ELIZABETH II



1967 CHAPTER xl

An Act to confer further powers on the lord mayor, aldermen and citizens of the city of Manchester in relation to lands, water, highways, public health, local government, finance and pensions; and for other purposes. [27th July 1967]

WHEREAS—

(1) The city of Manchester (in this Act called " the city ") is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city (in this Act called " the Corporation "):

(2) It is expedient that further and better provision should be made with reference to lands and highways and the public health, local government and finances of the city and with respect to pensions:

(3) The Corporation are the owners of a public park and pleasure ground known as " Heaton Park " in the city:

(4) It is expedient to authorise the Corporation to make and maintain a service reservoir and other works and to appropriate a part of Heaton Park for that purpose:

(5) In 1856 the Guardians of the Poor of the Chorlton Union provided a burial ground which is adjacent to Withington Hospital and for many years the said burial ground has been disused and is now vested in the Minister of Health:

(6) It is expedient to provide for the acquisition of part of the said burial ground (in this Act referred to as " the burial ground ") by the Corporation by agreement and to provide for the use thereof for the improvement of any street and for other purposes:

(7) By virtue of Orders in Council of Her late Majesty Queen Victoria dated the 18th October, 1854, and the 28th July, 1856, respectively, interment in the Wesleyan Chapel General Cemetery, Cheetham Hill, in the parish of Manchester (now known as the Cheetham Hill Methodist Cemetery and in this Act referred to as " the cemetery ") was discontinued except in family vaults and graves:

(8) By virtue of the Burial Grounds (Cheetham Hill Methodist Church, Manchester) Order 1967 burials in the cemetery were discontinued forthwith and entirely, subject to the exceptions and qualifications therein mentioned:

(9) It is expedient to provide for the acquisition by the Corporation by agreement of the cemetery and to enact the provisions of this Act with regard thereto:

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

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

(12) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

The construction of the works authorised by this Act	£800,000
The general purposes of the water undertaking of the Corporation including the provision of mains, pipes, filtration plant, pumps and other works and the acquisition of easements	£1,000,000

(13) The works included in such estimates are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

(14) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, 1933 c. 51. have been observed:

(15) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands which may be appropriated and used under the powers of this Act and the lands comprising the burial ground and the cemetery and also a book of reference containing the names of the owners or reputed owners and of the occupiers of those lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the city which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

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

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Manchester Corporation Act 1967.

(2) The Manchester Corporation Acts, 1844 to 1965, and this Act may be cited together as the Manchester Corporation Acts, 1844 to 1967.

Division of Act into Parts.

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

Part I.—Preliminary

Part II.—Highways

Part III.—Houses in multiple occupation

Part IV.—Disused burial ground and cemetery

Part V.—Water

Part VI.—Finance

Part VII.—Pensions

Part VIII.—Miscellaneous

Part IX.—General.

PART I —*cont.*

Interpretation. 1936 c. 49.

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

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

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

1957 c. 56. " the Act of 1957 " means the Housing Act, 1957;

1959 c. 25. " the Act of 1959 " means the Highways Act, 1959;

1960 c. 16. " the Act of 1960 " means the Road Traffic Act, 1960;

1965 c. xlii. " the Act of 1965 " means the Manchester Corporation Act 1965;

" the city " means the city of Manchester;

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

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

" the council " means the council of the city;

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

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

" financial year " means a period of twelve months ending on 31st March;

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

" land " includes water and any interests in land or water and any easement or right in, to or over land or water;

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

1952 c. 55.

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

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

1878 c. 76.

" the town clerk " means the town clerk of the city.

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

PART II

HIGHWAYS

Amendment of section 26 of Act of 1960.

4. Section 26 of the Act of 1960 shall have effect in its application to the city and to the council as if—

(1) in subsection (1) after paragraph (*e*) there were added the following paragraph:—

" or (*f*) for the proper planning or the improvement of the environment or the amenities of any part of the city or for improving or facilitating the movement, convenience or comfort of persons or other traffic using the road or any part of the road ";

(2) in subsection (3) after the words " exceptions so specified " there were inserted the words " or by foot passengers " and after paragraph (*e*) there were added the following paragraph:—

"(*f*) prohibiting the use of roads by vehicular traffic or by foot passengers ";

and after the words " express carriage " there were inserted the words " and no order under this section which could not have been made if this section had not been amended by section 4 (Amendment of section 26 of Act of 1960) of the Manchester Corporation Act 1967 shall be confirmed by the Minister unless he is satisfied—

(i) in the case of an order prohibiting the use by vehicular traffic of a road or any part of the width thereof upon which any service of stage carriages or express carriages is operated that there is an alternative road or part of the width of a road suitable for use by such carriages and convenient for the persons using or desiring to use them; and

(ii) that the order would not have the effect of preventing such access to, or egress from, any station or depot used by stage carriages or express carriages as may be reasonably required for vehicles using such station or depot ";

(3) the following new subsection were inserted after subsection (3):—

" (3A) In any case in which the authority intend to make an order under this section which could not have been made if this section had not been amended by section 4 (Amendment of section 26 of Act of 1960) of the Manchester Corporation Act 1967 and the effect of such order would be to prohibit the use of a road by vehicular traffic the authority shall

PART II —*cont.*

consult with such persons as appear to them to be affected by the order and such representative organisations as they think fit and if after such consultation as aforesaid, the authority determine that access to or within a reasonable distance of any premises where trade or business is carried on situated on or adjacent to the road is essential for the purpose of the loading and unloading of vehicles, the order shall make such provision for such access (either with or without the permission of the authority or a police constable in each case) as the authority may determine ";

(4) in subsection (4) after the words " as may be reasonably required " where those words first occur there were inserted the words " for foot passengers or " and after the words " any other premises accessible " there were inserted the words " for foot passengers or ";

(5) in subsection (5) after the words " buildings on or near it " there were inserted the words " or for the proper planning or the improvement of the environment or the amenities of any part of the city or for improving or facilitating the movement, convenience or comfort of persons or other traffic using the road or any part of the road ";

(6) in subsection (7) for the words from the beginning to " liable " there were substituted the words " A person who contravenes, or who uses a vehicle, or causes or permits a vehicle to be used, in contravention of a traffic regulation order shall be liable ".

Prevention or restriction of vehicular access to and from certain roads.

5.—(1) Where an order is made by the Corporation under section 26 of the Act of 1960 as amended by this Act or under any other enactment regulating or restricting traffic and, where necessary, confirmed by the Minister of Transport having the effect of preventing or limiting access by vehicular traffic to or from a road which is a highway maintainable at the public expense from or to any other street, the Corporation may for the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, that road (or on any proposed widening, improvement, realignment or reconstruction thereof) or that street, construct and maintain works in that road, and at its junction with that street, for such prevention or limitation.

(2) The powers conferred by subsection (1) of this section shall include power to light any such works as aforesaid, to pave, grass or otherwise cover them, or any part of them, to erect pillars, walls, rails or fences on, around or across them, or any part of them, and to plant on them trees, shrubs and other vegetation either for ornament or in the interests of safety.

PART II —*cont.*

(3) The Corporation may alter or remove any works constructed by them under this section.

(4) Before constructing any works under this section in any highway adjoining, or near to, any station or depot of the British Railways Board or of any passenger road transport operator, the Corporation shall consult with that Board or, as the case may be, that operator and any works carried out shall not affect the sighting of railway signals or the stability of railway works.

(5) In relation to any works constructed by the Corporation under this section, being works to which, apart from this subsection, the provisions contained in Part II of the Public Utilities Street Works Act, 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were executed for road purposes by an authority mentioned in subsection (1) of section 21 of that Act and were included in the works mentioned in paragraph (*a*) of the said subsection (1) of section 21.

1950 c. 39.

(6) If any person, without lawful authority, removes or interferes with any works constructed under this section, he shall be liable to a fine not exceeding five pounds.

Experimental traffic schemes.

6. Section 28 of the Road Traffic Act, 1962 (which relates to the making of experimental traffic schemes), shall have effect in its application to the city as if in paragraph (*a*) of subsection (1) after the words " as may be made by an Order under section 26 of the principal Act " there were inserted the words " as amended by the Manchester Corporation Act 1967 or under any other enactment regulating or restricting traffic."

1962 c. 59.

Buildings and structures over highways.

7.—(1) The Corporation may, for the benefit, improvement or development of the city, by licence authorise the construction of any building or structure over, above or across a public highway or part thereof in the city, on such terms and conditions as they think fit, including terms and conditions relating to the construction, use and maintenance of the building or structure:

Provided that—

(*a*) the Corporation shall not exercise the powers of this section as respects a trunk road without the consent of the Minister of Transport;

(*b*) before authorising, in exercise of the powers conferred by this section, the erection of any building or structure so as to reduce below sixteen feet six inches the clear headway over the carriageway of any highway, the Corporation shall give public notice of the proposal

PART II —*cont.*

by advertisement in some local newspaper circulating in the city and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice;

(*c*) before authorising, in exercise of the powers conferred by this section, the erection of any building or structure so as to reduce below seventeen feet six inches the clear headway over the carriageway of any street which is the only means of vehicular access to an electricity substation of the Central Electricity Generating Board or the North Western Electricity Board, the Corporation shall give notice of the proposal to the board concerned and shall take into consideration any written objections or representations in respect of such proposal which may be made by the board concerned within twenty-eight days of such notice.

(2) If after the passing of this Act a person, except in the exercise of statutory powers, constructs a building or structure over, above or across a public highway or part thereof within the city without a licence under this section or constructs or uses a building or structure over, above or across a public highway otherwise than in accordance with the terms and conditions of the licence or fails to remove or alter a building or structure over, above or across a public highway when required to do so in accordance with any condition of the licence or within one month from the date of the expiration of the licence the Corporation may serve upon the owner or occupier of the building or structure a notice requiring him to remove or alter the same as the case may be.

(3) If a person on whom a notice under subsection (2) of this section is served fails to comply, within twenty-eight days from the date of the service of the notice on him with a requirement of the notice he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(4) Where the Corporation have served a notice under subsection (2) of this section on any person and he is guilty of an offence by reason of his failure to comply with a requirement of the notice within the time specified in subsection (3) of this section then, whether or not proceedings are taken against him in respect of the offence, the Corporation may remove or alter (as the case may be) the building or structure to which the notice relates and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the building or structure to which the notice relates if, in either case, he is a person on whom the notice was served.

PART II —*cont.*

(5) Schedule 13 to the Act of 1959 shall apply in relation to any sum paid by an occupier of premises in complying with a requirement of the Corporation under subsection (2) of this section or, where the requirement was not complied with, in reimbursing the Corporation for expenses reasonably incurred by them under subsection (4) thereof:

Provided that—

(*a*) in the application of the said Schedule 13 a reference to this section shall be substituted for the reference to the Act of 1959; and

(*b*) the said Schedule 13 shall not so apply if the requirement was made in connection with a building or structure erected by that occupier.

(6) The Corporation shall not exercise the powers conferred upon them by this section so as to authorise the construction of a building or structure which would affect the sighting of railway signals or the stability of railway works.

(7) The provisions of this section shall not apply to any advertisement to which regulations made under section 34 of the Town and Country Planning Act 1962, or under the corresponding provisions of the Town and Country Planning Act, 1947, for the time being apply. 1962 c. 38. 1947 c. 51.

(8) Nothing in a licence granted under this section shall authorise any interference with a telegraphic line except with the consent of the Postmaster General or any interference with any mains, pipes, lines or apparatus (including any structure constructed for the lodging therein of mains, pipes, lines or apparatus) of any statutory undertakers except with the consent of those undertakers.

(9) Nothing in this section shall prejudice the powers of the Corporation under section 151 of the Act of 1959 (which empowers a highway authority to grant to the owner or occupier of premises adjoining a highway a licence to construct a way by means of a bridge over the highway on terms and conditions) or the rights of any person under a licence granted in pursuance of the said section 151.

PART III

HOUSES IN MULTIPLE OCCUPATION

Interpretation of this Part of Act.

8.—(1) In this Part of this Act the several words and expressions to which meanings are assigned by the Housing Acts, 1957 to 1964, have the same respective meanings unless there be something in the subject or context repugnant to such construction.

PART III —*cont.*

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

1961 c. 65.

" the Act of 1961 " means the Housing Act, 1961;

" the scheme " means a scheme made by the Corporation and confirmed by the Minister under section 22 as modified by this Part of this Act and for the time being in force;

" newly registrable house " means a house which at any time on or after the appointed day is not so let or occupied as to be registrable under the scheme whether or not it is subsequently so let or occupied;

" section 22 " means section 22 of the Act of 1961 (which relates to the registration of houses in multiple occupation) as amended by the Housing Act, 1964.

1964 c. 56.

Local Act scheme.

9.—(1) The register which the Corporation are authorised by the scheme to compile and maintain may include (in addition to the houses and buildings mentioned in subsection (1) of section 22) newly registrable houses in respect of which application is made for registration disclosing an intention to let them or cause them to be occupied in such a way as to render them registrable under the scheme.

(2) In addition to the matters which under subsection (3) of section 22 may be provided for the scheme may in respect of newly registrable houses—

(*a*) prescribe the persons who may make application for registration under this Part of this Act and the particulars to be given in any such application;

(*b*) provide for the entry in the register of any conditions imposed under section 11 (Registration of newly registrable houses) of this Act; and

(*c*) prescribe the persons to whom notice must be given under subsection (4) of the said section 11.

Prohibition on letting, etc., of certain houses unless registered.

10. On and after the appointed day no person shall let a newly registrable house in lodgings or permit a newly registrable house to be occupied by members of more than one family so as to render it registrable under the scheme unless it is registered by the Corporation under the scheme.

Registration of newly registrable houses.

11.—(1) Upon application being made for registration of a newly registrable house the Corporation may register the house or may give notice to the applicant that—

(*a*) they refuse to register the house on the ground that—

(i) the house is unsuitable and incapable of being made suitable for letting in lodgings or for occupation

PART III —*cont.*

by members of more than one family at all, or as proposed by the applicant or is situate in a locality the amenity or character of which would be injured by such letting or occupation; or

(ii) the person having control of the house or the person intended to be the person managing the house is not a fit and proper person; or

(*b*) they will register the house if and when there have been executed to the satisfaction of the Corporation such works as, having regard to the then state of repair of the house, the facilities then existing in the house and any conditions which may be imposed on registration, the Corporation may specify, being—

(i) works which will render the house suitable for letting in lodgings or for occupation by members of more than one family; and

(ii) works which they may be empowered by section 15 or 16 of the Act of 1961 to require the person having control of or the person managing the house to execute.

(2) If the Corporation do not within five weeks from the date of the receipt of an application for registration of a newly registrable house, or within such longer period as may be agreed in writing between the Corporation and the applicant, notify the applicant that they have registered the house to which the application relates, they shall be deemed to have refused to register it.

(3) The Corporation may when registering a newly registrable house impose conditions—

(*a*) as to the number of individuals who may live or lodge in the house so registered;

(*b*) as to the number of families or households which may live or lodge in the house so registered.

(4) The Corporation may on giving notice to such person as may be prescribed by the scheme vary any condition imposed by virtue of the last foregoing subsection.

Appeal to county court.

12.—(1) Any person aggrieved by a notice given under subsection (1) of the last foregoing section or by a deemed refusal of the Corporation to register a newly registrable house or by any condition imposed on registration or by a variation of any such condition (otherwise than in accordance with a direction under section 19 of the Act of 1961) may appeal to the county court within twenty-one days from the date of the service of the

PART III —*cont.*

notice or (as the case may be) the date on which the Corporation are deemed to have refused to register the house or the date on which the Corporation notify him of the condition or variation, or within such longer period as the Corporation may in writing allow.

(2) On an appeal to the county court under this section the judge may make such order confirming, reversing or varying the decision of the Corporation as he thinks fit, and if the order reverses or varies the decision of the Corporation, it shall be the duty of the Corporation to give effect thereto:

Provided that in the case of an appeal against a condition imposed on registration or against a variation of a condition the court shall not either refuse registration or impose a condition which is more onerous to the appellant than the condition or (as the case may be) the variation which is the subject of the appeal.

Fines for offences.

13.—(1) If a person—

(*a*) contrary to the provisions of this Part of this Act lets a newly registrable house in lodgings or permits a newly registrable house to be occupied by members of more than one family; or

(*b*) permits a greater number of individuals, or, as the case may be, a greater number of families or households, to live or lodge in a newly registrable house than the number prescribed by a condition imposed on the registration of the house;

the Corporation may serve a notice on him requiring him, within such reasonable time as may be specified in the notice, to comply with the said provisions or, as the case may be, the said condition.

(2) If a person, upon whom a notice has been served under subsection (1) of this section, fails to comply with the notice within the time specified therein, he shall be liable—

(*a*) in the circumstances mentioned in paragraph (*a*) of subsection (1) of this section—

(i) where he has not been previously convicted of an offence under this Part of this Act, to a fine not exceeding one hundred pounds; or

(ii) where he has been previously convicted of an offence under this Part of this Act, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine;

(*b*) in the circumstances mentioned in paragraph (*b*) of the said subsection (1) to a fine not exceeding fifty pounds.

PART IV

DISUSED BURIAL GROUND AND CEMETERY

Definitions for this Part of Act.

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

"the burial ground" means the land forming part of the disused burial ground in the city adjoining Withington Hospital, being the lands numbered 6 on the deposited plans;

"the cemetery" means the land in the city known as Cheetham Hill Methodist Cemetery, being the lands numbered 7 on the deposited plans;

"the Commission" means the Commonwealth War Graves Commission;

"Commonwealth war burial" means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947;

"grave" includes a grave space, vault, niche or urn;

"memorial" includes a monument, gravestone, tablet, tombstone, headstone, kerbstone, railings, vase and any other ornament placed or erected on any grave;

"the trustees" means the Trustees of the Cheetham Hill Methodist Church holding under the Methodist Model Deed, 1932.

Power to acquire burial ground.

15. The Corporation may acquire the burial ground by agreement.

Discharge of trusts and restrictions affecting burial ground.

16. As from the date of the conveyance of the burial ground to the Corporation the burial ground shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing of this Act attached to the burial ground under ecclesiastical law and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the passing of this Act.

Power to use burial ground for street improvement or widening or other purposes.

1884 c. 72.

17. Notwithstanding anything contained in the Disused Burial Grounds Act, 1884, or any other enactment but subject to the provisions of this Act it shall be lawful at any time after the acquisition of the burial ground by the Corporation to use, deal with or dispose of the burial ground or any part thereof for the

PART IV —*cont.*

improvement or widening of any street or in connection therewith for the construction of any subway or for the erection of any structure or building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the purpose of burial of human remains.

Removal of human remains.

18.—(1) Before any part of the burial ground is used for—

(*a*) the widening of any street; or

(*b*) the construction of a subway; or

(*c*) the erection of a structure or building; or

(*d*) any other purpose;

the Corporation shall remove or cause to be removed therefrom the remains of all deceased persons interred therein:

Provided that if it appears to the Secretary of State that compliance with any of the requirements of this subsection is in all the circumstances unnecessary in relation to all or any of the remains, he may dispense (on such conditions, if any, as he thinks fit) with compliance with those requirements in relation to those remains.

(2) (*a*) Before proceeding to remove any such remains the Corporation shall give notice of their intention so to do by publishing a notice in manner provided in paragraph (*b*) of this subsection in at least two local newspapers circulating in the city and shall display a like notice in a conspicuous place in the burial ground and such notice shall have embodied in it the substance of subsections (3), (4), (5), (6), (7), (8) and (9) of this section.

(*b*) The notice referred to in paragraph (*a*) of this subsection shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(3) At any time within two months after the first publication of such notice any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground may give notice to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty within two months from the date of such last-mentioned notice to cause such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place (but in the case of a churchyard only with the consent of the incumbent of the benefice concerned) or to be removed to and cremated in any crematorium.

PART IV —*cont.*

(4) If any person giving such notice as aforesaid fails to satisfy the Corporation that he is such personal representative or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the Manchester County Court who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(5) The expenses of a removal and reinterment or cremation (not exceeding in respect of remains removed from any one grave the sum of forty pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such a notice has been given the person giving it or, as the case may be, the person specified in any order made under subsection (4) of this section fails to comply with a provision of this section, the Corporation may remove the remains of the deceased person and cause them to be reinterred in such other burial ground or cemetery in which burials may legally take place as the Corporation thinks suitable for the purpose (but in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall be required) or cremated in such crematorium as the Corporation think fit.

(7) Upon any removal of remains from any part of the burial ground, the Corporation shall deposit with the Registrar General a certificate of removal and reinterment or cremation giving the dates of removal and reinterment or cremation respectively, identifying the place from which the remains were removed and the place in which they were reinterred or cremated and showing the particulars of each removal separately.

(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall, at the expense of the Corporation, be removed and re-erected at the place of reinterment of such remains or at such place as the said County Court may direct on the application (if any) of such personal representative or relative as aforesaid or, failing such application, on the application of the Corporation, and the Corporation shall cause a record to be made of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry, and a copy of such record shall be deposited with the Registrar General:

Provided that in the case of a monument or tombstone in respect of which no application is made by such personal representative or relative as aforesaid, it shall not be necessary to

PART IV —*cont.*

re-erect the monument or tombstone if the Corporation considers that by reason of its ruinous condition it is unsuitable for re-erection, and any such monument or tombstone may be disposed of in such manner as the Corporation may determine.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the city.

Acquisition and conveyance of cemetery.

19. The Corporation may acquire the cemetery by agreement and the trustees may convey the cemetery to the Corporation.

Discharge of trusts and restrictions affecting cemetery.

20. As from the date of the conveyance of the cemetery to the Corporation the cemetery shall subject to the provisions of section 25 (Saving for excepted rights of burial in cemetery) of this Act be freed and discharged from all rights and interests of any person who is a personal representative of any deceased person whose remains are interred in the cemetery and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the passing of this Act.

Use of cemetery. 1884 c. 72.

21. Notwithstanding anything contained in the Disused Burial Grounds Act, 1884, or any other enactment but subject to section 25 (Saving for excepted rights of burial in cemetery) of this Act, as from the date of the conveyance of the cemetery to them the Corporation may drain, level, lay out and maintain the cemetery or any part thereof for use

(*a*) as an open space (including the playing of games), or

(*b*) as a school playing field,

and for such use they may erect and maintain thereon such buildings, structures or erections as they think fit.

Power to lower, cover up and remove memorials.

22.—(1) Subject to the provisions of this section and of section 25 (Saving for excepted rights of burial in cemetery) of this Act, the Corporation may at their discretion at any time after the conveyance of the cemetery to them—

(*a*) level or raise the surface of the cemetery notwithstanding that there may be graves thereunder or memorials thereon, and may lower any such memorials to the level of the ground or cover the same with soil;

(*b*) remove and, if they think fit, use, sell or otherwise dispose of any memorial in the cemetery;

and the Corporation shall cause to be made a record of such memorials showing the particulars respecting each memorial as a separate entry and shall deposit a copy of such record with the Registrar General.

PART IV —*cont.*

(2) (*a*) Before lowering or covering up or removing any memorial relating to the remains of any deceased person under subsection (1) of this section, the Corporation shall—

(i) publish notice of their intention so to do once in each of two successive weeks in a local newspaper circulating in the city with an interval between the dates of publication of not less than six clear days; and

(ii) display a notice thereof in a conspicuous position in the cemetery.

(*b*) Each of the notices shall—

(i) contain brief particulars of the works intended to be executed; and

(ii) specify a date as being that on which it is intended that the Corporation will begin to execute those works, which shall be a date not less than two months after the date of the earlier of the two publications or after the date on which the notice in the cemetery is first displayed.

(3) (*a*) At any time before the date specified in a notice under subsection (2) of this section in relation to any memorial relating to the remains of any deceased person, any person who is a personal representative or relative of the deceased person may give notice to the Corporation of his intention to undertake the removal of that memorial and thereupon, subject to the provisions of paragraphs (*b*) and (*c*) of this subsection, he shall be at liberty to remove that memorial from the cemetery.

(*b*) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the Manchester County Court, who shall have power to make an order specifying who shall remove the memorial and as to the payment of the costs of the application.

(*c*) If such person shall not have removed such memorial from the cemetery within one month after the service by him of a notice under paragraph (*a*) of this subsection or (if application shall have been made to the county court under paragraph (*b*) of this subsection the person named in any order made under that paragraph shall not have removed such memorial) within one month after the making of an order under the said paragraph (*b*) the Corporation may exercise the powers under subsection (1) of this section with regard to that memorial.

For protection of Commonwealth War Graves Commission.

23.—(1) As soon as practicable after the date of the conveyance of the cemetery to them the Corporation shall to the reasonable satisfaction of the Commission remove and dispose of any memorial placed or erected by the Commission over any

PART IV —*cont.*

grave in which there is a Commonwealth war burial and in particular shall ensure that if so required by the Commission the memorial is broken up in a manner so as to render all inscription and insignia thereon illegible.

(2) Upon the removal in pursuance of any of the powers of this Act of any memorial from any grave in the cemetery in which there is a Commonwealth war burial no other memorial shall be placed or erected over such grave.

(3) No building, structure or erection shall at any time be placed or erected over any Commonwealth war burial in the cemetery.

Restriction on interference with bodies.

24.—(1) The Corporation shall not cause or permit any interference with or disturbance of the remains of any deceased person interred in the cemetery except where authorised by a licence of the Secretary of State for the Home Department and, in the case of a Commonwealth war burial, after prior notification to the Commission of the application for the licence.

(2) Nothing in the following sections of this Act, namely:—

Section 20 (Discharge of trusts and restrictions affecting cemetery);

Section 21 (Use of cemetery);

Section 22 (Power to lower, cover up and remove memorials);

1857 c. 81.

shall affect the provisions of section 25 of the Burial Act, 1857 (which prohibits the removal of bodies from burial grounds, save under faculty, without licence of the Secretary of State).

Saving for excepted rights of burial in cemetery.

25.—(1) Nothing in the foregoing provisions of this Part of this Act shall prejudicially affect the rights of burial in the cemetery which are referred to in the proviso to article 1 of the Burial Grounds (Cheetham Hill Methodist Church, Manchester) Order 1967.

(2) The Corporation may agree with any persons whose rights of burial in the cemetery are referred to in subsection (1) of this section for the extinction of such rights on such terms as may be agreed.

PART V
WATER

Incorporation of provisions of Schedule 3 to Water Act, 1945.

1945 c. 42.

26. The following provisions of Schedule 3 to the Water Act, 1945 (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act), are hereby incorporated with this Act:—

Part I (Interpretation) so far as it relates to the following provisions of the said Schedule 3:—

PART V —*cont.*

Section 2 (Permissible limits of deviation);
Section 4 (General power to construct subsidiary works);
Section 6 (Penalty for obstructing construction of works); and
Part IV (Minerals underlying waterworks):

Provided that, as incorporated by this section—

(*a*) section 2 of the said Schedule 3 shall have effect as if for the words " the plans submitted to the Minister " there were substituted the words " the deposited plans " and for the words " the said plans " wherever they occur there were substituted the words " the deposited sections ";

(*b*) section 4 of the said Schedule 3 shall have effect as if the words from the beginning of the section to the words " abstract water " were omitted and as if for the words " any land for the time being held by them in connection with their water undertaking " there were inserted the words " the lands delineated on the deposited plans and within the limits of deviation in respect of the works authorised by the Special Act ";

(*c*) section 12 of the said Schedule 3 shall have effect as if for the words " after this section is incorporated with their enactments " there were substituted the words " under the Special Act "; for the words " all existing pipes or other conduits for the collection passage or distribution of water and underground works belonging to them " there were substituted the words " all such pipes or other conduits or underground works "; and as if the words " for the time being belonging to them " were omitted.

Power to appropriate lands for waterworks.

27.—(1) Notwithstanding any enactment or rule of law, but subject to the provisions of subsection (3) of this section, the Corporation may, for the purposes of the works authorised by this Act, enter upon, appropriate and use, in accordance with the provisions of this Act, all or any of the lands numbered 8 and 9 on the deposited plans.

(2) All or any of the lands numbered 8 on the deposited plans which are appropriated and used by the Corporation for the purposes of the works authorised by this Act shall, subject to the provisions of subsection (3) of this section, cease to form part of Heaton Park and any right of way over the lands or other right relating thereto enjoyed by any person in so far as the exercise thereof would interfere with the use of the lands for the purposes of the works authorised by this Act, or the execution of such works, shall not be exercisable.

PART V —*cont.*

(3) Upon the completion of the construction of the works authorised by this Act—

(*a*) so much of the lands numbered 8 on the deposited plans as shall have been appropriated by the Corporation under subsection (1) of this section and as is not shown hatched on the deposited plans shall, subject to the rights of the Corporation to maintain, renew, inspect and have access to any works constructed therein or thereunder, revert to and again form part of Heaton Park; and

(*b*) so much of the lands numbered 9 on the deposited plans as contains any part of the covered service reservoir authorised by this Act shall, subject to the said rights of the Corporation, be included in and form part of Heaton Park;

and the lands referred to in paragraphs (*a*) and (*b*) of this subsection shall thereafter be subject to the like rights, trusts and incidents as were attached to the lands referred to in paragraph (*a*) of this subsection immediately before their appropriation under this section and, subject to the said rights of the Corporation, any enactment relating to Heaton Park shall be enforceable as fully and effectually as if the lands referred to in the said paragraphs (*a*) and (*b*) had always formed part of Heaton Park.

Power to construct works.

28. Subject to the provisions of this Act the Corporation may make and maintain in the city in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections and upon the lands numbered 8 and 9 on those plans the following works, together with all necessary works and conveniences connected therewith or incidental thereto, that is to say:—

A covered service reservoir and treatment works in Heaton Park.

Works to form part of water undertaking.

29. The works authorised by this Act shall for all purposes form part of the water undertaking of the Corporation as from time to time authorised.

For protection of North Western Gas Board.

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

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

" adequate alternative apparatus " means alternative apparatus adequate to enable the gas board to fulfil their statutory functions in a manner not less efficient than previously;

PART V —*cont.*

"apparatus" means the existing main and apparatus belonging to and maintained by the gas board situate in the lands numbered 8 on the deposited plans;

"gas board" means the North Western Gas Board;

"in" in a context referring to apparatus includes under, over, across, along or upon;

"position" includes depth;

"works" means the works authorised by section 28 (Power to construct works) of this Act:

(2) If the Corporation, for the purpose of or in connection with the construction of any of the works, desire the removal of any apparatus, they shall give to the gas board written notice of such desire together with a plan and section of the work proposed and of the proposed position in which alternative apparatus may be provided:

(3) The Corporation shall afford to the gas board the necessary facilities and rights for the laying down of adequate alternative apparatus in other lands of the Corporation and thereafter for the maintenance, repair, renewal and inspection of such apparatus, and any alternative apparatus to be laid down in lands of the Corporation in pursuance of this paragraph shall be laid down in such manner and in such line as may be agreed between the Corporation and the gas board in or under the intended private carriageway and footpath diversion shown on the deposited plans:

(4) The gas board shall, after the line and situation of any necessary alternative apparatus and the manner in which the alternative apparatus shall be laid down have been agreed and after the grant to the gas board of any such facilities and rights as are referred to in paragraph (3) of this section, proceed with all reasonable dispatch to lay down and bring into operation the alternative apparatus and thereafter to remove any apparatus desired by the Corporation to be removed under the provisions of this section, and, in default, the Corporation may remove the apparatus:

(5) Where in accordance with the provisions of this section the Corporation afford to the gas board facilities and rights in lands of the Corporation for the laying down,

PART V —*cont.*

maintenance, repair, renewal and inspection of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the gas board or as in default of agreement may be determined by arbitration:

(6) The expenses of all repairs and renewals of any apparatus which may be rendered necessary by reason or in consequence of the construction of the works or any subsidence resulting from the works shall be borne by the Corporation and paid by them to the gas board:

(7) The Corporation shall repay to the gas board the reasonable expenses incurred by the gas board in or in connection with—

(*a*) the removal and relaying or replacing of any apparatus and the provision, laying down or placing of any new apparatus under the provisions of this section, less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal);

(*b*) the cutting-off of any apparatus from any other apparatus;

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

1950 c. 39.

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 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 set out in Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under section 30 (For protection of North Western Gas Board) of the Manchester Corporation Act 1967 ":

(8) If by reason or in consequence of the works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended

PART V —*cont.*

removal or abandonment) or property of the gas board, or any interruption in the supply of gas, shall be caused, the Corporation shall—

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

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

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

Provided that—

(i) nothing in this paragraph shall impose any liability on the Corporation with respect to any damage or interruption which may be attributable to the act, neglect or default of the gas board or their contractors or workmen;

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

(9) (*a*) Except as otherwise expressly provided by this section any difference which may arise between the Corporation and the gas board thereunder shall be referred to and be determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of either party (after notice in writing to the other party) by the President of the Institution of Civil Engineers;

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

PART VI

FINANCE

Power to borrow.

31.—(1) The Corporation may borrow—

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

PART VI —*cont.*

(*b*) without the consent of any sanctioning authority such sums as may be requisite for the purpose of lending to a local authority under section 32 (Power to Corporation to lend money to local authorities, etc.) of this Act;

(*c*) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan
(i) The construction of the works authorised by this Act	£800,000	Sixty years.
(ii) The general purposes of the water undertaking of the Corporation including provision of mains, pipes, filtration plant, pumps and other works and the acquisition of easements	£1,000,000	Forty years.
(iii) The payment of the costs, charges and expenses of this Act	The sum requisite	Five years.

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

(3) Every sum borrowed under paragraph (*c*) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the foregoing table.

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

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

1946 c. 58.

Power to Corporation to lend money to local authorities, etc.

32.—(1) The Corporation may lend to any local authority, and a local authority may borrow from the Corporation, upon such terms and conditions as may be agreed, such money as the

PART VI —*cont.*

Corporation think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed, and any money so lent shall be repaid to the Corporation by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment by the local authority of the money they are authorised to borrow.

(2) Any agreement under this section may be made by resolutions passed respectively by the Corporation and by the local authority.

(3) Any sum borrowed by the Corporation for the purpose of this section shall be repaid within a period to expire not more than one year after that for which the same was lent by them to the local authority.

(4) Where any sum is borrowed by the Corporation for the purposes of this section it shall be lawful for the Corporation for such periods as they may think fit to suspend any annual provision required to be made by virtue of any enactment for the time being in force for the repayment of the sum borrowed.

(5) The Corporation shall be entitled to charge such rate of interest in respect of any particular loan under this section as may be agreed between the Corporation and the borrower:

Provided that the Corporation shall ensure so far as it is reasonably practicable to do so that having regard to all the circumstances existing at the time the loan is made the rate of interest agreed is such that no loss is incurred by the Corporation in respect of the loan.

(6) All costs, charges and expenses incurred by the Corporation in respect of any particular loan under this section shall be met by the borrower.

(7) In this section the expression "local authority" means the council of a county, county borough or county district and any other authority being a local authority as defined by section 34 of the Local Loans Act, 1875, and includes any joint board if all the constituent authorities are such local authorities as aforesaid. 1875 c. 83.

Borrowing by bills: 1901 c. cxciii.

33. Section 28 (Further amendment of section 44 of the Manchester Corporation Act, 1901) of the Act of 1965, shall have effect as if the following paragraph were substituted for paragraph (3):—

"(3) the following paragraph shall be substituted for paragraph (13) of the said section 44:—

'(13) the aggregate amount payable on bills current at any one time shall not exceed—

(*a*) the sum of three million pounds; or

(*b*) one-fifth of the amount estimated to be produced by the general rate levied in the city during the then current financial year;

PART VI —*cont.*

whichever is the greater, except by the amount payable on bills issued shortly before any other bills fall due in order to pay off such last-mentioned bills.' ".

Temporary loans.

34.—(1) The Corporation may lend money for a period not exceeding twelve months to any person on the security of—

(*a*) any stock, bonds, bills or other property in which trustees are by law authorised to invest trust money or a certificate to bearer relating to any such stock; or

(*b*) Treasury bills or bills issued by a local authority; or

(*c*) bills or bonds payable or guaranteed by the Treasury or secured upon the revenues of or local rates leviable by any local authority in the United Kingdom authorised to issue bills or bonds and in the securities of which trustees are by law authorised to invest; or

(*d*) any securities transferable by delivery issued or guaranteed by the Government of any overseas territory within the Commonwealth in the securities of which trustees are by law authorised to invest.

(2) The aggregate amount of money lent under this section which is outstanding at any one time shall not exceed two million pounds.

(3) The Corporation shall determine the percentage by which the value of the securities on which a loan is to be made under this section shall exceed the amount of the loan.

Loans to Manchester Ship Canal Company. 1950 c. lvii.

35. The following provision shall be substituted for subsection (4) of section 37 (Power to guarantee interest on Ship Canal Company's loans) of the Manchester Corporation Act, 1950, as re-enacted in section 31 of the Act of 1965:—

" (4) Where any sum is borrowed by the Corporation for the purposes of this section it shall be lawful for the Corporation for such periods as they may think fit to suspend any annual provision required to be made by virtue of any enactment for the time being in force for the repayment of the sum borrowed."

Amendment of power to issue bonds. 1962 c. xxx.

36. Section 34 (Power to issue bonds) of the Manchester Corporation Act, 1962, and Schedule 1 to that Act, shall have effect as if the following amendments were made in that Schedule—

(1) the following provisions were substituted for paragraph 1:—

" 1.—(*a*) Subject to the provisions of sub-paragraph (*b*) of this paragraph bonds issued under this Act shall—

(i) bear interest at such rate as the Corporation may determine at the time of the issue of the bonds;

PART VI —*cont.*

(ii) be issued for such period as the Corporation may determine being not less than a period of one year;

(*b*) Notwithstanding anything contained in sub-paragraph (*a*) of this paragraph—

(i) bonds issued to and held continuously by trustee savings banks and building societies and persons and bodies of such other classes as the Corporation may, with the consent of the Treasury, from time to time determine shall not be deemed to have been issued for a period of less than one year by reason only of the fact that the holder of such a bond has the right to claim premature repayment under a stress clause;

(ii) a bond shall not be deemed to have been issued for a period of less than one year by reason only of the fact that it is issued on the condition that it may at the discretion of the Corporation be repaid upon the death of the holder or in any other case for the purpose of relieving hardship to the holder.";

(2) in the form of certificate, the words " repayable at par as follows " were substituted for the words " repayable at par on the , 19 at the ."

PART VII
PENSIONS

Investment of pension fund. 1920 c. xcvii.

37.—(1) Section 70 (Use and investment of pension fund) of the Manchester Corporation Act, 1920, shall have effect as if the following provisions were substituted for subsection (2):—

" (2) So much of the pension fund as shall not be required to meet payments arising in pursuance of this Part of this Act and as shall not be used in manner provided by sub-section (1) of this section shall be invested or used—

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

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

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

PART VII —*cont.*

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

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

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

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

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

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

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

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

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

PART VII —*cont.*

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

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

(ii) building operations or other development;

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

(*l*) upon the security of freehold or leasehold ground rents, land charges or rent-charges;

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

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

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

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

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

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

(2) (*a*) In subsection (2) of the said section 70 as substituted by subsection (1) of this section the expression " recognised stock exchange " in its application to the United Kingdom, means

PART VII —*cont.*

any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act, 1958. 1958 c. 45.

(*b*) For the purposes of the said subsection (2) of the said section 70 as so substituted the value of any investment forming part of the pension fund shall be treated as being the value of the investment at the time at which it was made.

(3) All costs, charges and expenses incurred by the Corporation in investing moneys forming part of their pension fund or otherwise in relation thereto shall be paid by the Corporation out of the said fund.

(4) Section 24 (Investment of pension fund) of the Manchester Corporation Act, 1956, section 55 (Amendment of section 24 of the Act of 1956) of the Manchester Corporation Act, 1958, and section 14 (Amendment of section 24 of the Manchester Corporation Act, 1956) of the Manchester Corporation Act, 1961, are hereby repealed. 1956 c. lxxxiii. 1958 c. vii. 1961 c. xxix.

PART VIII

MISCELLANEOUS

Microfilming of documents.

38.—(1) The Corporation may make and retain microfilm recordings of documents of the Corporation.

(2) Notwithstanding anything contained in any enactment, the Corporation may destroy any documents of the Corporation, other than minute books, of which they have made and retained microfilm recordings:

Provided that the Corporation shall not under this section destroy records deposited with them under the Public Records Act, 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act, 1962. 1958 c. 51. 1962 c. 56.

(3) An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed for all purposes to be a copy of that document.

(4) Notwithstanding anything contained in any enactment or any rule of law an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the town clerk certifies that—

(*a*) the document has been destroyed; and

(*b*) a microfilm recording of the document has been made; and

(*c*) the enlargement is an enlargement of that microfilm recording.

(5) In this section unless the context otherwise requires— PART VIII —*cont.*

(*a*) "document" means the whole or part of a register, book, map, plan or other document and includes a notice, licence, certificate, scheme or order made, passed or granted by the council or any committee of the council;

(*b*) "microfilm recording" means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.

Amendment of section 55 of Manchester Corporation Act, 1911. 1911 c. cviii.

39. The Corporation may from time to time exercise the powers of section 55 (Corporation may define boundaries of rivers brooks and watercourses) of the Manchester Corporation Act, 1911, with respect to the whole or part of the course of a river, brook or watercourse within the city, and accordingly the said section 55 shall have effect subject to the following amendments—

(1) In subsection (1), after the words "river, brook or watercourse", where those words first occur, there shall be inserted the words "or any part of a river, brook or watercourse";

(2) In subsection (1), after the words "river, brook or watercourse", except where those words first occur there shall be inserted the words "or part thereof";

(3) In subsection (1), for the words "all along its course", there shall be substituted the words "along the course of such river, brook or watercourse or along any part of its course (as the case may be)";

(4) The following subsection shall be substituted for subsection (2)—

"(2) (*a*) The Corporation shall within one month after completion of the said plan give public notice thereof by advertisement in two newspapers circulating in the city and the owner or owners of any lands adjoining such river, brook or watercourse may within one month after the publication of the notice object to the plan by sending notice of his or their objection and of the grounds thereof to the Minister of Housing and Local Government and by sending a copy thereof to the Corporation;

(*b*) If any objection is duly made as aforesaid and is not withdrawn the Minister of Housing and Local Government shall (unless he is satisfied that for the purpose of deciding whether or not to confirm or vary the plan he is sufficiently informed as to the

PART VIII —*cont.*

matters to which the objection relates) cause a public local inquiry to be held into the plan and after considering the report of the person who held the inquiry may confirm or vary the plan;

(*c*) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply in relation to any such inquiry.";

1933 c. 51.

(5) In subsection (3), after the words "river, brook or watercourse" there shall be inserted the words "or part thereof";

(6) The following subsection shall be inserted after subsection (4)—

"(5) Nothing in this section shall apply to a river, brook or watercourse, or any part of a river, brook or watercourse, which is for the time being to be treated as part of the main river of the Mersey and Weaver River Authority for the purposes of Part II of the Land Drainage Act, 1930."

1930 c. 44.

Employment of after-care patients and others in vehicle washing plant.

1946 c. 81.
1959 c. 72.

40.—(1) For the purpose of their functions under section 28 of the National Health Service Act, 1946 (which relates to the prevention of illness and the care and after-care of patients) and section 6 of the Mental Health Act, 1959 (which relates to functions of local health authorities in respect of persons who are or have been suffering from mental disorder), the Corporation may provide buildings, plant and machinery for washing vehicles and may operate a service of washing vehicles of the Corporation and of other persons, and may employ in the operation thereof persons to whom the said section 28 or the said section 6 apply, and such other persons as the Corporation may think fit:

Provided that the approval of the Minister of Health shall not be required for the exercise of the powers of this section.

(2) The Corporation may make such reasonable charges as they think fit for the washing of vehicles.

Securing of unoccupied buildings.

41.—(1) (*a*) Before accepting, under section 16 of the Act of 1957, an undertaking that any house will not be used for human habitation until the Corporation cancel the undertaking, the Corporation may require an additional undertaking that, until the first-mentioned undertaking is cancelled, the premises will be effectively secured so as to prevent, so far as is reasonably practicable, the entry into the premises, or any part thereof, when unoccupied, of any person other than the owner or a person authorised by the owner or the Corporation.

PART VIII —*cont.*

(*b*) Section 17 of the Act of 1957 shall, subject to any necessary modifications, apply in relation to any such additional undertaking as it applies in relation to such undertaking as is mentioned in the said section 16.

(2) Where—

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

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

(*c*) a house or building in the city is unoccupied for a period exceeding six weeks;

the Corporation may, by notice to the owner of the house or building, require him, within such reasonable time as may be specified in the notice (not being less than seven days from the date when the notice becomes operative), to do such things in relation to the house or building, or the part thereof (as the case may be), as are reasonably required effectively to secure it so as to prevent the entry into the premises, when unoccupied, of any person other than the owner or a person authorised by the owner or the Corporation:

Provided that—

(i) a notice under this subsection with respect to a house or building to which paragraph (*c*) thereof applies shall not require a person to seal a door, window or other opening by means of any work which involves the use of bricks or masonry; and

(ii) notwithstanding anything contained in this section the owner of a house or building or part thereof shall not be required to comply with a notice under this subsection with regard thereto if he has so secured the house or building or part to which the notice relates immediately before or at any time after it was closed or vacated or became unoccupied (as the case may be).

(3) A notice under subsection (2) of this section shall not require a person, when he has effectively secured a house or building, or any part thereof, as may be required in the notice, to keep the premises so secured but, if at any time after the premises have been so secured (whether in compliance with such a notice

PART VIII —*cont.*

or in the circumstances mentioned in paragraph (ii) of the proviso to the said subsection (2)) it appears to the Corporation that they are no longer so secured, they may, after giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do such things in relation to the house or building, or part thereof, as will so secure the premises against entry.

(4) Sections 10, 11 and 37 of the Act of 1957 (which make provision for enforcement of certain notices and with respect to appeals against, and the date of operation of, such notices) shall, subject to any necessary modifications, apply in relation to a notice under subsection (2) of this section.

(5) A notice shall not be given under subsection (2) of this section in any case where the Corporation have approved the use for any purpose of any premises which have been ordered to be closed so long as the premises are used for that purpose.

(6) Nothing in this section shall prejudice the powers of the Corporation to take steps to deal with any dangerous, ruinous or dilapidated house or building under any enactment.

(7) In this section—

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

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

Certain vehicles deemed to be property of Corporation for third-party insurance purposes.

42. Any vehicle for the time being in the custody and control of the Corporation and in charge of a person in their employment or any other person for whose actions they are responsible shall be deemed to be a vehicle owned by the council of a county borough for the purposes of Part VI of the Act of 1960 (which relates to compulsory insurance or security against third-party risks arising out of the use of motor vehicles).

Alteration of fees for licences, etc.

43.—(1) The enactments mentioned in column 1 of Schedule 1 to this Act (which specify fees or maximum fees for licences to which those enactments relate or for registration under those enactments) may be amended by an order made by the Minister specified in relation to the enactment in question in column 2 of the said Schedule, so as to vary any sum specified by that enactment.

(2) An order made under this section may be revoked or varied by a subsequent order made in like manner.

(3) The power to make an order under this section shall be exercisable by statutory instrument.

(4) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART VIII —*cont.*

Museum of science and technology.

44.—(1) The Corporation, the University and the Institute and any other body or bodies or the Corporation and any one or more of those bodies may by agreement provide or maintain or both provide and maintain a museum of science and technology (in this section referred to as " the science museum ") and may employ such officers and servants and do all such things as may be necessary or expedient for or in connection with the provision or maintenance thereof.

(2) Without prejudice to the generality of the foregoing subsection, there may be provided in the science museum—

(*a*) machinery, equipment, exhibits and things of scientific and technological interest; and

(*b*) a planetarium.

(3) Sections 13, 14, 15, 19 and 20 of the Public Libraries and Museums Act 1964 shall, with the necessary adaptations, apply to the science museum as they apply to a museum maintained by a local authority. 1964 c. 75.

(4) In or in connection with the science museum, provision may be made for—

(*a*) the giving of lectures (including the giving of lectures in schools or elsewhere), teaching and the provision of facilities for research;

(*b*) the giving of information and advice and the publication of bulletins, journals or other documents;

(*c*) receiving by way of purchase or loan exhibits, specimens and other objects and the lending of the same to other persons;

(*d*) the provision and maintenance (on payment or otherwise) of such facilities as may be expedient for the promotion or furtherance of science and technology or scientific, historic or other research;

(*e*) the provision of meals and refreshments and the making of reasonable charges therefor:

Provided that nothing in paragraph (*e*) shall affect the provisions of any enactment by virtue of which a licence is required for the sale of intoxicating liquor.

(5) The Corporation, the University and the Institute and any other body with whom an agreement has been made under subsection (1) of this section may concur in appointing a joint committee for the exercise of such of the functions under the preceding provisions of this section as may be agreed.

PART VIII —*cont.*

(6) An agreement entered into between the Corporation, the University and the Institute and any other body under this section may (inter alia) provide—

(*a*) that the Corporation shall provide or maintain a building for the science museum;

(*b*) that a building provided or maintained by the Corporation for the purposes of this section shall, for such period and on such terms and conditions as may be specified in the agreement, be used jointly by the Corporation, the University and the Institute and any such other body for such purposes;

(*c*) for the making of contributions by the Corporation, the University and the Institute and any such other body towards the expenditure incurred in the provision and maintenance of any building as a science museum and any other expenditure incurred for the purposes of this section;

(*d*) for the constitution of a joint committee appointed under the last preceding subsection and the regulation of its proceedings.

(7) (*a*) The Corporation may purchase by agreement land required for the purposes of this section.

(*b*) The Secretary of State may authorise the Corporation to purchase compulsorily any land which they require for the purposes of this section, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

1946 c. 49.

(8) It shall be lawful for the Corporation to permit any person who is not an officer or servant of the Corporation but is employed in or in connection with the science museum to become a contributor to the pension fund of the Corporation as if he were an officer or servant of the Corporation.

(9) In this section—

"the University" means the Victoria University of Manchester;

"the Institute" means the University of Manchester Institute of Science and Technology.

PART IX

GENERAL

Local inquiries.

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

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 " 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 " Minister of the Crown " has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946. 1946 c. 31.

The appointed day.

46.—(1) In this Act " 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.

(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 of the city 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.

Restriction on right to prosecute.

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

Application of general enactments.

48.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included references to this Act except the provisions of Part II (Highways).

PART IX —*cont.*

(2) The sections of the Act of 1959 mentioned in Part II of Schedule 2 to this Act shall have effect as if references therein to that Act included references to the following sections of this Act, namely:—

Section 5 (Prevention or restriction of vehicular access to and from certain roads);

Section 7 (Buildings and structures over highways).

(3) Section 264 of the Act of 1959 shall have effect as if the reference therein to any of the provisions of that Act which are specified in Schedule 18 thereto included a reference to section 7 (Buildings and structures over highways) of this Act.

(4) Section 287 of the Act of 1936 shall have effect as if references therein to that Act included a reference to section 41 (Securing of unoccupied buildings) of this Act.

Saving for town and country planning. 1962 c. 38.

49. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land, notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

50. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

SCHEDULES

SCHEDULE 1

Section 43.

VARIATION OF FEES FOR LICENCES, REGISTRATION, ETC.

Enactments specifying fees	Relevant Minister	
Manchester Police Regulation Act, 1844— Section 143 (Licensing of hackney carriages) Section 146 (Licensing of hackney carriage drivers) and Section 187 (Licensing of broker or dealer in second-hand goods or articles)		1844 c. xl.
Manchester Corporation Act 1924— Section 91 (Registration of theatrical agencies)	The Secretary of State.	1924 c. xcv.
The Act of 1965— Section 18 (Entertainment clubs)		
Manchester Corporation Act 1924— Section 78 (Licensing of establishments for massage or special treatment)		
Manchester Corporation Act, 1954— Section 47 (Registration of weighing-machines)	The Board of Trade.	1954 c.xlviii.

Section 48.

SCHEDULE 2

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283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

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SECTIONS OF THE ACT OF 1959 APPLIED TO SECTIONS 5 AND 7 OF THIS ACT

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270	Continuing offences.
278	Judges and justices not to be disqualified by liability to rates.
280	Notices, etc., to be in writing; forms of certain documents.

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SIR PERCY FAULKNER, K.B.E., C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

Manchester Corporation Act 1967

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5. Prevention or restriction of vehicular access to and from certain roads.
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7. Buildings and structures over highways.

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8. Interpretation of this Part of Act.
9. Local Act scheme.

Section
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12. Appeal to county court.
13. Fines for offences.

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