affect any telegraphic line which is situate under in upon over along or across such site; and

(*b*) a similar notice to that required by subsection (4) of the said section 11 to be served on the owners or reputed owners and the occupiers of land abutting on the highway was given by the Corporation to the Postmaster-General at least twenty-eight days before the date on which the application for the order was made;

subsections (3) and (4) of this section shall have effect as if the references therein to a period of three months were references to a period of twenty-eight days.

(5) Any difference which may arise between the Postmaster-General and the Corporation under paragraph (*c*) of subsection (3) of this section shall be determined by arbitration.

(6) In this section the expressions "alter" and "alteration" have the same meanings as in the Telegraph Act 1878.

Amendment of section 48 of Liverpool Corporation Act 1936.

13. Section 48 (Urgent repairs of private streets) of the Liverpool Corporation Act 1936 shall have effect as if for the proviso to subsection (1) of that section there was substituted the following proviso:—

"Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed fifty pounds for each one hundred yards of the length of the street."

Evasion by owners of private street works expenses.

14.—(1) If—

(*a*) any owner of land fronting adjoining or abutting on a private street in the city transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street; and

(*b*) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that land; and

PART II —*cont.*

(*c*) the Corporation are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof; and

(*d*) a magistrates' court is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works;

then the expenses so apportioned or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from the owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

(2) In this section the following expressions have the following meanings:—

"private street" means a street within the meaning of the Private Street Works Act 1892 or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Town and Country Planning Act 1947;

"private street works" means works executed under the Private Street Works Act 1892 or in relation to land which is deemed to be a private street as aforesaid works executed under that Act as applied by subsection (3) of the said section 48;

"transfer" includes any disposal of land whether by way of sale lease exchange gift or otherwise and "transfers" shall be construed accordingly.

Maintenance of footways etc.

15.—(1) Where a street in the city which is not repairable by the inhabitants at large is laid out with a carriageway and footway the owner of every house fronting adjoining or abutting on such street shall maintain so much of the footway as abuts on or adjoins the frontage of such house and the approach to such house from the street (exclusive of so much of such footway or approach as passes through any land within the curtilage of such house) in accordance with such reasonable requirements as may be specified in a notice given by the Corporation.

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

(3) Subject to such right of appeal as aforesaid if any person fails to comply with a notice given by the Corporation under this section within twenty-eight days (or such longer period as may be specified in the notice or allowed by the Corporation) from the receipt of such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

PART II —*cont.*

Crossings over footways.

16.—(1) Where the occupier of any premises in the city which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the Corporation may give notice to the occupier either—

(*a*) that they propose to construct across the grass verge or footway a carriage-crossing of such materials and in such manner as they may specify in the notice; or

(*b*) in the case of a footway that they propose to strengthen or adapt it in such manner as they may so specify; or

(*c*) imposing such reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as they may so specify:

Provided that—

(i) the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of a trunk road without the consent of the Minister of Transport and Civil Aviation or otherwise than in accordance with any conditions attached by him to his consent; and

(ii) this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Town and Country Planning Act 1947.

(2) Any person aggrieved by a notice under the foregoing subsection may appeal to a magistrates' court.

(3) The Corporation may recover the expenses of executing such works as may have been specified in a notice served under paragraph (*a*) or paragraph (*b*) of subsection (1) of this section from the occupier.

(4) If the Corporation impose any condition under paragraph (*c*) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall impose on the occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement made under this section.

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the city and the following provisions of this subsection shall have effect in lieu thereof as

PART II —*cont.*

respects streets in the city which are repairable by the inhabitants at large:—

(*a*) Any person may request the Corporation in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing across a grass verge or footway in any such street or of strengthening or adapting a part of any such footway as a carriage-crossing;

(*b*) The Corporation may approve the request either with or without modifications or propose alternative work or reject the application:

Provided that the Corporation shall not exercise the powers conferred by this paragraph as respects the grass verge or footway of a trunk road without the consent of the Minister of Transport and Civil Aviation;

(*c*) The Corporation shall give the applicant notice of their decision under the foregoing paragraph and if they approve the work requested or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;

(*d*) The applicant may deposit with the Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them;

(*e*) As soon as practicable after such a deposit has been made the Corporation shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Corporation by or to the applicant as the case may require.

Means of access to buildings.

17.—(1) Where the plans of any new building intended or adapted for use as a house have been deposited with the Corporation in pursuance of building byelaws they may by notice prohibit either the erection of the building or the sale letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a highway repairable by the inhabitants at large or a street which has been laid out and constructed either in accordance with street byelaws or with the approval of the Corporation under section 296 (Approval and conditions of formation of streets) of the Act of 1921 and which itself has sufficient means of communication with a highway repairable by the inhabitants at large.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

(*a*) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936; or

PART II —*cont.*

(*b*) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun ;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

(3) If it appears to the Corporation to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person.

(5) This section shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

PART III

PUBLIC HEALTH

Drains and sanitary conveniences

Delegation of power to examine and test drains etc.

18.—(1) If the council by resolution so determine the following provisions of this section shall have effect in the city in substitution for section 48 of the Act of 1936 for such period as may be specified in the resolution either as respects the whole of the city or as respects such part or parts thereof as may be so specified.

(2) Where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing—

(*a*) that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance ; or

(*b*) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water ;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cesspool is found to be in proper condition the Corporation shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

PART III —*cont.*

Summary power to remedy stopped-up drains etc.

19.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the city a drain private sewer water-closet or soil pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

(2) If the notice is not complied with the Corporation may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the expenses of so doing from the person on whom the notice was served or from such other person as may be specified in an order of a court under the next following subsection:

Provided that where the said expenses do not exceed two pounds the Corporation may if they think fit remit the payment thereof.

(3) In any proceedings under this section the court may inquire—

(*a*) whether any requirement contained in a notice served under this section or any work done by the Corporation was reasonable; and

(*b*) whether the expenses incurred by the Corporation in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served or wholly or partly by some other person;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just in the circumstances of the case:

Provided that the court shall not order the expenses or any part thereof to be borne 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.

Power to cleanse or repair drains etc.

20. The Corporation may on the application of the owner or occupier of any premises in the city undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may make and recover from the person so applying such charge (if any) for so doing as they think fit.

Provision of sanitary conveniences at places of amusement.

21.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the city used for any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

PART III —*cont.*

(2) The provisions of section 290 of the Act of 1936 (except subsection (6) thereof) shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period not being less than twenty-eight days after the date of the service of the notice as may be specified therein he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (*a*) Section 89 of the Act of 1936 shall in its application to the city have effect as if for the words "refreshment-house or place of public entertainment" in subsection (1) of that section there were substituted the words "or refreshment-house".

(*b*) Nothing in this section shall apply to premises to which the said section 89 as amended by this subsection applies by reason only of the holding thereon of any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission.

Closet accommodation for separate dwellings.

22. For the purposes of section 44 of the Act of 1936 any part of a building in the city being a part occupied as a separate dwelling shall be treated as a separate building:

Provided that where any part or parts of a building occupied as aforesaid has or have been let for occupation without the express consent of the owner of the building the person so letting that part or those parts shall be deemed to be the owner thereof for the purposes of the said section 44.

Sanitary conveniences for persons employed on construction work.

23.—(1) The Corporation may by notice require a contractor engaged in or upon any building operations or the construction or reconstruction of any works in the city within such time as may be specified in the notice—

(*a*) to provide in connection therewith sufficient and satisfactory accommodation in the way of sanitary conveniences for the accommodation of the workpeople employed thereon; and

(*b*) where persons of both sexes are employed in or in connection with the operations or works to provide separate accommodation as aforesaid for persons of each sex;

if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works to which section 107 or section 108 of the Factories Act 1937 applies.

PART III —*cont.*

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

Mobile sanitary conveniences.

24. The Corporation may adapt for use as mobile sanitary conveniences any omnibuses or other vehicles belonging to them and not required for the purpose for which they were acquired and may provide equip and let on hire vehicles for use as mobile sanitary conveniences and make such charges therefor as they think fit.

Buildings and structures

Fireman's switches for luminous tube signs.

25.—(1) Any luminous tube sign or other similar apparatus requiring the transforming of electrical energy to a higher voltage fitted externally or internally on or in any premises in the city other than such apparatus which is fitted internally in any premises and is attended when in operation shall be provided with a cut-off switch on the lower voltage side of the transforming apparatus.

(2) Before any apparatus to which subsection (1) of this section applies is fitted on or in any premises in the city the owner or occupier of the premises shall at least fourteen days before the work of fitting the apparatus is begun give notice to the Corporation that such apparatus is about to be fitted indicating the position in which it is proposed that the cut-off switch required under subsection (1) of this section will be placed and in the case of any such apparatus to be fitted internally in any premises shall inform the Corporation of the pattern of the cut-off switch which it is proposed to provide.

(3) The owner or occupier of the premises in respect of which notice is given under subsection (2) of this section shall take into consideration any representations which may be made by the Corporation within ten days of the receipt of such notice in order to secure that the cut-off switch will be placed in a position in which it will be readily recognisable by and accessible to firemen and in the case of any such apparatus to be fitted internally in any premises the work of fitting the apparatus shall not be begun until the pattern and position of the cut-off switch have been approved by the Corporation:

Provided that where the pattern and position of any cut-off switch to be provided in connection with such apparatus to be fitted internally in any premises complies with the provisions of the Institution of Electrical Engineers' regulations the pattern and position shall be deemed to have been approved by the Corporation.

PART III —*cont.*

(4) The provisions of this section shall not prejudice or affect the requirements of the Electricity (Supply) Regulations 1937 or any regulations or other provisions amending or replacing the same.

(5) This section shall not apply to premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that where any luminous tube sign to which but for this subsection subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

Ruinous and dilapidated buildings and neglected sites.

26.—(1) Paragraphs (*b*) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the city and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building or part of a building in the city is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof—

(*a*) to execute such works of repair or restoration ; or

(*b*) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in the city is lying on the site thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section and in their application to a notice given under subsection (2) of this section—

(*a*) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material ; and

PART III —*cont.*

(*b*) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

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

(6) In this section the expression "building" includes any structure.

As to defective premises.

27.—(1) Where the Corporation are satisfied that—

(*a*) any house in the city or the roof of any building in the city is in such a state (hereafter in this section referred to as a "defective state") as to be prejudicial to health or a nuisance; and

(*b*) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to such house or roof (hereafter in this section referred to as "the premises") the procedure prescribed in sections 93 to 95 of the Act of 1936;

the Corporation may instead of serving an abatement notice as required by section 93 of the Act of 1936 serve upon the person upon whom it would otherwise have been appropriate under the said section 93 to serve such an abatement notice a notice to the effect that the Corporation intend to remedy the defective state of the premises themselves and specifying the defects which they intend to remedy.

(2) Not later than the end of the seventh day after the Corporation have served a notice under subsection (1) of this section the person upon whom such notice was served may serve a counter-notice upon the Corporation stating that he intends to remedy the defective state of the premises and if such person having duly served such counter-notice commences within such time thereafter as the Corporation consider reasonable to execute such works and take such steps as the Corporation may consider necessary to remedy such defective state and so long as he progresses to the satisfaction of the Corporation with the execution of such works and the taking of such steps the Corporation shall not take action under subsection (3) of this section in respect of such premises.

PART III —*cont.*

(3) At any time after the expiration of nine days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the Corporation may execute such works and take such steps as may be necessary to remedy the defective state of the premises to which such notice relates and subject to the provisions of subsection (4) of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

(4) (*a*) In any proceedings under subsection (3) of this section it shall be a defence to prove that—

(i) the alleged defective state did not exist at the time of the service of the notice; or

(ii) the need to abate the defective state was not so urgent as to justify the Corporation themselves executing such works and taking such steps without first complying with the provisions of section 93 and section 94 of the Act of 1936; or

(iii) the person upon whom the notice was served had duly served a counter-notice under subsection (2) of this section and had commenced within a reasonable time thereafter and had made reasonable progress with the execution of such works and the taking of such steps as were necessary to remedy the defective state of the premises.

(*b*) A person against whom proceedings are taken under subsection (3) of this section (hereafter in this section referred to as "the original defendant") shall upon complaint duly laid by him and on giving to the Corporation not less than three clear days' notice of his intention be entitled to have any other person to whose act default or sufferance he alleges that the defective state of the premises was due brought before the court in the proceedings and if the original defendant proves that the defective state of the premises arose or continued by the act default or sufferance of that other person the court shall have power—

(i) to order that such expenses as aforesaid may be recovered from that other person; or

(ii) to apportion the expenses between persons by whose acts defaults or sufferance the defective state of the premises arose or continued in such manner as the court may deem fair and reasonable.

PART III —*cont.*

(*c*) Where the original defendant seeks to avail himself of the provisions of paragraph (*b*) of this subsection—

(i) the Corporation as well as the person to whose act default or sufferance the original defendant alleges that the defective state of the premises is due shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the premises as may be specified in the notice notwithstanding the fact that other defects may exist in such premises and in that case nothing in this section or done or executed thereunder shall prejudice or affect the powers of the Corporation under sections 93 to 98 and section 100 of the Act of 1936 in relation to any such other defect in such premises.

(6) The powers and functions of the Corporation under this section may be exercised by the medical officer or the sanitary inspector.

As to premises without sufficient water supply.

28.—(1) Where the Corporation are satisfied—

(*a*) that by reason of any injury to or defect in a service pipe or other water fitting there is not a supply of wholesome water in pipes in any occupied house in the city or within a reasonable distance of such house sufficient for the domestic purposes of the occupants and readily available to them; and

(*b*) that it is not practicable after reasonable inquiry to ascertain the name and address of the owner of the house; and

(*c*) that having regard to all the circumstances the supply should be restored without unreasonable delay to avoid prejudice to health or a nuisance;

the Corporation may serve a notice upon the owner of the house by affixing it or a copy of it to some conspicuous part of the house to the effect that the Corporation intend themselves to take such steps as they consider necessary to restore the supply to the house or within a reasonable distance thereof as the case may be.

(2) The provisions of section 27 (As to defective premises) of this Act except subsection (1) and subsection (5) thereof shall apply in relation to a notice served under this section as if—

(i) the absence of a supply of wholesome water was a defective state within the meaning of that section;

PART III —*cont.*

(ii) in paragraph (*a*) (ii) of subsection (4) thereof the words " without first complying with the provisions of section 93 and section 94 of the Act of 1936 " were omitted; and

(iii) at the end of subsection (3) thereof there was inserted the following proviso:—

" Provided that such person shall not be required to pay more than forty pounds in respect of any one house to which a supply of water is restored."

(3) In this section the expressions " service pipe " and " water fitting " have the same respective meanings as in the Third Schedule to the Water Act 1945.

Demolition of buildings.

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

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

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

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

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

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

(3) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the person giving the notice may agree in writing to allow they give notice to him that they have decided to the contrary.

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

PART III —*cont.*

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

(6) All expenses incurred by the Corporation under subsection (4) of this section may be recovered by the Corporation from the person who has given notice under subsection (1) of this section.

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

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

(9) This section shall not apply to—

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

(*b*) any building belonging to any statutory undertakers or the commission and held by them for the purposes of their undertakings:

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

(10) Where any person proposes to demolish or take down any building or part thereof in pursuance of a demolition order or clearance order made by the Corporation under section 11 or section 26 respectively of the Housing Act 1936 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in the demolition order or clearance order (as the case may be) and the provisions of this section (except subsection (3)) shall apply accordingly.

Dealing with drains and sewers before demolition of buildings.

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

(*a*) by counter-notice served within six weeks from the receipt of a notice under section 29 (Demolition of buildings) of this Act ; or

PART III —*cont.*

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

require the person giving such notice or the owner or owners of any building to which the demolition order or clearance order applies (as the case may be) either—

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

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

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

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

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

Amendment of section 283 of Act of 1921.

31. For the purposes of section 283 (Dangerous structures) of the Act of 1921 a structure shall be deemed not to be effectually secured unless and until in the case where it is taken down or demolished all rubbish or other material resulting therefrom or exposed thereby has been removed.

Recovery of expenses of watching etc. dangerous and dilapidated buildings.

32.—(1) Where it appears to the Corporation that any building or part of a building in the city is in such a condition as to be dangerous to persons in such building or in any adjoining premises or using any street upon which such building abuts the Corporation may until—

(*a*) any order made by a magistrates' court under section 58 of the Act of 1936 in respect of such building shall have been complied with or executed; or

(*b*) the building shall have been taken down secured or repaired in pursuance of section 75 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875; or

PART III —*cont.*

(*c*) any notice given by the city building surveyor under section 283 (Dangerous structures) of the Act of 1921 in respect of such building shall have been complied with or executed;

employ and pay watchmen and do all such other acts as may be necessary to watch such building and may recover the expenses reasonably incurred by them in so doing other than expenses incurred in respect of the first forty-eight hours of watching a building from the owner of the building:

Provided that the Corporation shall forthwith give to the owner of any building notice that they propose to employ and pay watchmen or to do any other act in the exercise of the powers of this section to watch such building.

(2) In this section the expression "building" includes any structure.

Provision of bathrooms.

33.—(1) Where plans of any new building intended or adapted for use as a house or of any conversion of an existing building into one or more dwellings or of any alteration or addition to an existing house which will extend the living accommodation therein have been deposited with the Corporation in pursuance of building byelaws the Corporation may reject the plans unless they are satisfied that the house or each dwelling (as the case may be) will be provided with a bathroom containing a fixed bath.

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

(3) For the purposes of this section the addition to a house of a room to be used as a scullery shall not be deemed to be an extension of the living accommodation therein.

Food storage accommodation.

34.—(1) Every house erected in the city after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the city not so provided shall if reasonably practicable be so provided within one month from the service by the Corporation on the owner thereof of a notice requiring it to be so provided.

(2) Any person aggrieved by a requirement imposed by a notice under the foregoing subsection may appeal to a magistrates' court.

(3) If any house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART III —*cont.*

(4) The owner of any house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

(5) For the purposes of this section—

(*a*) the expression " house " includes any part of a building which is occupied or intended to be occupied as a separate dwelling;

(*b*) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and

(*c*) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act:

Provided that where any part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

Verminous premises

Power to require vacation of premises during fumigation.

35.—(1) If the Corporation serve notice under subsection (3) of section 83 of the Act of 1936 on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

(*a*) the notice to the occupier may also require that the premises shall as from such date as may be specified in the notice be vacated until the Corporation give the occupier further notice that the premises can safely be re-occupied; and

(*b*) the Corporation may also serve notice on the occupiers of any other premises having any floor wall or ceiling contiguous with the first-mentioned premises or into which there is reason to apprehend that the gas may penetrate requiring that those other premises shall be vacated as aforesaid.

(2) No person shall be required to vacate any premises under this section for any period unless shelter or other accommodation has been provided for him by the Corporation free of charge for that period and any notice given under this section shall specify the shelter or accommodation so provided.

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

(4) If any person fails to comply with a notice requiring the vacation of any premises under this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

PART III —*cont.*

(5) The Corporation may pay to any person vacating premises in pursuance of a notice under this section such reasonable allowance as they think fit towards his expenses in removing from and returning to the premises.

Further powers for prevention of damage by rats and mice.

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

(2) Section 22 of the Prevention of Damage by Pests Act 1949 shall have effect in its application to the city as if after subsection (1) there were inserted the following provisions:—

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

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

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

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

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

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

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

Food

PART III —*cont.*

Byelaws as to sale etc. of animal feeding meat.

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

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

(i) prepared for sale ;

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

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

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

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

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

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

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

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

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

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

(2) Nothing in any byelaw made under paragraph (*a*) or paragraph (*b*) of subsection (1) of this section shall extend or

PART III —*cont.*

apply to any premises which are used for the sale or offer or exposure for sale of animal feeding meat—

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

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

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

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

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

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

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

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

(*c*) If it appears to the Corporation that any premises for the registration of which application has been made under this section or which are registered under this section do not satisfy the requirements of any byelaws made under subsection (1) of the last foregoing section or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used the Corporation shall serve on the applicant for registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time not being less than twenty-one days after the date of the service of the notice at which they propose to take the matter into consideration and

PART III —*cont.*

informing him that he may attend before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.

(*d*) If a person on whom a notice is served under the last foregoing paragraph fails to show cause to the satisfaction of the Corporation they may refuse the application or (as the case may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it is based.

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

(*f*) The provisions of sections 87 88 89 and 90 of the Food and Drugs Act 1938 shall apply in relation to any appeal to a magistrates' court and any order determination or other decision of a magistrates' court and any appeal and any decision of the Corporation under this section in the same way as they apply in relation to the corresponding proceedings under that Act.

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

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

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

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

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

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

PART III —*cont.*

Interpretation and application of last two foregoing sections.

39.—(1) In section 37 (Byelaws as to sale etc. of animal feeding meat) and section 38 (Registration of premises used in connection with the sale etc. of animal feeding meat) of this Act the following expressions have the following meanings:—

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

"authorised officer" means any officer who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purposes of the examination and seizure of meat under the provisions of that Act;

"flesh" includes any part of an animal.

(2) Nothing in the said sections 37 and 38 shall apply to any premises used as a knacker's yard within the meaning of subsection (1) of section 100 of the Food and Drugs Act 1938 or of any corresponding enactment amending or replacing the same or slaughterhouse within the meaning of subsection (1) of section 6 of the Slaughterhouses Act 1954.

Registration of vendors of shell-fish and their premises.

40.—(1) As from the appointed day no person shall by himself or by any person employed by him sell or offer or expose for sale shell-fish in any premises in the city unless such person and such premises are registered for that purpose by the Corporation.

(2) On receiving an application for the registration of any person or premises under this section the Corporation shall register such person or premises and shall on registering any premises issue to the person making the application a certificate of registration which shall be kept affixed in a conspicuous place in the premises.

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

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

(5) The provisions of this section shall not apply to any premises registered under section 76 (Registration of hawkers of meat fish fruit and vegetables and premises) of the Liverpool Corporation Act 1936.

Miscellaneous

Collection and delivery of washing.

41.—(1) The Corporation may collect and carry to any public washhouse provided by them clothes and other articles intended to be washed there and may carry from any such washhouse

PART III —*cont.*

and deliver clothes and other articles which have been washed there.

(2) The Corporation shall make such charges for the service provided by them under this section as will taking one year with another produce a revenue sufficient to meet the expenses of providing it.

(3) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

Hairdressers and barbers.

42.—(1) As from the appointed day no premises in the city shall be used for carrying on the business of a hairdresser or barber unless those premises and the person carrying on the business are registered by the Corporation.

(2) For the purposes of this section premises shall not be deemed to be used for carrying on the business of a hairdresser or barber by reason only of the fact that they are visited by a person carrying on such business for the purpose only of attending to a customer who resides at or is an inmate of those premises.

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

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

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

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

(5) If any person uses any premises for carrying on the business of a hairdresser or barber in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (4) of this section he shall be liable—

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

(*b*) in the case of a contravention of a byelaw to a penalty not exceeding five pounds ;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

PART III —*cont.*

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

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

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

(7) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

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

PART IV

NUISANCES

Smoke from industrial furnaces.

43.—(1) As from the appointed day no person shall instal in any premises in the city any furnace for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding ten pounds and if—

(*a*) that person after conviction of the contravention; or

(*b*) any other person after notice of the conviction has been served on him by the Corporation;

uses the furnace he shall unless it has been altered so that it is so far as practicable capable of being operated as aforesaid be liable to a penalty not exceeding five pounds for each day on which he uses it until it is so altered.

(3) If a person before installing a furnace to which this section applies submits to the Corporation a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the Corporation may within six weeks from the receipt of the

PART IV —*cont.*

plan specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

(*a*) if the notice states that they are so satisfied ; or

(*b*) if they do not serve any notice under this subsection before the expiration of the said six weeks ;

no proceedings shall be taken against that person under this section in respect of the installation of the furnace in accordance with the plan specification and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the Corporation shall consult the Minister of Fuel and Power.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated as aforesaid—

(*a*) a court in any proceedings under this section ; and

(*b*) the Corporation on considering a plan specification and other information received under subsection (3) of this section ;

shall have regard to cost and to local conditions and circumstances.

Smokeless areas.

44.—(1) The Corporation may by order confirmed by the Minister prohibit the emission of smoke from premises to which the order applies.

(2) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order under this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted—

(*a*) arose solely from a furnace stove or other appliance suitable for burning an authorised fuel and properly maintained and used and so arose either—

(i) by burning that authorised fuel therein ; or

(ii) by burning any other type of fuel therein unless it is proved by the prosecutor that the authorised fuel was available to the defendant at the time the smoke was emitted ; or

(*b*) arose by burning any fuel whether an authorised fuel or not which may have been approved by the Corporation as suitable for the furnace stove or other appliance

PART IV —*cont.*

in which it was burnt in accordance with such conditions and during such period as may have been approved as aforesaid in relation to such furnace stove or other appliance.

In this subsection the expression " authorised fuel " means coke anthracite or any other fuel specified in the order as being an authorised fuel.

(3) An order under this section may contain provisions enabling the county court on the application of the occupier of any premises to direct the owner of the premises or any other person having an interest in them—

(*a*) to allow the occupier to execute such works as may be necessary for complying with the said order ; or

(*b*) to contribute towards the cost of such works such sum as appears to the court to be reasonable.

(4) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in connection with the execution of works for the purpose of complying with the provisions of an order under this section.

(5) An order under this section shall subject to the provisions of this section apply to all premises situated in such area or areas as may be specified in the order being either the whole of the city or any part or parts thereof :

Provided that as respects any particular premises or premises of any class so situated any such order may provide—

(*a*) that they shall be excluded from the application of the order ; or

(*b*) that the application of the order to them shall be deferred until such date as may be so specified.

(6) Before submitting an order to the Minister for confirmation under this section the Corporation shall publish in the London Gazette and in a local newspaper circulating in the city a notice stating—

(*a*) that the order has been made and is about to be so submitted for confirmation ;

(*b*) the area or areas within which the order applies and the general effect of the order ; and

(*c*) that within twenty-eight days beginning with a date specified in the notice (not being earlier than the publication of the notice in the local newspaper) any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of the notice of his objection to the town clerk.

PART IV —*cont.*

(7) If no objection is duly made or if every objection so made is withdrawn the Minister may if he thinks fit confirm the order either with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and consider any objection not withdrawn and the report of the person holding the inquiry and may then confirm the order either with or without modification.

(8) If at any time after the passing of this Act any person owning or occupying premises in the city by application to the town clerk specifying his name and address and the premises to which the application relates requests the Corporation to serve upon him a copy of any notice published in pursuance of subsection (6) of this section relating to an order affecting any premises so specified the Corporation shall—

(*a*) register the name address and premises so specified in a register kept for the purpose ; and

(*b*) serve upon him at the address entered in the register a copy of any such notice:

Provided that the accidental omission to serve a copy of a notice relating to any particular order on any person on whom it should have been served under paragraph (*b*) of this subsection shall not invalidate or prejudice the making or confirmation of the order.

(9) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Minister in like manner and subject to the like provisions.

(10) An order under this section may also be varied by another order made by the Minister on the application of the electricity authority or the gas board in relation to any premises intended to be used by the electricity authority as an electricity generating station or by the gas board as a gasworks (as the case may be) for the purposes of their respective undertakings:

Provided that—

(*a*) before making application to the Minister for an order under this subsection the electricity authority or the gas board (as the case may be) shall give notice to the Corporation of their intention to make the application stating the general effect of the order proposed ; and

(*b*) before making the order the Minister shall consider any representations which may be made by the Corporation and shall give the Corporation an opportunity of being heard thereon.

PART IV —*cont.*

(11) As soon as may be after an order under this section has been confirmed by the Minister the Corporation shall—

(*a*) publish in a local newspaper circulating in the city a notice stating that the order has been confirmed and that a copy of the order may be inspected at all reasonable hours at a place in the city specified in the notice; and

(*b*) serve a like notice on every person who having given notice to the Minister of his objection to the order appeared at the local inquiry in support of his objection.

(12) An order under this section shall not come into operation before the expiration of six months from the date of the publication of notice of its confirmation under the last foregoing subsection but shall come into operation on such date thereafter as may be specified in the order.

(13) Either—

(*a*) a copy of any such newspaper containing a notice published therein in pursuance of this section; or

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

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

(14) Nothing in any order under this section shall apply to smoke emitted from a railway locomotive.

(15) The Minister shall not confirm an order under this section applying as from any date to premises used for any of the following processes that is to say:—

(*a*) the smelting of ores and minerals;

(*b*) the calcining puddling and rolling of iron and other metals;

(*c*) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals;

if he is satisfied on an objection duly made under subsection (6) of this section that the application of the order to those premises as from that date would obstruct or interfere with that process.

(16) For the purposes of this section the execution of works includes the provision alteration or adaptation of fixtures fittings and appliances.

PART IV —*cont.*

Discharge of steam and waste gas.

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

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

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

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

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

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

Nuisance from pigeons etc.

46.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the city by house-doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or (subject to subsection (2) of this section) in any other Act or at common law—

(*a*) seize and humanely destroy or cause to be seized and humanely destroyed any such house-doves pigeons or starlings in excess of such number as the Corporation consider reasonable;

(*b*) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcases of any such house-doves pigeons or starlings; and

(*c*) take such other steps as they think necessary for any such purpose:

Provided that the Corporation shall not in the exercise of the powers conferred by this section—

(i) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or

(ii) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Protection of Birds Act 1954 or any order made thereunder.

PART IV —*cont.*

Noise nuisance.

47.—(1) Any excessive or unreasonable or unnecessary noise which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936:

Provided that—

(*a*) in any proceedings brought by virtue of this section under the said Part III in respect of a noise occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise having regard to the cost and to other relevant circumstances;

(*b*) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise.

(2) Nothing in this section shall apply to a noise occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

(3) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

PART V

MOVABLE DWELLINGS AND CAMPING GROUNDS

Definitions for Part V.

48. In this Part of this Act unless the subject or context otherwise requires the following expressions have the following meanings:—

"movable dwelling" includes—

(*a*) any tent;

(*b*) any structure capable of being moved from place to place; and

(*c*) any van cart carriage truck tramcar railway carriage motor car caravan trailer omnibus or other vehicle;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for agricultural or other like purposes or in connection with building operations;

(ii) any tent structure or vehicle temporarily used for the service of the council of any county county borough or county district or other public authority;

(iii) any canal boat or any other boat;

(iv) any shelter provided for the treatment of tuberculosis or used in connection with an open-air school;

(v) any vehicle used by the commission in connection with the maintenance and repair of their undertaking; or

(vi) any van or similar vehicle belonging to any statutory undertakers and any trailer drawn by such van if and so long as the van and trailer are used by those undertakers for the purposes of their undertaking;

"camping ground" means any area of land on which movable dwellings are situated or which is provided for the placing of movable dwellings;

"occupier" in relation to a movable dwelling includes an owner.

Court may prohibit movable dwellings in certain areas.

49.—(1) Where it appears to the Corporation—

(*a*) that the amenities of any part of the city are prejudicially affected by the presence of or conditions arising from any movable dwelling or movable dwellings in the city; or

(*b*) that annoyance is caused to the residents in or visitors to any part of the city by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any movable dwelling or movable dwellings in the city;

the Corporation may make complaint to a magistrates' court and the court may by order—

(i) require the removal by the occupier or occupiers thereof of the movable dwelling or of all or any particular one or more of the movable dwellings to which the complaint relates within such period as may be prescribed by the order; and

(ii) prohibit the placing of any movable dwelling on or limit the number or define the class of movable dwellings to be at any one time placed or situate within the whole or some part of an area to be specified in the order.

(2) Any person aggrieved by any order made by a magistrates' court under subsection (1) of this section may appeal to a court of quarter sessions.

(3) As soon as practicable after the making of an order under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings the terms of the order shall be published by the Corporation in one or more local newspapers circulating in the city and by placards posted in conspicuous positions in or

PART V —*cont.*

near to the area specified in the order and such placards shall be left so posted so long as the order is in force.

(4) An order made by a magistrates' court under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings shall take effect as from the expiration of fourteen days from the first publication of the terms of the order in the local newspaper under subsection (3) of this section and the area specified in such order shall not extend beyond the distance of two hundred yards from the movable dwelling or all of the movable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any movable dwelling not being a movable dwelling to which the complaint related.

(5) (*a*) Any occupier of a movable dwelling who fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Corporation may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(*b*) Any person who places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Corporation may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(6) (*a*) Where a magistrates' court has made an order under subsection (1) of this section prohibiting the placing of any movable dwelling or limiting the number or defining the class of movable dwellings an application for the rescission of the order may be made to the court—

(i) at any time by the Corporation; or

(ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the Corporation not less than fourteen days' notice of his intended application;

and the court may on the hearing of any such application rescind the order.

PART V —*cont.*

(*b*) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the Corporation in one or more local newspapers circulating in the city and the Corporation shall forthwith take down and remove all placards previously posted by them in or near to the area specified in the order in pursuance of subsection (3) of this section.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Town and Country Planning Act 1947 has already been granted otherwise than by a development order but without prejudice to the power of the court by order to require the removal of any particular one or more movable dwellings with respect to which the Corporation have complained on any of the grounds mentioned under paragraph (*b*) of subsection (1) of this section.

Byelaws as to camping grounds.

50.—(1) The Corporation may make byelaws with respect to any camping grounds within the city whether provided by them or not—

(*a*) for preventing the amenities of the city being prejudicially affected by the state or condition of any such camping grounds ;

(*b*) for securing the good and orderly conduct of persons frequenting any such camping grounds and of the occupiers of the movable dwellings situate thereon ;

(*c*) for preventing annoyance to the residents in or visitors to the city by the conduct of the occupiers of or persons frequenting movable dwellings situate on any such camping grounds.

(2) (*a*) A copy of any byelaws made by the Corporation under this section shall be appended to any licence granted by them under section 269 of the Act of 1936 in respect of any camping ground to which such byelaws relate.

(*b*) The Corporation in granting any licence under the said section 269 shall not attach any condition which is inconsistent with any byelaws made by them under this section.

Savings from provisions of Part V.

51. This Part of this Act shall not apply to—

(*a*) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society or any local education authority ;

(*b*) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such association in pursuance of their charter ;

PART V —*cont.*

(*c*) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake responsibility for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp;

(*d*) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (*c*) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph;

(*e*) any movable dwelling which is used by a member of any duly constituted society or organisation operating throughout Great Britain which by their rules undertake responsibility for the good conduct of their members when in camp and for the proper use by their members of movable dwellings; or

(*f*) any movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business:

Provided that—

(i) the exemptions conferred by the foregoing paragraphs (*a*) and (*b*) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society association or organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground;

(ii) the exemptions conferred by the foregoing paragraphs (*c*) and (*d*) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon;

(iii) the exemption conferred by the foregoing paragraph (*e*) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long

as that society or organisation continues to enforce the good conduct of their members and the proper use by their members of movable dwellings ;

(iv) the exemption conferred by the foregoing paragraph (*f*) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ;

(v) if any society association or organisation referred to in the said paragraphs (*a*) and (*b*) are using any camping ground provided by the Corporation or if any person being a member of any such society association or organisation or a person referred to in the said paragraph (*f*) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society association or organisation or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the Corporation under this Part of this Act relating to that camping ground.

PART VI

PUBLIC ORDER AND SAFETY

Safety of stands.

52.—(1) As from the appointed day no person shall commence to erect in the city a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the Corporation of his intention so to do accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require and the Corporation have approved the erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand but only subject to—

(*a*) such modifications of the plan section and particulars submitted to them ; and

(*b*) compliance with such requirements as to maintenance and otherwise ;

as may be specified in the notice being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

PART VI —*cont.*

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the Corporation shall have regard to that statement in considering what modifications and requirements shall be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the Corporation may allow.

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan section and particulars submitted to them and if within the said five weeks the Corporation have not given notice under subsection (2) of this section they shall be deemed for the purposes of this section to have so approved the erection of the stand.

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

(6) If any person—

(*a*) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or

(*b*) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the Corporation under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice; or

(*c*) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time; or

(*d*) being the owner or occupier of such a stand fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

he shall be liable to a penalty not exceeding fifty pounds and in the case of any such failure to a daily penalty not exceeding forty shillings:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

PART VI —*cont.*

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

(8) The provisions of this section shall not apply to any stand erected by the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

(9) In this section the expression " stand " includes a structure but does not include a building or extension of a building to which building byelaws are applicable.

Derelict petrol tanks.

53.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises in the city the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such container.

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such container and permit him to ascertain whether steps have been taken to comply with the provisions of this section:

Provided that this subsection shall not apply to any premises within an area in which the commission or the dock board are the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression " petroleum spirit " has the same meaning as in the Petroleum (Consolidation) Act 1928.

Underground car parks.

54.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction alteration or extension of an underground car park or the alteration of a building for use as an underground car park the Corporation may notwithstanding anything in section 64 of the Act of 1936 reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from

PART VI —*cont.*

fire being proposals relating to all or any of the following matters:—

(*a*) the construction of the underground car park and the approaches thereto and the materials to be used in such construction;

(*b*) the provision of adequate means of ventilation to the underground car park;

(*c*) the provision of electrical and mechanical and heating equipment in the underground car park;

(*d*) the provision of fire equipment and appliances in connection with the underground car park;

(*e*) the provision of safe and adequate means of ingress to and egress from the underground car park;

(*f*) the provision of adequate means of access to the underground car park for fire brigade appliances and personnel.

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

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

(*a*) whether the work is such as is mentioned in subsection (1) of this section; or

(*b*) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may on the application of that person be referred to the Secretary of State for determination and the Secretary of State (after holding an inquiry if he thinks fit) shall determine any question submitted to him under paragraph (*a*) of this subsection or (as the case may be) may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If after plans of any underground car park have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section it appears to the Corporation that any such proposal has not been carried into effect or is not being observed the Corporation may by notice to the owner or occupier of the underground car park prohibit its use as an underground car park until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground car park or permits it to be used as an underground car park without

PART VI —*cont.*

giving effect to or securing the observance of any proposal specified in the notice he shall be liable to a penalty not exceeding five pounds or in the case of a continuing offence to a daily penalty not exceeding forty shillings.

Further provision as to underground car parks.

55.—(1) Without prejudice to the provisions of section 54 (Underground car parks) of this Act the Corporation may by notice to the owner or occupier of any underground car park in the city which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground car park as may be specified in the notice for the purpose of preventing or reducing danger from fire therein and in the case of any underground car park as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions about the matters specified in paragraphs (*b*) to (*f*) of subsection (1) of the said section 54 as the Corporation think fit.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice he shall be liable to a penalty not exceeding five pounds or in the case of a continuing offence to a daily penalty not exceeding forty shillings.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may if he thinks it necessary or desirable cause an inquiry to be held and a report to be made to him by a person appointed by him for the purpose and may if he thinks fit confirm modify alter or annul any requirement made by the Corporation under this section.

Interpretation and powers of entry for purposes of last two foregoing sections.

56.—(1) In section 54 (Underground car parks) and section 55 (Further provision as to underground car parks) of this Act the expression " underground car park " means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the

PART VI —*cont.*

Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space (either alone or in addition to any other facility or service) for cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of the said sections 54 and 55 shall be provisions which it is the duty of the Corporation to enforce.

Byelaws as to pleasure fairs and roller-skating rinks.

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

(*a*) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public;

(*b*) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink;

(*c*) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

(2) In this section the following expressions have the following meanings:—

" pleasure fair " means any place—

(i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies; and

(ii) for admission to which or for the use of the contrivances in which a charge is made;

" roller-skating rink " means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following:—

(*a*) circuses;

(*b*) exhibitions of human beings or of performing animals;

(*c*) merry-go-rounds roundabouts swings switchback railways;

(*d*) coconut shies hoop-las shooting galleries;

(*e*) dodgems or other mechanical riding or driving contrivances;

(*f*) automatic or other machines intended for entertainment or amusement;

(*g*) anything similar to any of the foregoing.

PART VI —*cont.*

(4) Nothing in this section or the byelaws made thereunder shall apply to—

(*a*) any fair held by statute royal charter royal licence letters patent or ancient custom ; or

(*b*) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or

(*c*) any entertainment the profits whereof are devoted to a religious or charitable purpose.

(5) The Corporation shall—

(*a*) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws ; and

(*b*) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Corporation in writing by any of the said bodies and a statement showing the effect (if any) given to any such representation.

(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

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

PART VII

WEIGHTS AND MEASURES

Interpretation and application of Part VII.

58.—(1) In this Part of this Act unless the subject or context otherwise requires the following expressions have the following meanings :—

" the Act of 1889 " means the Weights and Measures Act 1889 ;

" coke " includes any solid fuel derived from coal or of which coal or coke is a constituent ;

" vehicle " includes any lorry cart handcart waggon truck or other means of conveying goods or commodities by land but does not include a railway truck or waggon.

(2) In section 65 and sections 68 to 72 of this Act the expression " weighing-machine " means a weighing-machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the load thereof.

PART VII —*cont.*

(3) Section 431 (Licensing keepers of weighing-machines) section 432 (Names of weighing-machine keepers to be written on premises) and section 434 (Justices may suspend licences to keep weighing-machines) of the Act of 1921 shall have effect as if the expression " weighing-machine " in the said sections had the same meaning as in section 65 and sections 68 to 72 of this Act.

(4) The provisions of this Part of this Act shall apply in the city.

Application of Act of 1889.

59.—(1) Section 4 of the Act of 1889 (which provides that persons convicted of offences shall be liable to imprisonment in cases of fraud) shall extend and apply to convictions under—

(*a*) sections 20 to 22 and 24 to 26 and 29 of the Act of 1889 as extended by this section to coke and wood fuel; and

(*b*) the following sections of this Act:—

Section 62 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);
Section 63 (As to sale of coal etc. otherwise than in sacks from a vehicle);
Section 64 (As to sale in sacks of coal etc. in quantities exceeding two hundredweight);
Section 70 (Prohibition of " double weighing ");
Section 75 (Deficient weight measure or number).

(2) Sections 20 to 22 and 24 to 26 and 28 and 29 of the Act of 1889 and any byelaws made by the Corporation thereunder and the Third Schedule to the said Act of 1889 shall in their application to the city extend to coke and (except section 28 and the byelaws made thereunder) to wood fuel subject to and in accordance with the following provisions:—

(*a*) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweight shall include references to any quantity of coke or wood fuel exceeding two hundredweight;

(*b*) The reference in section 24 to coal in any quantity not exceeding two hundredweight shall include a reference to coke in any quantity not exceeding two hundredweight and to wood fuel in any quantity of fourteen pounds or over but not exceeding two hundredweight;

(*c*) Any other reference to coal in the said sections 20 to 22 and 24 to 26 and 28 and 29 and any byelaws made thereunder and in the said Third Schedule shall include a reference to coke and (except in section 28 and the byelaws made thereunder) to any quantity of wood fuel of fourteen pounds or over;

PART VII —*cont.*

(*d*) In relation to coke and wood fuel such of the said sections as are hereinafter mentioned shall be construed as if the words " in the city " were inserted—

(i) in subsection (1) of section 20 after the word " sold " where it first occurs ;

(ii) in subsection (1) of section 21 after the word " delivered " where it first occurs ;

(iii) in subsection (1) of section 22 after the word " conveyed " ;

(iv) in section 24 after the word " delivers " ;

(v) in subsection (1) of section 25 after the word " place " where it first occurs ;

(vi) in subsection (1) of section 29 after the word " place " where it first occurs and after the word " stop ".

Byelaws relating to wood fuel.

60. The Corporation may make byelaws—

(*a*) regulating for the purposes of this Part of this Act and of the Act of 1889 the sale of wood fuel in quantities of fourteen pounds or over but not exceeding two hundredweight ; and

(*b*) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which wood fuel is carried for sale or delivery to a purchaser.

Penalty on fraudulent sale of coal etc.

61. If any coal coke or wood fuel is being or has been sold delivered offered for sale exposed for sale or carried on a vehicle for sale or delivery in the city and any person wilfully makes any false statement as to the weight thereof or wilfully increases the weight of any such coal coke or wood fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coal coke or wood fuel is or may be defrauded not being a false statement or an act (as the case may be) to which section 71 (Penalties on persons committing frauds) of this Act applies he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on any subsequent occasion to a penalty not exceeding ten pounds and in respect of any such offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding two months.

Requirements as to vehicles carrying coal etc. for sale or delivery on sale.

62.—(1) Every vehicle carrying coal coke or wood fuel for sale or delivery on sale in the city shall have the seller's name and place of business clearly marked on such vehicle in letters not less than one inch in height and visible from the near side thereof :

Provided that vehicles belonging to or used by the National Coal Board or the gas board shall sufficiently comply with the

PART VII —*cont.*

provisions of this section if the words " National Coal Board " or " North Western Gas Board " (as the case may be) are clearly marked and visible as aforesaid on such vehicles.

(2) The seller of any coal coke or wood fuel carried on a vehicle in contravention of this section shall be liable to a penalty not exceeding five pounds.

As to sale of coal etc. otherwise than in sacks from a vehicle.

63.—(1) Any person selling or exposing for sale or carrying for sale or delivery on sale in the city coal coke or wood fuel from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Corporation and stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal coke or wood fuel on such vehicle and shall before leaving the place at which the coal coke or wood fuel was loaded be furnished with a ticket or note stating the gross tare and net weight of such load and the name of the purchaser and shall produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation on demand and shall deliver such ticket or note to the purchaser or his servant before any part of the coal coke or wood fuel is unloaded.

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

As to sale in sacks of coal etc. in quantities exceeding two hundredweight.

64.—(1) Where—

(*a*) any quantity of coal coke or wood fuel exceeding two hundredweight is carried by means of any one vehicle on any one journey for delivery in the city to more than one purchaser; or

(*b*) any person sells or exposes or offers for sale or carries for sale or delivery on sale in the city coal coke or wood fuel from or on any vehicle in quantities exceeding two hundredweight;

and such coal coke or wood fuel is carried on such vehicle in sacks the net weight of coal coke or wood fuel in any one sack shall be equal to one hundredweight or one-half of a hundredweight and each sack shall be legibly marked so as to show the net weight of coal coke or wood fuel carried in such sack:

Provided that this section shall not apply when the complete load of a vehicle is delivered to one purchaser at one point of delivery and there is stated on the ticket or note referred to in section 21 of and the Third Schedule to the Act of 1889 the number of sacks to which the ticket or note refers.

(2) In addition to the matters which in accordance with section 21 of and the Third Schedule to the Act of 1889 are required

PART VII —*cont.*

to be stated on the ticket or note referred to in that section there shall in cases to which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal coke or wood fuel in each of such sacks and the said section 21 shall in its application to the city have effect accordingly.

(3) If any of the requirements of subsection (1) of this section are contravened the seller of the coal coke or wood fuel or the person responsible for loading the coal coke or wood fuel on such vehicle shall be liable to a penalty not exceeding five pounds and if the net weight of coal coke or wood fuel in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in the said section 21 of the Act of 1889 the said persons or the person in charge of such vehicle shall be liable to the like penalty.

(4) A person against whom proceedings are brought in respect of an offence under this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(5) Where the original defendant seeks to avail himself of the provisions of the last foregoing subsection—

(*a*) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine him if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence ;

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

Drivers of vehicles to take them to weighing-machines on request.

65.—(1) The driver of any vehicle loaded with any goods (including coal coke or wood fuel) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures of the Corporation or other officer appointed for the purpose by the Corporation

PART VII —*cont.*

to take such vehicle with or without the loading thereof to be weighed or reweighed at the nearest suitable and available weighing-machine stamped by an inspector of weights and measures.

(2) If the nearest suitable and available weighing-machine to which such vehicle shall be required to go for weighing or reweighing is not on the regular course of the road by which it would otherwise be necessary for the vehicle to pass the owner of the vehicle shall be paid sixpence for every half-mile beyond the first half-mile of the extra distance which the vehicle is required to go under this section.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing or reweighing any such vehicle shall be paid by the person requiring the same to be weighed or reweighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed or reweighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to the weighing-machine to which he is required to go shall be liable to a penalty not exceeding ten pounds and the driver of any such vehicle who shall refuse to give all reasonable assistance in the weighing or reweighing of the same shall be liable to a penalty not exceeding five pounds.

(5) The provisions of this section shall not apply with respect to any vehicle of the commission other than a vehicle loaded with goods to be sold as aforesaid and consigned for delivery within the city.

(6) Section 27 of the Act of 1889 shall cease to apply to the city.

(7) In this section the expression " driver " includes the owner and any person in charge of any vehicle.

Notice of certain provisions of Part VII.

66.—(1) The provisions of this Part of this Act hereinafter mentioned shall come into operation in the city on the first day of October nineteen hundred and fifty-five.

(2) The provisions hereinbefore referred to are the following:—

Section 62 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);

Section 63 (As to sale of coal etc. otherwise than in sacks from a vehicle);

Section 64 (As to sale in sacks of coal etc. in quantities exceeding two hundredweight);

Section 65 (Drivers of vehicles to take them to weighing-machines on request).

PART VII —*cont.*

(3) (*a*) The Corporation shall forthwith after the passing of this Act cause public notice to be given of the effect of the said sections by advertisement in one or more newspapers circulating in the city and otherwise in such manner as the Corporation think fit.

(*b*) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

Amendment of section 431 of Act of 1921.

67.—(1) Section 431 (Licensing keepers of weighing-machines) of the Act of 1921 shall have effect as if in subsection (1) thereof after the words " to any person " there were inserted the words " who is not less than eighteen years of age ".

(2) Nothing in this section shall affect the validity of any licence granted or renewed by the Corporation before the passing of this Act.

Registration of weighing-machines.

68.—(1) Any person who shall keep a weighing-machine which shall not have been registered with the Corporation before being made available for the use of the public shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) There shall be paid to the Corporation the sum of five shillings in respect of the registration of each weighing-machine.

(3) The registration of a weighing-machine shall continue in force until the thirty-first day of December next after the date on which it was granted or renewed but may be from time to time renewed in the ensuing month of January without fee on the application of the owner or proprietor of such weighing-machine.

(4) The registration shall be subject to such conditions as to the siting and construction of the weighing-machine as may be attached thereto by the Corporation who may refuse to register or to renew the registration of a weighing-machine in respect of which there is a failure to comply with any such conditions:

Provided that any conditions as to the construction of a weighing-machine shall not conflict with—

(*a*) the principles of construction of a weighing-machine made in accordance with a pattern for which a certificate has been issued by the Board of Trade under section 6 of the Weights and Measures Act 1904: or

(*b*) the requirements of any regulations made by the Board of Trade under the Weights and Measures Acts 1878 to 1936.

PART VII —*cont.*

(5) Any person aggrieved by the refusal of the Corporation to grant or renew the registration of a weighing-machine under this section or by any conditions attached to such registration under subsection (4) of this section may appeal to a magistrates' court.

(6) A person shall not be liable to a penalty under section 431 (Licensing keepers of weighing-machines) of the Act of 1921 in addition to a penalty under this section for an offence in respect of the same weighing-machine except in a case where he keeps or acts as the keeper of a weighing-machine after his licence has been suspended or revoked or his application for a licence or any renewal thereof has been refused by the Corporation under the said section 431.

Offences by weighing-machine keepers and others.

69. Any person keeping or who purports to act on behalf of a keeper of a weighing-machine who shall—

(*a*) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning until five o'clock in the afternoon on working days other than Saturdays and from eight o'clock in the morning until twelve o'clock noon on Saturdays) wilfully neglect on application duly to weigh with or without loading any vehicle which shall come to the machine kept by him to be weighed and which does not exceed the dimensions of the weighing platform or the maximum load which that machine is constructed to weigh;

(*b*) not fairly weigh any such vehicle with or without loading;

(*c*) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading;

(*d*) give or cause to be given to any person a false ticket or account of the weight of such vehicle or the loading thereof;

(*e*) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein;

(*f*) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively;

PART VII —*cont.*

(*g*) fail to make immediately after the weight of any vehicle with or without loading has been ascertained a true record of the weight thereof and retain such record for a period of six months ; or

(*h*) issue particulars of any vehicle with or without loading which he has not personally ascertained or has not obtained directly from the person weighing the vehicle at the time when the vehicle is weighed ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence if the court is of opinion that such offence was committed with intent to defraud the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding three months.

Prohibition of " double weighing ".

70.—(1) It shall not be lawful to use a weighing-machine to ascertain the gross or tare weight of any vehicle or combination of vehicles unless the weighing-machine has a platform or platforms of sufficient size to accommodate completely such vehicle or combination of vehicles and is of sufficient capacity to permit of the weighing of such vehicle or combination of vehicles when so accommodated on the platform or platforms :

Provided that—

(*a*) it shall not be a contravention of this section to weigh a vehicle or combination of vehicles otherwise than in accordance with the provisions of this section if at the time of weighing a weighing-machine of such size and capacity as aforesaid is not available within two miles of the weighing-machine on which the vehicle or combination of vehicles is weighed ;

(*b*) when the gross or tare weight of a combination of vehicles has to be ascertained it shall not be a contravention of this section if each vehicle shall be entirely disconnected and weighed separately and a weight certificate issued in respect of each separate vehicle.

(2) If any person who keeps or acts as keeper of a weighing-machine contravenes the provisions of this section he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on any subsequent occasion to a penalty not exceeding ten pounds.

Penalties on persons committing frauds.

71.—(1) Any person who in regard to the weighing of any vehicle at any weighing-machine—

(*a*) at or before the time of weighing any such vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof ;

PART VII —*cont.*

(*b*) shall alter any ticket denoting the weight of any such vehicle or of the loading thereof;

(*c*) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly give a false statement to a weighing-machine keeper respecting the weight of any such vehicle or the loading thereof;

(*d*) after the weighing of such vehicle with the loading thereof shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket;

(*e*) after such vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or shall for the purpose of fraud change the wheels of the vehicle which shall have been so weighed or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;

(*f*) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required shall refuse to bring back the same without alteration to be weighed without the loading at the same machine; or

(*g*) shall be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding three months.

(2) Section 23 of the Act of 1889 shall cease to apply to the city.

Further offences in relation to weighing-machines.

72.—(1) Any person who knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or acting as a keeper of a weighing-machine to denote the weight of a different vehicle or loading shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds.

(2) Any person in charge of a vehicle who in regard to the weighing of such vehicle at any weighing-machine refuses after being requested so to do by any person keeping or acting as

keeper of the weighing-machine to give his name and address or who wilfully gives an incorrect name or address shall be liable to a penalty not exceeding ten pounds. PART VII —*cont.*

Power to erect weighbridges etc.

73.—(1) The Corporation may erect and maintain on any open space or public place on or adjoining any highway such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing-machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing-machines erected by the Corporation under the provisions of this section.

(4) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock canal inland navigation or passenger road transport undertakers.

(5) No power conferred upon the Corporation by this section shall be exercised in such manner as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or to any other person the power to vary the trust) without the consent of the donor or that other person.

Personal weighing-machines.

74.—(1) In this section the expression "personal weighing-machine" means any weighing-machine which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

(*a*) for the use of which a charge is made or is proposed to be made; or

(*b*) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Corporation may make byelaws—

(*a*) generally with respect to the examination on verification and to the inspection of personal weighing-machines and the distinguishing marks to be affixed to personal weighing-machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled;

(*b*) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing-machines;

PART VII —*cont.*

(*c*) for fixing the limits of error to be allowed on verification and inspection of any personal weighing-machine;

(*d*) for fixing the fees to be paid to the Corporation for the examination and marking of personal weighing-machines submitted for verification or for the examination of such personal weighing-machines as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person having in his possession or being in charge of any personal weighing-machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) On and after the expiration of the said period a personal weighing-machine shall not be used or exposed for use unless such machine has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector or unless it has been stamped by an inspector of weights and measures in pursuance of the Weights and Measures Acts 1878 to 1936 and on or after the expiration of the said period the owner or the person having in his possession or in charge of any personal weighing-machine which is used or exposed for use and which is not so stamped or marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited:

Provided that the provisions of this subsection shall not apply to a personal weighing-machine owned by a travelling showman and used or exposed for use by him at a pleasure fair if at any time within the three months preceding such use or exposure for use such weighing-machine has been examined and approved and marked by any inspector of weights and measures appointed under the Weights and Measures Acts 1878 to 1936.

(5) If any person forges counterfeits or (not being an inspector of weights and measures of the Corporation) removes any such stamp or distinguishing mark as is referred to in the last foregoing subsection or unlawfully stamps or marks a machine with any such stamp or distinguishing mark or knowingly exposes for use any personal weighing-machine on which there is any such forged or counterfeit stamp or mark he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

PART VII —*cont.*

(6) (*a*) Any inspector of weights and measures of the Corporation may at all reasonable times examine inspect and test any personal weighing-machine and may seize and detain any personal weighing-machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes enter any premises or place where there is reason to believe that there is a personal weighing-machine which he is authorised to examine and inspect.

(*b*) Any person who neglects or refuses to produce for such examination inspection and testing any such personal weighing-machine in his possession or custody or on his premises or refuses to permit any such inspector of weights and measures to examine inspect or test the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or any subsequent offence ten pounds.

(7) For the purpose of this section a personal weighing-machine shall not be deemed to be stamped or marked with a distinguishing mark by reason of its bearing a cancelled stamp or distinguishing mark.

(8) A personal weighing-machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used or exposed for use under this section.

(9) (*a*) The provisions of subsections (5) (6) and (7) of this section shall come into operation on the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating in the city.

(*b*) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection as to public notice have been complied with.

Deficient weight measure or number.

75.—(1) If any person in the city—

(*a*) sells or delivers or makes up or exposes for sale or delivery by weight or measure; or

(*b*) sells or delivers or sets apart keeps or exposes for sale or delivery in numbers;

any article or articles of which the weight measure or number (as the case may be) when ascertained by an inspector of weights

PART VII —*cont.*

and measures of the Corporation under the following provisions of this section is less than the weight measure or number thereof which has been represented by such person he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and for any subsequent offence to a penalty not exceeding ten pounds.

(2) Any inspector of weights and measures of the Corporation on production if required of his authority under the Weights and Measures Acts 1878 to 1936 may at all reasonable times—

(*a*) enter any building or other place in the city in which he has reasonable cause to believe that any article is sold or is made up or exposed for sale by weight or measure or that any articles are sold or are set apart or kept or exposed for sale in numbers ; or

(*b*) inspect any vehicle which he has reasonable cause to believe is carrying articles for sale or delivery by weight or measure or in numbers in the city ; or

(*c*) stop any person who he has reasonable cause to believe is carrying or in charge of any basket or other receptacle from which articles are sold or delivered by weight or measure or in numbers or in which such articles are kept or exposed for sale or delivery in the city ;

and weigh measure or number any such article or articles or require any such article or articles to be weighed measured or numbered in his presence.

(3) If the inspector of weights and measures has reasonable cause to believe that the weight measure or number of any such article or articles when so ascertained is less than the weight measure or number thereof which has been represented by the person who has sold delivered or made up set apart kept or exposed the same for sale or delivery he may for the purposes of proceedings under subsection (1) of this section seize impound and convey such article or articles to an office provided for the purpose by the Corporation.

(4) For the purposes of section 288 of the Act of 1936 as applied by this Act action wilfully taken by the driver or person in charge of any vehicle to avoid inspection of the vehicle by an inspector of weights and measures under this section by driving away or increasing speed when approached by such inspector shall be deemed to be obstruction.

(5) In any proceedings under this section in respect of an alleged deficiency of weight or measure of any pre-packed article the court shall disregard any inconsiderable variation in the weight or measure of a single article and shall have regard to the average weight or measure of a reasonable number of other

articles of the same kind (if any) sold or delivered by the defendant or in his possession for the purpose of sale or delivery on the same occasion and generally to all the circumstances of the case.

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be a defence for the defendant to prove to the satisfaction of the court either—

(*a*) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency; or

(*b*) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency; or

(*c*) in case of a pre-packed article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being contravened.

(7) A person against whom proceedings are brought in respect of an offence against this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention be entitled to have any other person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(8) Where the original defendant seeks to avail himself of the provisions of the last foregoing subsection—

(*a*) the prosecution as well as the person whom the original defendant charges with the offence shall have the right to cross-examine him if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence;

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(9) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be

PART VII —*cont.*

instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and nature of the alleged offence has been served on or sent by registered post to the defendant nor unless in the case of any alleged deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight measure or number of the article or articles in respect of which such allegation is made.

(10) A prosecution under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions or the Corporation.

(11) In this section the expression "pre-packed article" means any article which is packed or made up in advance ready for retail sale in a wrapper or container and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed kept or stored for sale the article shall be deemed to be pre-packed unless the contrary is proved.

(12) The provisions of this section shall not apply to the sale of coal coke or wood fuel nor to any article of food to which section 1 of the Sale of Food (Weights and Measures) Act 1926 applies.

Saving in respect of sale of briquettes by number.

76.—(1) Notwithstanding anything in section 59 (Application of Act of 1889) or section 63 (As to sale of coal etc. otherwise than in sacks from a vehicle) of this Act briquettes may be sold by number in the city and where they are so sold by number the provisions of the said section 59 and section 63 and of section 64 (As to sale in sacks of coal etc. in quantities exceeding two hundredweight) of this Act shall not extend or apply to or in respect of such sale or to any person selling briquettes by number or exposing or offering briquettes for sale by number or carrying briquettes on a vehicle for sale or delivery on sale by number but the provisions of section 75 (Deficient weight measure or number) of this Act shall notwithstanding anything in subsection (12) thereof apply to or in respect of any such sale.

(2) In this section the expression "briquettes" means uncarbonised solid fuel manufactured mainly from coal each briquette being not less than one pound in weight.

Repeal of enactments relating to weights and measures.

77.—(1) The following enactments are hereby repealed:—

Act of 1921—		
	Section 430	(Registration of weighing-machines);
	Section 433	(Offences by weighing-machine keepers and others);
	Section 436	(Penalties on persons committing frauds);
	Section 437	(Penalty on purchaser committing fraud in weighing).

PART VII —*cont.*

(2) The following enactments shall be repealed as from the first day of October nineteen hundred and fifty-five:—

Act of 1921—

Section 435 (Drivers of carts etc. to take them to weighing-machines on request);

Section 438 (Weight ticket or note on delivery of coke or agricultural produce);

Section 439 (Tare weight of vehicle where coke or agricultural produce sold in bulk);

Section 440 (Regulating sale of coke).

(3) Any weighing-machine registered by the Corporation under the said section 430 of the Act of 1921 shall be deemed to have been duly registered by them under section 68 (Registration of weighing-machines) of this Act until the expiration or sooner determination of such registration.

PART VIII

FINANCE AND MISCELLANEOUS

Power to borrow.

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

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

Amendment of section 205 of Act of 1927.

79. Section 205 (Separate accounts in respect of trading undertakings) of the Act of 1927 shall have effect as if in subsection (2) thereof—

(i) for the words " two thousand five hundred " there were substituted the words " three thousand five hundred "; and

(ii) for the words " expense of maintaining the fire police of the city and of " there were substituted the words " administrative expenses incurred in maintaining the fire service of the city and in ".

PART VIII —*cont.*

Amendment of section 242 of Act of 1921.

80. Section 242 (Application of fines on renewal) of the Act of 1921 shall have effect as if for the words "twenty-five thousand" there were substituted the words "fifty thousand".

Expenses of public entertainment etc.

81. The Corporation may make reasonable payments for or in connection with—

(*a*) the provision of public entertainment on the occasion of or otherwise in connection with public ceremony or rejoicing;

(*b*) the arrangement and conduct of ceremonies relating to or arising out of any statutory functions of the Corporation;

(*c*) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the city and persons representative of or connected with local government or other public services and the supply of information to any such persons;

(*d*) refreshments for members of the council and representatives of local authorities and other bodies or for other persons attending conferences or meetings (other than ordinary meetings of committees of the council) convened by the council or held at the town hall or otherwise under the auspices of the Corporation;

(*e*) the presentation of the freedom of the city to persons whom the council may resolve to admit as honorary freemen;

(*f*) visits by way of official courtesy by or on behalf of the Corporation:

including payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the Corporation in connection with such visits as are referred to in the foregoing paragraph (*f*).

Tolls etc. in markets.

82.—(1) The Corporation may under section 206 (Power to take tolls) of the Act of 1921 demand receive and take in respect of any market of the Corporation—

(*a*) tolls not exceeding the tolls set out in Part I of the First Schedule to this Act which shall be payable in respect of each article or quantity of commodities for each day or part of a day during which the same is exposed for sale; and

(*b*) stallages for surface space not exceeding the stallages set out in Part II of the said First Schedule which shall be paid and payable in respect of the occupation of any shop stall stand or bench compartment or space of ground or standing as well by the original taker or

PART VIII —*cont.*

occupier thereof for a part of any day as by any subsequent taker or occupier of the same for any other part of the day or space of time ;

as if this section and the said First Schedule had been enacted by and was referred to in the said section 206 of the Act of 1921 in place of subsection (2) and subsection (3) of the said section 206 but not so as to give this section any retrospective effect.

(2) The Corporation may with the sanction of the Minister from time to time alter or add to the tolls and stallages set out in the First Schedule to this Act and any such altered tolls and stallages shall as from the date on which they come into operation be substituted for the corresponding tolls and stallages payable under the said section 206 of the Act of 1921 and this section and the said First Schedule.

(3) The Corporation may also from time to time in addition to the tolls and stallages referred to in this section make such charges as the Minister may sanction for or in respect of the provision of light heat or water for the accommodation of persons using or occupying shops stalls standings stands benches compartments or other conveniences or spaces of ground in any market of the Corporation and for the cleansing of and removal of refuse from any such shops stalls standings stands benches compartments or other conveniences or spaces of ground.

School agreements.

83.—(1) Any agreement entered into by or on behalf of the Corporation with the parent or guardian of a pupil or intended pupil at any secondary school may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without the consent of the Corporation to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case.

(2) In this section the expression "secondary school" includes—

(*a*) a secondary school as defined by section 114 of the Education Act 1944 ;

(*b*) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (*b*) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of the said Act is provided ; and

PART VIII —*cont.*

(*c*) an independent school as defined by the said section 114 in which secondary education as defined by the said section 8 of the Act is provided.

As to minutes of council meetings etc.

84. Notwithstanding anything in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the council or of any committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the council or committee (as the case may be) by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof and for the purposes of sub-paragraph (2) of the said paragraph shall be deemed to have been made and signed in accordance with sub-paragraph (1) thereof.

Research into matters concerning social conditions etc.

85. The Corporation may undertake investigations and research into matters affecting the city relating to—

(*a*) social or economic conditions ;

(*b*) health or hygiene ;

and may contribute by grants or otherwise towards the cost of similar investigations and research undertaken by other bodies or persons.

PART IX

GENERAL

Confirming authority for byelaws.

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

1	2
37 (Byelaws as to sale etc. of animal feeding meat)	Minister of Agriculture Fisheries and Food.
57 (Byelaws as to pleasure fairs and roller-skating rinks)	Secretary of State.
60 (Byelaws relating to wood fuel)	Board of Trade.
74 (Personal weighing-machines)...	Board of Trade.

Local inquiries.

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

PART IX —*cont.*

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

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

Arbitration.

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

1	2
Provision of Act	Person appointing arbitrator
Subsection (4) of section 8 (Adjustment of boundaries of estates in connection with streets) and paragraphs (3) and (4) of section 93 (For protection of dock board)	The Minister.
Subsection (8) of section 11 (Stopping up and diversion of highways)	The Minister of Transport and Civil Aviation.
Subsection (5) of section 12 (For protection of Postmaster-General) and sub-paragraph (*a*) of paragraph (11) of section 94 (For protection of statutory undertakers)	The President of the Institution of Civil Engineers.

The appointed day.

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

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

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

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

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

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

PART IX —*cont.*

(4) Either—

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

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

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

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

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

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

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 91 (Appeals) of this Act.

Restriction on right to prosecute.

90. Proceedings in respect of an offence created by or under the provisions of this Act (except Part VII (Weights and measures) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

91.—(1) Except as otherwise expressly provided section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to appeals to a court of summary jurisdiction under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

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

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

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

PART IX —*cont.*

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

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

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

Breach of conditions of consent of Corporation.

92. Where in pursuance of this Act the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of such terms or conditions shall as regards liability to a penalty and other consequences be deemed equivalent to the execution of the works or the doing of the act or thing without the required consent.

For protection of dock board.

93. For the protection of the dock board the following provisions shall unless otherwise agreed in writing between the Corporation and the dock board apply and have effect:—

(1) In this section the expression "dock estate" means the estate of the dock board within the city:

(2) The following provisions of this Act shall not extend or apply to or in relation to any street within the dock estate used or intended to be used by the dock board for or in connection with their dock undertaking:—

Section 5 (Prohibition of building until street defined);

Section 6 (Prohibition of building until street formed and sewered);

Section 7 (Termination of new streets);

Section 8 (Adjustment of boundaries of estates in connection with streets):

(3) Section 17 (Means of access to buildings) of this Act shall not extend or apply to any building within the dock estate intended or adapted for use by the dock board for the purpose of or in connection with their dock undertaking without their consent which consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be referred to arbitration:

(4) (*a*) The Corporation the medical officer or the sanitary inspector (as the case may be) shall not exercise within the dock estate the powers conferred upon them by the

PART IX —*cont.*

sections of this Act mentioned in sub-paragraph (*b*) of this paragraph except with the consent of the dock board which consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be referred to arbitration;

(*b*) The provisions hereinbefore referred to are the following:—

Section 18 (Delegation of power to examine and test drains etc.);

Section 19 (Summary power to remedy stopped up drains etc.);

Section 20 (Power to cleanse or repair drains etc.);

Section 26 (Ruinous and dilapidated buildings and neglected sites);

Section 27 (As to defective premises);

Section 30 (Dealing with drains and sewers before demolition of buildings);

Section 32 (Recovery of expenses of watching etc. dangerous and dilapidated buildings):

(5) Section 29 (Demolition of buildings) of this Act shall not apply to or in relation to any building within the dock estate used or last used by the dock board for or in connection with their dock undertaking other than a building the demolition or taking down of which may affect adjacent buildings outside the dock estate:

(6) The following provisions of this Act shall not extend or apply to or in relation to any steam waste gas or condensing water discharged or any noise occasioned within the dock estate or to any stand erected therein other than a stand erected for use by members of the public generally:—

Section 45 (Discharge of steam and waste gas);

Section 47 (Noise nuisance);

Section 52 (Safety of stands):

(7) The Corporation shall not in pursuance of section 68 (Registration of weighing-machines) of this Act attach to the registration of a weighing-machine belonging to the dock board and situated within the dock estate conditions as to the siting and construction of the weighing-machine other than conditions requiring—

(i) the platform of the weighing-machine to be so sited as to be visible at all times to the person operating the machine;

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(ii) the platform and approaches thereto to be so constructed as to be level; and

(iii) compliance with the Weights and Measures Acts 1878 to 1936 and the requirements of any regulations made by the Board of Trade thereunder.

For protection of statutory undertakers.

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

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

"apparatus" means—

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

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

(*c*) in relation to the Liverpool Hydraulic Power Company mains pipes or other apparatus belonging to or maintained by that company;

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

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

"position" includes depth; and

"undertakers" means the Merseyside and North Wales Electricity Board the electricity authority the gas board and the Liverpool Hydraulic Power Company or any of them:

(2) For the purposes of section 5 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:

(3) Nothing in section 6 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including an electricity substation or feeder pillar or pressure governor or meter house) on land abutting on any new street before such new street is constructed or sewered in accordance with street byelaws:

PART IX —*cont.*

(4) Notwithstanding anything in section 8 (Adjustment of boundaries of estates in connection with streets) of this Act the undertakers shall not under the provisions of that section be required to exchange any operational land within the meaning of the Town and Country Planning Act 1947 except with their consent which shall not be unreasonably withheld:

(5) Nothing in section 9 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

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

(6) Nothing in the said section 9 or in section 73 (Power to erect weighbridges etc.) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:

(7) (*a*) Whenever the Corporation in the exercise of the powers of section 10 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land there being in such first-mentioned land any apparatus the Corporation shall give notice to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the undertakers may and if reasonably so required by the Corporation shall alter the position of such apparatus to such other position as may be reasonable:

Provided that if the undertakers do not alter the position of such apparatus they shall notwithstanding any agreement entered into under the said section 10 continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be part of the street;

(*b*) The undertakers shall within twenty-eight days after the receipt of any such notice from the Corporation pursuant to sub-paragraph (*a*) of this paragraph give to the Corporation notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) under the provisions

of that sub-paragraph and shall at the same time deliver to the Corporation a plan and section of the proposed alteration If such plan and section be not disapproved by the Corporation within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:

(8) (*a*) Not less than twenty-eight days before the date on which the Corporation make application for an order under section 11 (Stopping up and diversion of highways) of this Act to provide for the stopping up or diversion of a highway or part of a highway in which any apparatus is situate the Corporation shall give to the undertakers notice of their intention so to do specifying the time and place at which the application is to be made and the terms of the order applied for embodying a plan showing the effect of the order;

(*b*) Whenever by virtue of the provisions of the said section 11 any highway or any part of a highway in which any apparatus is situate is stopped up or diverted the undertakers shall notwithstanding such stopping up or diversion continue to have the same powers and rights in respect of any apparatus remaining in the land comprised in the highway or part of a highway so stopped up or diverted as if it had remained a highway or may and if reasonably so required by the Corporation shall—

(i) remove the apparatus and relay or replace it in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other position as the undertakers may reasonably determine; or

(ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus:

(9) Before the Corporation make any proposal or impose any conditions under subsection (1) of section 16 (Crossings over footways) of this Act or approve any request or propose any alternative work under subsection (6) of that section with respect to the construction or use of a carriage-crossing across any grass verge or footway in which there is any apparatus or with respect to the strengthening or adaptation of any such footway they shall give to the undertakers twenty-eight days' notice of their intention to do so and the Corporation shall specify in a notice under the said subsection (1) or include in any approval given or proposal made under

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the said subsection (6) such works for the protection of the apparatus as the undertakers may within fourteen days of such first-mentioned notice reasonably require and notwithstanding anything in subsection (3) or paragraph (*e*) of subsection (6) of the said section 16 such works for the protection of apparatus may be carried out by the undertakers and the reasonable costs of such works shall be expenses recoverable under the said subsection (3) or (as the case may be) included in an estimate under the said subsection (6) and shall so far as the same are recovered by the Corporation be repaid by them to the undertakers:

(10) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with—

(*a*) the alteration of the position of any apparatus under paragraph (7) of this section; or

(*b*) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of sub-paragraph (*b*) of paragraph (8) of this section;

and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under sub-paragraphs (*a*) or (*b*) of this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 94 (For protection of statutory undertakers) of the Liverpool Corporation Act 1955":

PART IX —*cont.*

(11) (*a*) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to arbitration;

(*b*) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Application of general provisions of Act of 1936.

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

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

Part II (Streets);

Part III (Public health);

Part IV (Nuisances);

and to the following sections of this Act:—

Section 53 (Derelict petrol tanks);

Section 54 (Underground car parks);

Section 55 (Further provision as to underground car parks).

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

(4) The section of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to Part V and the following sections of this Act:—

Section 52 (Safety of stands);

Section 54 (Underground car parks);

Section 55 (Further provision as to underground car parks);

Section 57 (Byelaws as to pleasure fairs and roller-skating rinks);

Section 74 (Personal weighing-machines).

PART IX *—cont.*

Repeals.

96. The following enactments are hereby repealed:—

Act of 1921—

In section 206 (Power to take tolls) subsection (2) and subsection (3);

In subsection (2) of section 283 (Dangerous structures) paragraph (H);

Section 308 (As to adjustment of boundaries on exchange of lands);

Act of 1927—

Section 150 (Power to Corporation to construct crossings over footways);

Liverpool Corporation Act 1936—

Section 50 (Carriageway of new street).

Saving for town and country planning.

97. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

98. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of such other funds and in such proportions as the Corporation shall determine or out of money to be borrowed under this Act for that purpose.

SCHEDULES

FIRST SCHEDULE

PART I

TOLLS

	s.	d.
For each motor or other vehicle of 3 tons unladen weight or under loaded with vegetables fruit or other produce	10	0
For each motor or other vehicle of over 3 tons unladen weight loaded with vegetables fruit or other produce	15	0
For any quantity of fish shell-fish game poultry rabbits or birds brought into the market in any hamper whisket basket box barrel crate sack bag package or receptacle of any description the measurement of which in any part thereof does not exceed one superficial foot	0	2
And for every additional superficial foot or part of a foot	0	2
For any quantity of marketable commodities not otherwise provided for brought into the market in any sieve small basket package or receptacle of any description the measurement of which in any part thereof does not exceed one and a half superficial feet	0	2
For any quantity of marketable commodities not otherwise provided for brought into the market in any hamper whisket basket box barrel crate sack bag package or receptacle of any description the measurement of which in any part thereof exceeds one and a half superficial feet but does not exceed three superficial feet	0	6
For any quantity of marketable commodities not otherwise provided for brought into the market in any hamper whisket basket box barrel crate sack bag package or receptacle of any description the measurement of which in any part thereof exceeds three superficial feet but does not exceed six superficial feet	1	0
For any quantity of marketable commodities not otherwise provided for brought into the market in any hamper whisket basket box barrel crate sack bag package or receptacle of any description the measurement of which in any part thereof exceeds six superficial feet but does not exceed nine superficial feet	1	6

1ST SCH. —*cont.*

	s.	d.	
For any article matter or thing not otherwise provided for brought into the market the measurement of which in any part thereof does not exceed three superficial feet	0	6	
And for every additional three feet or part of three feet of superficial measurement ...	0	6	
For horses and mules	2	6	each
For bulls cows oxen and heifers	2	0	each
For calves and pigs	1	0	each
For sheep and lambs	0	6	each

PART II

STALLAGES

From the occupier of— Each shop; Each butcher's stall; Each stand or bench; Each compartment or space on the surface of the ground; Each standing in the fish market	For each market day or other day in the week for three superficial feet the sum of one shilling and so in proportion per superficial foot for any greater or less number than three feet.

SECOND SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS II III AND IV AND SECTIONS 53 54 AND 55 OF THIS ACT

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

PART III

SECTIONS APPLIED TO PARTS II III IV AND V OF THIS ACT

Section	Marginal note
293	Recovery of expenses etc.
299	Inclusion of several sums in one complaint etc.

PART IV

SECTION APPLIED TO PARTS II III IV AND V AND SECTIONS 52 54 55 57 AND 74 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Table of Statutes referred to in this Act

Short title	Session and chapter
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Larceny Act 1861	24 & 25 Vict. c. 96.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Summary Jurisdiction Act 1879	42 & 43 Vict. c. 49.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Weights and Measures Act 1904	4 Edw. 7 c. 28.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Liverpool Corporation Act 1921	11 & 12 Geo. 5 c. lxxiv.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Sale of Food (Weights and Measures) Act 1926	16 & 17 Geo. 5 c. 63.
Liverpool Corporation Act 1927	17 & 18 Geo. 5 c. lxxxviii.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Summary Jurisdiction (Appeals) Act 1933 ...	23 & 24 Geo. 5 c. 38.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Road and Rail Traffic Act 1933	23 & 24 Geo. 5 c. 53.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Liverpool Corporation Act 1936	26 Geo. 5 & 1 Edw. 8 c. cxxii.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Food and Drugs Act 1938	1 & 2 Geo. 6 c. 56.
Education Act 1944	7 & 8 Geo. 6 c. 31.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946.	9 & 10 Geo. 6 c. 31.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Prevention of Damage by Pests Act 1949 ...	12 13 & 14 Geo. 6 c. 55.
National Parks and Access to the Countryside Act 1949.	12 13 & 14 Geo. 6 c. 97.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Slaughterhouses Act 1954	2 & 3 Eliz. 2 c. 42.

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2. Division of Act into Parts.
3. Interpretation.

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STREETS

4. Interpretation of Part II.

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5. Prohibition of building until street defined.
6. Prohibition of building until street formed and sewered.
7. Termination of new streets.
8. Adjustment of boundaries of estates in connection with streets.

Miscellaneous

9. Trees grass verges and gardens.
10. Adjustment of boundaries of streets.
11. Stopping up and diversion of highways.
12. For protection of Postmaster-General.
13. Amendment of section 48 of Liverpool Corporation Act 1936.
14. Evasion by owners of private street works expenses.
15. Maintenance of footways etc.
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17. Means of access to buildings.

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Section

18. Delegation of power to examine and test drains etc.
19. Summary power to remedy stopped-up drains etc.
20. Power to cleanse or repair drains etc.
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22. Closet accommodation for separate dwellings.
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26. Ruinous and dilapidated buildings and neglected sites.
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31. Amendment of section 283 of Act of 1921.
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35. Power to require vacation of premises during fumigation.
36. Further powers for prevention of damage by rats and mice.

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38. Registration of premises used in connection with the sale etc. of animal feeding meat.
39. Interpretation and application of last two foregoing sections.
40. Registration of vendors of shell-fish and their premises.

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55. Further provision as to underground car parks.
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63. As to sale of coal etc. otherwise than in sacks from a vehicle.
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65. Drivers of vehicles to take them to weighing-machines on request.
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71. Penalties on persons committing frauds.
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