Manchester Corporation (General Powers) Act 1971

CHAPTER lxvii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.

PART II

AIRCRAFT NOISE

4. Interpretation of Part II of Act.
5. Grants towards cost of sound-proofing dwellings.
6. Schemes for grants towards cost of sound-proofing dwellings.
7. Purchase of land for works for the mitigation of aircraft noise.
8. Works for mitigation of aircraft noise
9. Power to enter premises.

Section

10. Contributions by local authorities.
11. Orders for sound-proofing new buildings.
12. Byelaws as to operation of aircraft at Corporation aerodrome.

PART III

REGULATION OF STREET TRADING

13. Commencement of Part III of Act.
14. Interpretation of Part III of Act.
15. Designation of streets for purposes of street trading.
16. Licensing and registration of street traders.
17. Annual licences.
18. Temporary licences.
19. Regulation of traffic.
20. Limiting number of street traders.
21. Existing street traders.
22. Registration.
23. Fees on licences and registration.
24. Appeal against refusal of registration or of licence, etc.
25. Charges to holders of annual licences.
26. Offences, penalties, etc.
27. Variation of the central area.
28. Evidence of street trading in proceedings.
29. Saving for pedlars, newsvendors, etc.
30. Saving for Manchester Market Act 1846.
31. Repeal.

PART IV

PUBLIC HEALTH

32. Deposit of refuse in street and interference with refuse.
33. Carrying or storage of waste food
34. Closure of insanitary food premises and stalls.
35. Repair of water-closets.
36. Silencers for internal combustion engines.
37. Reduction of noise from use of air-powered tools and compressors.
38. Control of noise from building, demolition and road works.
39. Reduction of dust, etc., from building operations.
40. Provisions as to self-operated laundries.
41. Definition of " inhabitant " in Act of 1936.
42. Trees impeding natural light to houses. shops and offices.

PART V

NIGHT CAFÉS

Section

43. Interpretation of Part V of Act.
44. Registration of premises.
45. Powers of entry for inspection, etc.
46. Offences in connection with conduct of night cafés.
47. Application of Late Night Refreshment Houses Act 1969.
48. As to exemption of certain premises.

PART VI

PENSIONS

49. Collective title and definitions.
50. Benefits in certain cases of premature retirement.
51. Transfers of employment.
52. Extension of foregoing sections.
53. Further option for pension fund contributors.

PART VII

FINANCE AND MISCELLANEOUS

54. Power to borrow.
55. Amendment of section 48 of Education Act 1944.
56. Application of certain enactments to vessels and floating structures.
57. Revocation of building lines.
58. Removal of property of Corporation.
59. Parking of heavy commercial vehicles in front gardens.
60. Power to remove inmates from dangerous buildings or structure.
61. Amendment of section 25 of Manchester Corporation Act 1956.
62. Prohibition of interference with bird traps.
63. Hairdressers and barbers.
64. Assistance to developers.
65. Tolls and charges at wholesale meat market and public abattoir.
66. Art galleries.

PART VIII
GENERAL

Section

67. Confirming authority for byelaws.
68. Local inquiries.
69. The appointed day.
70. Liability of directors, etc.
71. Restriction on right to prosecute.
72. Appeals.
73. Protection of members and officers of Corporation from personal liability.
74. For protection of British Railways Board and British Waterways Board.
75. For protection of Central Electricity Generating Board.
76. For protection of Gas Council and North Western Gas Board.
77. Application of general provisions of Act of 1936.
78. Costs of Act.

SCHEDULES:

Schedule 1—Enactments applied to certain vessels and floating structures.

Schedule 2—Conditions as to construction of dual-purpose vehicles.

Schedule 3—Sections of Act of 1936 applied to this Act.

ELIZABETH II



1971 CHAPTER lxvii

An Act to authorise the lord mayor, aldermen and citizens of the city of Manchester to make grants towards the cost of insulating dwellings against noise and vibration attributable to aircraft; to enact provisions in relation to health, local government, lands, markets, industry, finance and pensions and to confer further powers upon the said lord mayor, aldermen and citizens; and for other purposes.

[5th August 1971]

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 the Corporation be authorised to make grants towards the cost of insulating dwellings against noise and vibration attributable to aircraft using aerodromes owned by the Corporation and that the other provisions of this Act in relation to the sound proofing of dwellings be enacted:

(3) It is expedient that further and better provision shall be made with reference to the health, local government and finance of the city and the markets undertaking of the Corporation and with reference to land and industry and pensions:

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

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

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

The general purposes of the water undertaking of the Corporation including the provision of mains, filtration plant, pumps and other works and the acquisition of easements ...	£1,000,000

(7) 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:

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

1933 c. 51.

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

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Manchester Corporation (General Powers) Act 1971.

(2) The Manchester Corporation Acts 1844 to 1970 and this Act may be cited together as the Manchester Corporation Acts 1844 to 1971.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Aircraft noise.
Part III.—Regulation of street trading.
Part IV.—Public health.
Part V.—Night cafés.
Part VI.—Pensions.
Part VII.—Finance and miscellaneous.
Part VIII.—General.

Interpretation.

1936 c. 49.

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

PART I —*cont.*

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

" the Act of 1920 " means the Manchester Corporation Act 1920; 1920 c. xcvii.

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

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

" the Act of 1955 " means the Food and Drugs Act 1955; 1955 c. 16. (4 & 5 Eliz. 2.)

" the Act of 1967 " means the General Rate Act 1967; 1967 c. 9.

" appointed day " has the meaning assigned to that expression by section 69 (The appointed day) of this Act;

" the chief constable " means the chief constable of the Manchester and Salford Police Authority;

" the city " means the city of Manchester;

" committee " includes a sub-committee appointed by a committee of the council;

" 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;

" food " has the meaning assigned to it by section 135 of the Act of 1955;

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

" the Manchester pension provisions " means the enactments, schemes and other instruments for the time being in force thereunder, which relate to the Corporation's pension fund, including the provisions of the Local Government Superannuation Acts 1937 to 1953 and of any relevant instruments thereunder so far as applicable to the said fund;

" the town clerk ", " the medical officer " and " public health inspector " mean respectively the town clerk, the medical officer of health and any public health inspector 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 enactment including this Act.

PART II

AIRCRAFT NOISE

Interpretation of Part II of Act.

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

"aerodrome" means any area of land designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;

"aircraft noise" means noise and vibration attributable to aircraft using a Corporation aerodrome;

"Corporation aerodrome" means any aerodrome for the time being owned by the Corporation;

"dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling;

"local authority" means the council of a county, county borough or county district.

Grants towards cost of sound-proofing dwellings.

5.—(1) The Corporation may, in accordance with a scheme made under the next succeeding section, make grants towards the cost of insulating dwellings or parts of dwellings against aircraft noise.

1968 c. 23.

(2) The following enactments in the Rent Act 1968 shall have effect as if a reference to this section had been included therein, namely:—

(*a*) paragraph (*a*) of subsection (4) of section 25;

(*b*) paragraph (*a*) of section 31;

(*c*) paragraph (*a*) of subsection (1) of section 57.

Schemes for grants towards cost of sound-proofing dwellings.

6.—(1) The Corporation may make a scheme or schemes providing for the making of grants under the last foregoing section in respect of dwellings in an area or areas within or outside the city near to a Corporation aerodrome.

(2) A scheme under this section shall specify by reference to a map the area or areas in which dwellings must be situated for the grants to be payable, and shall make provision as to the persons to whom the expenditure in respect of which and the rate at which the grants are to be paid, and may make the payment of any grant dependent upon compliance with such conditions as may be specified in the scheme.

(3) A scheme under this section shall specify a date, not being less than two years after the first publication of the notice

referred to in subsection (7) of this section, not later than which an application may be submitted to the Corporation for the making of a grant. PART II —*cont.*

(4) A scheme under this section shall require the Corporation, in any case where an application for a grant is refused, to give to the applicant at his request a written statement of their reasons for the refusal.

(5) A scheme under this section may make different provision with respect to different areas or different circumstances and may be varied or revoked by a subsequent scheme under this section.

(6) Before making any scheme the Corporation shall consult with and shall submit a draft of the proposed scheme to—

(*a*) the local authority any part of whose area lies within the area or areas specified in the draft scheme; and

(*b*) any consultative committee which may have been established to give effect to the provisions of section 8 of the Civil Aviation Act 1968 in relation to the Corporation aerodrome concerned. 1968 c. 61.

(7) (*a*) As soon as may be after the making of a scheme under this section the Corporation shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area or areas to which the scheme relates a notice stating the general effect of the scheme and specifying a place or places in the area or areas where a copy of the scheme and of the map therein referred to may be inspected by any person free of charge at all reasonable hours.

(*b*) Either—

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

(ii) 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.

Purchase of land for works for the mitigation of aircraft noise.

7.—(1) The Corporation may for the purpose of the construction of works for the measurement or mitigation of aircraft noise purchase by agreement or may be authorised by means of an order made by the Corporation and submitted to and confirmed by the Secretary of State to acquire compulsorily land within or outside the city.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land under this 1946 c. 49

PART II —*cont.*

section, and accordingly shall have effect as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) (*a*) The Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land.

(*b*) In relation to the compulsory acquisition of any such easement or right the Acquisition of Land (Authorisation Procedure) Act 1946 and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or right is acquired, and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or right.

1946 c. 49.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

(*a*) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land;

(*b*) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the easement or right unless the Lands Tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section for an easement or right shall be endorsed with notice of the effect of subsection (5) of this section.

Works for mitigation of aircraft noise.

8. The Corporation may upon any land owned by them or in which they have a sufficient interest, construct and maintain works for the measurement or mitigation of aircraft noise:

Provided that the Corporation shall so exercise their powers under this section as not to create a nuisance.

Power to enter premises.

9. Subject to the provisions of this section any authorised officer of the Corporation shall, on producing if so required

PART II —*cont.*

some authenticated document showing his authority, have a right to enter at all reasonable hours any premises for the purpose of taking measurements of aircraft noise:

Provided that admission to any premises shall not be demanded as of right unless at least forty-eight hours' notice of the intended entry has been given to the occupier.

Contributions by local authorities.

10. A local authority whose area for the time being includes any part of an area to which a scheme made by the Corporation under section 6 (Schemes for grants towards cost of sound-proofing dwellings) of this Act relates may make to the Corporation a contribution towards the cost incurred by the Corporation in making grants in respect of dwellings.

Orders for sound-proofing new buildings.

11.—(1) Where the Corporation have made a scheme under section 6 (Schemes for grants towards cost of sound-proofing dwellings) of this Act in respect of any area or areas they may apply to the Secretary of State for an order requiring provision for insulation against aircraft noise to be made in any dwelling-house erected after a date specified in the order in the area defined in the order by reference to a map, which area may comprise the whole or part of the area to which the scheme relates.

(2) An application for an order under this section shall be accompanied by a draft of the order which the Corporation desire the Secretary of State to make and a map defining the area to which the draft order relates.

(3) Before making application to the Secretary of State for an order under this section the Corporation shall—

(*a*) consult with and submit the draft order and relevant map to—

(i) each local authority within whose area any part of the area proposed to be comprised in the draft order is situated;

(ii) any consultative committee which may have been established to give effect to the provisions of section 8 of the Civil Aviation Act 1968 in relation to the Corporation aerodrome concerned; 1968 c. 61.

(*b*) publish in each of two successive weeks in one or more local newspapers circulating in the area proposed to be comprised in the order a notice—

(i) stating the general effect of the order;

(ii) specifying a place in the said area where a copy of the draft order and of the relevant map may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;

PART II —*cont.*

(iii) stating that within the said period any person may by notice to the Secretary of State object to the application.

(4) Any person claiming to be affected by the application may object thereto by sending notice of his objection and of the grounds thereof to the Secretary of State within the period specified in the notice and by sending a copy of the objection and of the grounds thereof to the Corporation.

(5) The Secretary of State may make the order in the terms of the draft or in those terms as modified in such manner as he thinks fit:

Provided that if any objection is duly made as aforesaid by any person appearing to the Secretary of State to be affected by the application and is not withdrawn, the Secretary of State shall not make the order unless he has caused a public local inquiry to be held into the proposed order and has considered the report of the person who held the inquiry.

(6) (*a*) If the Secretary of State makes an order under this section he shall require the Corporation to give notice of the making and of the effect of the order by publishing the same in one or more local newspapers circulating in the area to which the order relates.

(*b*) As soon as may be after an order under this section has been made the town clerk shall send a copy of the order to the proper officer of the council of each county borough or county district in which the land to which the order relates or any part of that land is situated and the proper officer shall cause it to be registered in the register of local land charges in such manner as may be prescribed by rules made in reference to local land charges under subsection (6) of section 15 of the Land Charges Act 1925; and the power conferred by the said subsection (6) to make rules for giving effect to the provisions of the said section 15 shall be exercisable for giving effect to the provisions of this paragraph.

(7) Where plans for the erection of a dwelling-house in an area to which an order made under this section applies are, in accordance with building regulations, deposited with a local authority, the local authority shall reject the plans unless it is shown to them that satisfactory provision will be made for insulating the dwelling-house against aircraft noise.

Byelaws as to operation of aircraft at Corporation aerodrome.

12.—(1) The Corporation may make byelaws for controlling the operation of aircraft using a Corporation aerodrome or the facilities of a Corporation aerodrome at or in the vicinity of the Corporation aerodrome—

(*a*) for the purpose of mitigating or preventing aircraft noise;

(*b*) for securing the safety of the public; and
(*c*) for the efficient management of the aerodrome. PART II —*cont.*

(2) Any person contravening a byelaw made under this section shall be liable to a fine not exceeding one hundred pounds:

Provided that any departure from such a byelaw to the extent necessary for the purposes of securing the safety of aircraft in flight or the safety of aircraft, persons or property on the ground shall be deemed not to contravene any byelaw made under this section.

(3) (*a*) If the Secretary of State is satisfied that any byelaw made under this section is inconsistent with the safety of aircraft or the safety of vehicles or persons using the aerodrome or public safety or with any international obligation assumed by the Government of the United Kingdom he may for the purpose of removing such inconsistency and after consulting the Corporation by order revoke or modify the byelaw.

(*b*) Any byelaw modified by the Secretary of State under this subsection shall have effect as if it had been duly made by the Corporation and confirmed by the Secretary of State.

(4) In this section " aircraft noise " means noise or vibration attributable to aircraft using a Corporation aerodrome or any of the facilities (including navigational aids) provided at a Corporation aerodrome.

PART III

REGULATION OF STREET TRADING

Commencement of Part III of Act.

13. Save as otherwise expressly provided therein this Part of this Act shall come into operation on 1st January 1972.

Interpretation of Part III of Act.

14. In this Part of this Act—

" annual licence " means a licence under this Part of this Act, other than a temporary licence;

" article or thing " includes any living thing;

" the central area " (subject to the provisions of section 27 (Variation of the central area) of this Act) means the area in the city which is bounded by the following highways, streets, river or railway, that is to say, the River Irwell, New Bridge Street, Cheetham Hill Road, the Manchester to Bury railway line, Aspin Lane, Corporation Street, Dantzic Street, Gould Street, Rochdale Road, Thompson Street, Oldham Road, Bengal Street, Redhill Street, Great Ancoats Street, Store Street, Sparkle Street, Malaga Street, Sheffield Street, Travis Street, London Road, Mancunian Way, Egerton Street, Dawson Street and Regent Road and

PART III —*cont.*

where the central area is bounded by a highway or street, it includes the whole of the highway or street throughout the length thereof which forms the boundary;

"designated street" means a street in respect of which a designating resolution is for the time being in force;

"designating resolution" means a resolution passed by the council under paragraph (*a*) of subsection (1) of section 15 (Designation of streets for purposes of street trading) of this Act;

"receptacle" includes a vehicle, barrow, cart or stall and any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article or thing;

"registered street trader" means a person registered as a registered street trader under this Part of this Act;

"registration" means registration under this Part of this Act to engage in street trading outside the central area and within the city, and "register" and "registered" shall be construed accordingly;

"street" means any street, way or place over which the public have a right of passage or any part (being a part over which the public have a right of passage) of any street, way or place;

"street trading" means the selling or exposing or offering for sale of any article or thing in a street and includes the assisting in such selling or exposing or offering for sale;

"street trading licence" means an annual licence or a temporary licence; and

"temporary licence" means a licence under this Part of this Act valid for a single day or for a period of not more than fourteen consecutive days.

Designation of streets for purposes of street trading.

15.—(1) The council may from time to time by resolution—

(*a*) designate any street within the central area as a street in respect of which they will entertain applications for the grant of street trading licences;

(*b*) fix the number of persons to whom they may grant street trading licences to engage in street trading in any designated street; and

(*c*) specify in relation to any designated street any class or classes of articles or things which, or other than which, they will not prescribe in any street trading licences granted by them in respect of that street;

and may from time to time by subsequent resolution rescind or vary any such resolution:

PART III —*cont.*

Provided that before passing a designating resolution in respect of a street or a resolution rescinding or varying such a resolution the council shall consult with the chief constable on the proposal so to do.

(2) The council, before passing a designating resolution in respect of any street or a resolution rescinding or varying such a resolution or coming to a decision on an application made to them under subsection (4) of this section in respect of any street—

(*a*) shall publish in a local newspaper circulating in the city and post in some conspicuous part of the street a notice—

(i) stating that they are considering the passing of such resolution or have received such an application as aforesaid, as the case may be; and

(ii) describing the street to which the intended resolution or application relates and the number intended to be fixed as the number of persons to whom street trading licences may be granted to engage in street trading in that street if the resolution is passed; and

(iii) stating that representations with respect thereto may be made in writing to the council before such date as may be specified in the notice (being a date not less than fourteen days from the publication or first posting thereof as aforesaid, whichever shall be the later); and

(*b*) shall consider any representations so made by any persons residing in or occupying premises in the street on the ground that street trading in the street would obstruct access to, or interfere with the use of, or create a nuisance affecting, those premises, or by any persons engaged in street trading in the street.

(3) The Corporation shall give public notice of the passing of a resolution under subsection (1) of this section by posting a notice in the street to which the resolution relates and in such other manner as they think desirable.

(4) If it is desired by any persons (not being less than ten in number) residing or trading in the city that any street in the central area in respect of which a designating resolution has not been passed should become a designated street, those persons may at any time make application to the Corporation for the passing by the council of a designating resolution in respect of that street:

Provided that any such application shall be in writing signed by the persons making the same and shall specify the addresses of those persons and sufficiently describe the street in respect of which it is made.

PART III —*cont.*

(5) The Corporation shall as soon as reasonably practicable after the receipt of any such application as aforesaid decide whether they will or will not comply therewith.

(6) This section shall come into operation on the passing of this Act.

Licensing and registration of street traders.

16. Subject to the provisions of this Part of this Act, it shall be unlawful for any person—

(1) to engage in street trading in any street within the central area unless that person is authorised to do so by a street trading licence;

(2) to engage in street trading in any street in the city outside the central area unless that person is registered.

Annual licences.

17.—(1) A person requiring an annual licence or the renewal of an annual licence shall make application in writing to the Corporation and shall in such application state—

(*a*) his full name and address;

(*b*) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the licence if granted or renewed;

(*c*) the street or streets in which he intends so to sell or expose or offer for sale and the nature and type of any receptacle which he intends to use in connection with any sale or exposure or offer for sale.

(2) As soon as reasonably practicable after the receipt of an application under this section the Corporation shall (save as provided by the next following subsection) grant or renew an annual licence to the applicant.

(3) The Corporation may refuse to grant or renew an annual licence or may at any time revoke or vary an annual licence granted by them if—

(*a*) the applicant or licensee is on account of his having been convicted of an offence under the provisions of this Part of this Act or of offences involving obstruction of the highway or contravention of enactments relating to the regulation of traffic whilst engaged in street trading or on account of his misconduct or for other sufficient reason in their opinion unsuitable to hold such licence; or

(*b*) the number of street traders licensed to engage in street trading in the street to which the application relates would, if the licence were granted, exceed the number fixed by resolution of the council under section 15 (Designation of streets for purposes of street trading) of this Act; or

PART III —*cont.*

(*c*) in consequence of—

(i) the regulation under an experimental traffic order made under section 9 of the Road Traffic Regulation Act 1967 of traffic in the street or streets to which the application relates or which is or are prescribed by the licence; or

(ii) the use of part of the street or streets in connection with the carrying out of building or engineering operations in or adjacent thereto;

the space available in the street or streets is at the date of such application or becomes at any time after the grant of such licence insufficient to permit of the applicant or licensee engaging therein in any street trading during such period as the order shall be in force or (as the case may be) the building or engineering operations shall be undertaken, without causing undue interference with or inconvenience to traffic in such street or streets; or

(*d*) the street or streets to which the application relates is or are not a designated street or designated streets; or

(*e*) the street or streets to which the application relates is or are a designated street or designated streets in relation to which the council have by resolution specified a class or classes of articles or things which, or other than which, they will not prescribe in any street trading licences granted by them in respect of that street or those streets, and the prescription in the licence applied for of the articles or things proposed to be sold or exposed or offered for sale by the applicant would be contrary to the terms of such resolution; or

(*f*) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the Corporation under this Part of this Act; or

(*g*) the licensee has for a period of not less than four weeks not exercised or not fully exercised his rights under the licence:

Provided that the Corporation shall not refuse to grant or renew and shall not revoke or vary an annual licence unless they shall have given to the applicant or licensee not less than seven days' previous notice in writing that objection has been or will be taken to such grant or renewal or that such a revocation or variation is proposed and (if so required by him in writing within three days after the receipt of such notice) he shall have been afforded an opportunity of being heard by a committee of the council against such refusal, revocation or variation.

PART III —*cont.*

(4) If the Corporation refuse to grant or renew an annual licence, or revoke or vary an annual licence, they shall forthwith give the applicant or licensee notice of their decision and shall, if required by the applicant or licensee, deliver to him within seven days after the receipt of such requirement, particulars in writing of the ground or grounds for such refusal, revocation or variation.

(5) The Corporation may prescribe the form of the annual licence and may prescribe conditions on the granting thereof including—

(*a*) the street or streets in which and the position or place in any such street at which the licensee may sell or expose or offer for sale articles or things under the authority of the licence;

(*b*) the class or classes of articles or things which the licensee may so sell or expose or offer for sale;

(*c*) the day or days on which, and the time or times at or during which, the licensee may sell or expose or offer for sale articles or things as aforesaid;

(*d*) the nature, type and size of any receptacle which may be used by the licensee in connection with any sale or exposure or offer for sale and the number of such receptacles which may be so used;

(*e*) requirements as to the deposit and removal of refuse;

and on any occasion of the renewal of an annual licence the Corporation may vary such conditions.

(6) An annual licence shall unless revoked or deemed to be revoked or surrendered be valid—

(*a*) if granted or renewed at any annual meeting fixed by the Corporation for the purpose of considering applications under this section for a period of one year; or

(*b*) if granted or renewed at any other time for a period expiring on 31st December next after the date of such grant or renewal.

(7) A street trading licence shall not be granted to any person under the age of seventeen years.

(8) The holder of a street trading licence shall display on any receptacle used by him when engaged in street trading his name and address and the number of his licence.

(9) The holder of a street trading licence if he changes his place of residence shall notify the Corporation of the address of his new place of residence within the period of three weeks from the date of the change and if he fails to do so his licence shall be

PART III —*cont.*

deemed to be revoked at the expiration of the said period but without prejudice to his right to make application for a further licence.

(10) For the purposes of any application for the grant of a street trading licence which will come into force on or after 1st January, 1972, this section shall come into operation on the passing of this Act.

Temporary licences.

18.—(1) The Corporation may if they think fit on the receipt from any person of an application for that purpose grant to that person a temporary licence.

(2) A temporary licence shall be valid only on the day or during the period in respect of which it is granted and—

(*a*) shall be in such form (if any) as may be prescribed by the Corporation and if no such form be prescribed shall be in the like form to an annual licence with such modifications therein as the circumstances require;

(*b*) shall prescribe the day or period in respect of which it is granted and may prescribe any other relevant matter which may be prescribed by an annual licence; and

(*c*) shall be issued subject to such conditions as the Corporation think fit.

(3) A temporary licence may be granted by any officer of the Corporation authorised by them in that behalf.

Regulation of traffic. 1967 c. 76. 1968 c. 73.

19. In its application to a designated street section 1 of the Road Traffic Regulation Act 1967, as amended by the Transport Act 1968, shall have effect as if in subsection (1) (which specifies the purposes for which a traffic regulation order may be made as respects any road outside Greater London) there were added at the end of paragraph (*d*) the words " having regard to its use or intended use as a street designated for the purposes of street trading by a resolution passed by the council of the city of Manchester in accordance with section 15 (Designation of streets for purposes of street trading) of the Manchester Corporation (General Powers) Act 1971 ; or ".

Limiting number of street traders.

20.—(1) The council may from time to time by resolution fix the number of persons who may be registered as street traders to engage in street trading outside the central area and may from time to time by subsequent resolution rescind or vary any such resolution:

Provided that until 31st December 1974 neither the number fixed by resolution under this section nor the number as varied by a subsequent resolution shall be less than the number of persons

PART III —*cont.*

1950 c. lvii.

registered as street traders under section 61 (Registration of street traders) of the Manchester Corporation Act 1950 at the date of the passing of this Act.

(2) The Corporation shall give public notice of the passing of a resolution under this section in such manner as they think desirable.

(3) This section shall come into operation on the passing of this Act.

Existing street traders.

21.—(1) An existing street trader shall on the date of the commencement of this Part of this Act be deemed to be registered under this Part of this Act and such registration shall unless revoked in accordance with the provisions of this Part of this Act continue for the remainder of the period for which the existing street trader was immediately before the commencement of this Part of this Act registered under section 61 (Registration of street traders) of the Manchester Corporation Act 1950 as amended by section 38 (Further provisions as to registration of street traders) of the Manchester Corporation Act 1965.

1965 c. xlii.

(2) If within one month after the expiration of any period of registration of an existing street trader, he duly makes application to the Corporation for the renewal of his registration, the Corporation shall not refuse to renew registration on the ground mentioned in paragraph (*b*) of subsection (3) of section 22 (Registration) of this Act.

(3) In this section the expression "existing street trader" means a person who at the date of the commencement of this Part of this Act is registered under the said section 61 of the Manchester Corporation Act 1950 as amended by the said section 38 of the Manchester Corporation Act 1965.

Registration.

22.—(1) A person requiring registration or the renewal of registration shall make application in writing to the Corporation and shall in such application state—

(*a*) his full name and address;

(*b*) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the registration if granted or renewed;

(*c*) the street or streets in which he intends so to sell or expose or offer for sale and the nature and type of any receptacle which he intends to use in connection with any sale or exposure or offer for sale.

PART III —*cont.*

(2) As soon as reasonably practicable after the receipt of an application under this section, the Corporation shall (save as provided by subsection (3) or (4) of this section) register the applicant or renew the registration of the applicant.

(3) The Corporation may refuse to register or renew registration or may at any time revoke registration granted by them if—

(*a*) on account of his having been convicted of an offence under the provisions of this Part of this Act or of offences involving obstruction of the highway or contravention of enactments relating to the regulation of traffic whilst engaged in street trading or on account of his misconduct or for other sufficient reason they consider the applicant or registered street trader unsuitable to be registered;

(*b*) the number of street traders registered in the city would, if registration were granted, exceed the number fixed by resolution of the council under section 20 (Limiting number of street traders) of this Act.

(4) The Corporation may refuse to renew or may revoke the registration of a street trader who on being requested by the Corporation to do so fails to furnish to them evidence that he has been engaged in street trading in the city during the period of six months preceding their request.

(5) The Corporation shall not refuse to register or to renew registration and shall not revoke registration unless they shall have given to the applicant or registered street trader not less than seven days' previous notice in writing that objection has been or will be taken to such registration or renewal or that such a revocation is proposed and (if so required by him in writing within three days after the receipt of such notice) he shall have been afforded an opportunity of being heard by a committee of the council against such refusal or revocation.

(6) If the Corporation refuse to register or to renew registration or revoke registration they shall forthwith give the applicant or registered street trader notice of their decision and shall if required by the applicant or registered street trader deliver to him within seven days after the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(7) The Corporation may on registering or renewing the registration of a street trader impose conditions as to—

(*a*) the day or days on which and the time or times at or during which the registered street trader may sell or expose or offer for sale articles or things as aforesaid either generally or in relation to such parts of the city as may be specified in the condition;

PART III —*cont.*

(*b*) the nature, type and size of any receptacle which may be used by the registered street trader in connection with any sale or exposure or offer for sale and the number of such receptacles which may be so used and the equipment to be provided;

and on any occasion of the renewal of registration the Corporation may vary such conditions.

(8) A registered street trader if he changes his place of residence shall notify the Corporation of the address of his new place of residence within the period of three weeks from the date of the change and if he fails to do so his registration shall be deemed to be revoked at the expiration of the said period but without prejudice to his right to make application for further registration.

(9) A person under the age of seventeen years shall not be registered as a registered street trader.

(10) Registration shall unless revoked or deemed to be revoked or unless the certificate of registration is surrendered be valid—

(*a*) if granted or renewed at any annual meeting fixed by the Corporation for the purpose of considering applications under this section for a period of one year; or

(*b*) if granted or renewed at any other time for a period expiring on the 31st December next after the date of such grant or renewal.

(11) For the purposes of any application for registration this section shall come into operation on the passing of this Act.

Fees on licences and registration.

23.—(1) The fee payable to the Corporation on the grant or renewal of a street trading licence shall be five pounds and on the registration or renewal of registration shall be one pound.

(2) The foregoing provisions of this section shall come into operation on the passing of this Act.

1967 c. xl.

(3) Section 43 (Alteration of fees for licences, etc.) of the Manchester Corporation Act 1967 and Schedule 1 to that Act shall have effect as if the following words were inserted in the said schedule:—

" Manchester Corporation (General Powers) Act 1971—	
Section 23 (Fees on licences and registration)	The Secretary of State ".

Appeal against refusal of registration or of licence, etc.

24.—(1) Any person aggrieved by the refusal of the Corporation to register him or to renew his registration or to grant or renew an annual licence or by the revocation or variation by the Corporation of an annual licence or the revocation of registration or by any condition prescribed by the Corporation under subsection (5) of section 17 (Annual licences) of this Act, or by a condition

imposed by the Corporation under subsection (2) of section 18 (Temporary licences) of this Act or by a condition imposed or varied under subsection (7) of section 22 (Registration) of this Act, may appeal to a magistrates' court and on any such appeal the court may confirm, reverse or vary the decision of the Corporation:

Provided that—

(i) any such appeal shall be brought within fourteen days from the date on which the refusal, revocation, variation or condition which is the subject of the appeal is notified to such person as aforesaid by the Corporation;

(ii) no appeal shall be brought under this section against the refusal of the Corporation to grant or renew an annual licence on the ground mentioned in paragraph (*b*) or paragraph (*c*) or paragraph (*d*) or paragraph (*e*) of subsection (3) of the said section 17 or against a refusal to register or to renew registration on the ground mentioned in paragraph (*b*) of subsection (3) of the said section 22.

(2) This section shall come into operation on the passing of this Act.

Charges to holders of annual licences.

25. The Corporation may make and recover from holders of annual licences granted by them such charges as they may think fit—

(*a*) for the removal of refuse or other services rendered by them to such holders; and

(*b*) in respect of the expenses incurred by them in the administration of this Part of this Act and in the cleansing of streets in which street trading takes place:

Provided that before fixing any charges to be made under this section or varying any such charges the Corporation shall give notice of their proposals to the holders of annual licences in such manner as they deem appropriate and shall consider any representations made to them by a holder of an annual licence.

Offences, penalties, etc.

26.—(1) Every person who—

(*a*) without the authority of a street trading licence or contrary to any condition prescribed on the grant of a street trading licence engages in street trading in any street within the central area; or

(*b*) engages in street trading in any street in the city and outside the central area unless he is registered; or

(*c*) engages in street trading contrary to any condition imposed by the Corporation on registration;

shall be guilty of an offence:

PART III —*cont.*

Provided that—

(i) where any person has brought an appeal under this Part of this Act against the refusal of the Corporation to renew an annual licence or against the revocation or variation of an annual licence or against any condition prescribed in an annual licence which has been renewed, such licence shall until such appeal has been heard and determined, or has been abandoned, be deemed for the purposes of this subsection (as the case may be) to have been renewed or not to have been revoked or varied or to have been renewed without any variation of the conditions thereof;

(ii) where any person has brought an appeal under this Part of this Act against the refusal of the Corporation to renew his registration or against the revocation of his registration he shall not, until such appeal has been heard and determined, or has been abandoned, be liable to any further or other proceedings under this subsection than he would have been if the Corporation had not refused to renew his registration or (as the case may be) if his registration had not been revoked.

(2) Any person who by wilful misrepresentation procures himself to be registered, procures the renewal of his registration or obtains a street trading licence or the renewal of any such licence shall be guilty of an offence.

(3) Any person found engaging in street trading in a street within the city shall, on being required to do so by any police officer, or by an officer of the Corporation duly authorised in writing and (if so required) producing his authority, produce for inspection his street trading licence or certificate of registration and shall furnish his name and address, and in default of compliance with such requirement he shall be guilty of an offence.

(4) Every person guilty of an offence under paragraph (*a*) of subsection (1) of this section shall be liable to a fine not exceeding fifty pounds or if he has been previously convicted of an offence under that paragraph to a fine not exceeding one hundred pounds and every person guilty of any other offence under this section shall be liable to a fine not exceeding twenty pounds or if he has been previously convicted of an offence under this section to a fine not exceeding forty pounds.

Variation of the central area.

27.—(1) The Corporation may from time to time by means of an order made by the Corporation and submitted to and confirmed by the Secretary of State extend or curtail the central area and include within or exclude from the central area any area or areas

PART III —*cont.*

within the city which may be prescribed in any such order and thereupon the provisions of this Part of this Act shall apply to the central area as defined in the order.

(2) Before submitting an order under this section to the Secretary of State the Corporation shall publish in one or more local newspapers circulating in the city a notice—

(*a*) stating that such an order has been made and is about to be submitted to the Secretary of State for confirmation;

(*b*) stating the general effect of the order;

(*c*) describing the area or areas to which the order applies; and

(*d*) stating that within the period of twenty-one days after a date named in the notice not being earlier than the first publication thereof any person may object to the confirmation of the order by giving notice in writing to the Secretary of State and sending a copy of such notice to the town clerk.

(3) If no objection is duly made or if all objections so made are withdrawn the Secretary of State may if he thinks fit confirm the order with or without modification but in any other case he may before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and may confirm the order either with or without modification.

(4) An order made under this section shall come into operation on such date as the Secretary of State shall appoint.

Evidence of street trading in proceedings.

28. In any proceedings for an offence under section 26 (Offences, penalties, etc.) of this Act (otherwise than for a contravention of any conditions prescribed on the grant of a street trading licence or of any conditions imposed in relation to the registration of a registered street trader specifying the day or days on which or the time or times at which any articles or things may be sold or exposed or offered for sale) where it is shown that any article or thing was displayed in or on any receptacle in a stationary position in any street that article or thing shall be presumed to have been exposed or offered for sale (at such time and in such position at which it was so displayed) by the person in charge or appearing to be in charge thereof unless it is shown to the satisfaction of the court that the article or thing was brought into that street for some purpose other than for the purpose of selling it or exposing or offering it for sale in a street.

Saving for pedlars, newsvendors, etc.

29. Nothing in this Part of this Act shall—

(*a*) restrict the right of any person holding a pedlar's certificate to carry on the business of a pedlar in accordance with such certificate; or

PART III —*cont.*

(*b*) apply to the sale or exposure or offer for sale of newspapers or periodicals by any person; or

(*c*) apply to the delivery by a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street within the central area of any article or thing; or

(*d*) in the case of a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street outside the central area apply to that trader in respect of the street trading conducted by him in the course of that business unless he permits any vehicle, stall or other receptacle used by him to occupy a stationary position in the street for an unreasonable time.

Saving for Manchester Market Act 1846. 1846 c. ccxix.

30. Nothing in this Part of this Act shall alter or affect the powers, authorities, rights, duties and privileges of the Corporation under the Manchester Market Act 1846.

Repeal. 1950 c. lvii. 1965 c. xlii.

31. Section 61 (Registration of street traders) of the Manchester Corporation Act 1950, as amended by section 38 (Further provisions as to registration of street traders) of the Manchester Corporation Act 1965, is hereby repealed.

PART IV
PUBLIC HEALTH

Deposit of refuse in street and interference with refuse.

32.—(1) No person shall place refuse or waste paper in a street or public place in the city for the purpose of its being removed by the Corporation unless the refuse or waste paper is placed in a properly closed dustbin or in some other receptacle in which the refuse or waste paper is properly secured.

(2) No person shall remove any article, refuse or waste paper placed in any street or public place in the city for the purpose of being collected and removed by the Corporation.

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

Carrying or storage of waste food.

33.—(1) No person shall in any street or public place in the city carry waste food by way of trade otherwise than in a suitably covered container suitable for the purpose.

(2) No person shall deliver by way of trade to any premises in the city for the purpose of use for the storage of waste food a sack, bin or container which is not clean or is in an offensive condition.

PART IV —*cont.*

(3) Any person who contravenes a provision of this section shall be liable to a fine not exceeding twenty pounds.

(4) In this section the expression "waste food" means a substance which is not intended for human consumption and which has been, or has been part of, food intended for human consumption, and includes waste food which is mixed with other refuse.

Closure of insanitary food premises and stalls.

34.—(1) If on complaint by the medical officer or the chief public health inspector a magistrates' court is satisfied that any premises in the city at which open food is stored, sold or offered or exposed for sale for human consumption whether on or off the premises are by reason of the insanitary or defective condition of the structure or fittings or fixtures or equipment or by reason of infestation of vermin or accumulation of refuse in such a condition that the carrying on of a food business in or at those premises would contravene the regulations made under section 13 of the Act of 1955 and would be dangerous to health, the court shall by order prohibit the storage, sale or offer or exposure for sale at those premises of open food for human consumption until the state of the premises be remedied.

(2) (*a*) Where a complaint is or has been made under subsection (1) of this section the court may on application by the medical officer or the chief public health inspector, if it appears to the court that the premises to which the application relates are in such a condition as is mentioned in subsection (1) of this section, make an interim order prohibiting the storage, sale or offer or exposure for sale at these premises of open food for human consumption until the earliest opportunity for hearing and determining the complaint.

(*b*) In exercising its powers under this subsection the court may be composed of a single justice.

(*c*) Before making application under this subsection the medical officer or chief public health inspector shall give not less than twenty-four hours' notice to the person who is carrying on a food business in or at the premises and, if that person is not the owner of the premises, to the owner, and any person to whom such notice is given shall, if he attends before the court upon the application, be entitled to be heard and to call witnesses:

Provided that any notice required by this subsection to be given to a person carrying on a food business in or at the premises to which the notice relates shall not be sent by post but shall be delivered to the person or delivered at his usual or last known residence or at the premises or, in the case of an incorporated company or body, shall be delivered at their registered or principal office or at the premises.

PART IV —*cont.*

(*d*) As soon as practicable after the making of an interim order under this subsection the Corporation shall serve a copy of the order upon the person who immediately before the date of the order was carrying on a food business in or at the premises to which the order relates and, if that person is not the owner of the premises, upon the owner, and shall affix a copy of the order in or on the premises in a conspicuous position.

(3) (*a*) If on the hearing and determining of a complaint under subsection (1) of this section in respect of which an interim order has been made under subsection (2) the court determines that the condition of the premises at the time of the making of the interim order was not such as to justify the making of that order, the court may require the Corporation to pay to the person who immediately before the date of the order was carrying on a food business in or at the premises, or to the owner of the premises, or to both such person and such owner, such compensation as in the opinion of the court represents any loss which he or they respectively have suffered from the making of the order and the Corporation shall comply with such requirement.

(*b*) The Corporation or a person aggrieved by an order, determination or other decision of a magistrates' court under this section may appeal to a court of quarter sessions.

(4) Any person who contravenes an order or an interim order made under this section shall be liable to a fine not exceeding one hundred pounds.

(5) (*a*) Any person who intends to carry on a food business in or at any premises with respect to which an order or an interim order has been made under this section may make application to the medical officer or the chief public health inspector who, if satisfied that the state of the premises has been remedied, shall give to the applicant a certificate to that effect and such a certificate shall be conclusive evidence that the state of the premises has been so remedied.

(*b*) The medical officer or the chief public health inspector shall deliver a copy of his certificate to the court who may withdraw the order or interim order.

(*c*) Any person aggrieved by a refusal or failure of the medical officer or the chief public health inspector to give a certificate under this subsection may appeal to a magistrates' court who may either dismiss the appeal or order the medical officer or the chief public health inspector to give the certificate.

(*d*) Subsection (2) of section 72 (Appeals) of this Act shall not apply in respect of a refusal or failure of the medical officer or the chief public health inspector to give a certificate under this subsection.

PART IV —*cont.*

(6) In this section—

" equipment ", " food business", " open food " and "stall " have the respective meanings assigned to them by the regulations made under section 13 of the Act of 1955 which apply to premises or the stall (as the case may require);

" the chief public health inspector " means such public health inspector as has been determined by the council to be the senior public health inspector;

" premises " includes a stall.

Repair of water-closets. 1950 c. lvii.

35. Section 41 (Summary power to remedy stopped-up drains, etc.) of the Manchester Corporation Act 1950 shall have effect as if in subsection (1) after the words " is stopped up " there were inserted the words " or a water-closet or any fitting of a water-closet is so defective as to be in need of urgent repair ".

Silencers for internal combustion engines.

36.—(1) A stationary internal combustion engine shall not be used in the city unless an effectual silencer is provided and used on the exhaust of the engine.

(2) If any person uses such an engine in contravention of the foregoing subsection, or causes or permits such an engine to be so used, the Corporation may give him notice that the engine is being or has been so used; and if, after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine as aforesaid, or causes or permits it to be so used, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) Any person served with a notice under this section may appeal to a magistrates' court on the grounds that the notice is not justified:

Provided that the provisions of subsection (2) of section 72 (Appeals) of this Act shall not apply to the use of an engine in respect of which a notice is served under this section whether or not an appeal is brought.

(4) An authorised officer of the Corporation shall have the right in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936 as incorporated with this Act to inspect and test any silencer on the exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off; and any expenses incurred under this subsection by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof.

PART IV —*cont.*

(5) Nothing in this section shall apply to an internal combustion engine used below ground in a mine within the meaning of the Mines and Quarries Act 1954.

1954 c. 70.

(6) For the purposes of this section "a stationary internal combustion engine" includes a movable internal combustion engine whether part of other apparatus or not when stationary in the city.

(7) This section shall not apply to an internal combustion engine used for the propulsion of a vehicle.

Reduction of noise from use of air-powered tools and compressors.

37.—(1) No person shall in the city use or cause or permit to be used any air-powered tool or mobile air compressor unless it is equipped with effective means for reducing the noise emitted:

Provided that in any proceedings brought by virtue of this section it shall be a defence to prove that the best practicable means had been employed to reduce the noise emitted.

(2) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) In determining in any case whether the best practicable means have been employed the court shall include in their consideration amongst other things cost and local conditions and circumstances and the current state of technical knowledge.

(4) In this section "best practicable means" includes the provision and maintenance of suitable plant and the proper use thereof.

Control of noise from building, demolition and road works.

38.—(1) Where in the opinion of the medical officer or public health inspector the emission of noise or vibration from road works or any engineering or building operations, including works of demolition being carried out or proposed to be carried out on land or in a building in the city is or is likely to be a nuisance unless adequate precautions are taken, the Corporation may for the purpose of preventing, controlling or mitigating noise or vibration serve a notice upon the person having control of the works or the owner or occupier of the land or building on or in which the works are being or are proposed to be carried out imposing requirements—

(*a*) as to the manner in which the works are to be carried out including the siting of any machinery and plant, the use of machinery and plant and the precautions to be taken to prevent or mitigate the emission of noise or vibration;

(*b*) prohibiting the use of specified machinery or plant;

(*c*) regulating the hours during which any operation or plant or machinery which will result in the emission of noise or vibration may be carried out or used.

PART IV —*cont.*

(2) If any person fails to comply with the requirements of a notice served under subsection (1) within forty-eight hours of the service of the notice or within forty-eight hours of the commencement of the works, whichever is the later, the Corporation may make application by way of complaint to a magistrates' court who may order the suspension of the works until the requirements specified in the notice or such of the requirements as appear to the court to be necessary to prevent the noise or vibration from being a nuisance are complied with and the person on whom the notice was served has given an undertaking to the court to comply with such requirements in the carrying out of the works.

(3) If the medical officer or a public health inspector is of the opinion that the emission of noise or vibration from road works or any engineering or building operations, including works of demolition, is a nuisance the Corporation may make application to a justice of the peace who shall be empowered after inspecting the land or building on or in which the works are being carried out to make an interim order prohibiting the carrying out of such works until a magistrates' court, on the application of the Corporation or the person having control of the works or the owner or occupier of the land or building, has determined what (if any) requirements should be imposed under paragraphs (*a*), (*b*) and (*c*) of subsection (1) of this section during the carrying out of the said works to prevent, control or mitigate the noise or vibration:

Provided that before a justice of the peace inspects any land or building for the purpose of this subsection the Corporation shall give not less than twenty-four hours' notice to the person having control of the works and the owner or occupier of the land or building and any person upon whom such notice is served shall be entitled to accompany the justice of the peace at the inspection.

(4) (*a*) Any person who contravenes an order made under subsection (2) of this section shall be liable to a fine not exceeding two hundred pounds and to a daily fine not exceeding twenty pounds.

(*b*) Any person who contravenes an interim order made under subsection (3) of this section shall, if a magistrates' court determines that requirements under subsection (1) of this section should be imposed to prevent the noise or vibration from being a nuisance, be liable to a fine not exceeding two hundred pounds and to a daily fine not exceeding twenty pounds.

(5) Any person aggrieved by a requirement contained in a notice under subsection (1) of this section may appeal to a magistrates' court.

PART IV —*cont.*

(6) (*a*) For the purposes of this section—

(i) any requirement under paragraph (*a*) of subsection (1) shall be deemed to have been complied with if it is proved that the best practicable means of reducing the noise emitted and the vibration caused have been or are being employed in the manner in which the works have been carried out and in the siting of any machinery and plant and in the use of machinery and plant and in the taking of precautions to prevent or mitigate the emission of noise or vibration;

(ii) any requirement under paragraph (*b*) of subsection (1) shall not apply if it is proved that the best practicable means of reducing the noise emitted and the vibration caused can only be secured by the use of the machinery or plant proposed to be prohibited by the requirement.

(*b*) In determining in any case whether the best practicable means have been or are being employed a court shall include in their consideration cost and local conditions and circumstances and the current state of technical knowledge.

(*c*) In this section "best practicable means" includes the provision and maintenance of suitable plant and the proper use thereof.

(7) The powers conferred on the Corporation by this section may be exercised by the medical officer.

(8) Before the Corporation or the medical officer exercise the powers of this section in any case the medical officer shall consult with a person who has special knowledge of road works or engineering or building operations or works of demolition (as the case may be) as to the precautions which might reasonably be taken for the purpose of preventing, controlling or mitigating the noise or vibration.

(9) Nothing in this section shall affect the operation of the Construction (General Provisions) Regulations 1961 or any regulations made under Part II (Safety (General Provisions)) or Part IV (Health Safety and Welfare (Special Provisions and Regulations)) of the Factories Act 1961.

1961 c. 34.

Reduction of dust, etc., from building operations.

39.—(1) No person shall carry out in the city any engineering or building operations including works of demolition or cleansing of buildings or structures unless he takes such precautions as are reasonably adequate to reduce by as much as the best practicable means will allow the amount of dust which may be blown or deposited on to a street or on property in the vicinity of the works, either during the carrying out of the operations or in the removal of refuse or material therefrom.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be liable to a fine not exceeding fifty pounds.

PART IV —*cont.*

(3) (*a*) The Corporation may give notice to any person carrying out any such operations as are mentioned in subsection (1) of this section requiring him within forty-eight hours of the service of the notice to take such steps as are specified in the notice to reduce the amount of dust which may be blown or deposited as aforesaid.

(*b*) If any person fails to comply with the requirement of a notice served under paragraph (*a*) of this subsection the Corporation may make application by way of complaint to a magistrates' court who may order the suspension of the operations until the steps indicated in the notice, or such steps as appear to the court to afford the best practicable means of reducing the amount of dust which may be blown or deposited as aforesaid, are taken.

(*c*) Any person who contravenes an order made by a court under paragraph (*b*) of this subsection shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(*d*) (i) Any person aggrieved by a requirement contained in a notice under paragraph (*a*) of this subsection may appeal to a magistrates' court who may either confirm or quash or modify the requirement.

(ii) On an appeal under this paragraph the court shall consider whether the requirement exceeds the best practicable means of reducing the amount of dust which may be blown or deposited as aforesaid.

(4) (*a*) In any proceedings under this section the court in determining the best practicable means shall include in their consideration, amongst other things, cost and local conditions and circumstances and the current state of technical knowledge.

(*b*) In this section "best practicable means" includes the provision and maintenance of suitable plant and the proper use thereof.

(5) In this section the expression "dust" includes grit, abrasives and chemicals in solution.

(6) The powers conferred upon the Corporation by this section may be exercised by the medical officer.

(7) Nothing in this section shall apply to any works to which the provisions of the Public Utilities Street Works Act 1950 apply. 1950 c. 39.

Provisions as to self-operated laundries.

40.—(1) For the purposes of this section premises shall be deemed to be used as a self-operated laundry when facilities are

PART IV —*cont.*

provided to the public on those premises on payment for washing or dry cleaning clothes or other articles by machines operated primarily by the customer.

(2) (*a*) The occupier of premises used either partly or wholly as a self-operated laundry shall, in order to ensure that the plant and machinery installed in the premises for the purpose of the business are so fitted and maintained as to avoid risk of explosion, leakage of fluids or vapour and danger to the persons operating or in the vicinity of the plant and machinery, cause such plant and machinery to be inspected at least once in every fourteen months after the appointed day by a competent engineer appointed or approved by an insurance company or agreed between the occupier and the Corporation, and the occupier of the premises shall send to the medical officer a certificate (hereinafter called "a certificate of inspection") by an insurance company or by such an engineer certifying the result of the inspection.

(*b*) If—

(i) before the expiration of fourteen months and fourteen days from—

(A) the appointed day, or

(B) in the case of premises which are not used as a self-operated laundry before the appointed day the date on which the premises are first used as a self-operated laundry, or

(C) (except in the case of the first certificate of inspection to be made in respect of premises) the date on which the last certificate of inspection was sent by the occupier of the premises to the medical officer;

the occupier of the premises fails to send a certificate of inspection to the medical officer; or

(ii) a certificate of inspection sent to the medical officer fails to show that the plant and machinery upon the premises are so fitted and maintained as aforesaid;

the Corporation may make application by way of complaint to a magistrates' court who may order the closing of the premises to the public until a certificate of inspection is received by the medical officer showing that the plant and machinery are so fitted and maintained as aforesaid.

(*c*) Any person who contravenes an order made by a court under paragraph (*b*) of this subsection shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) (*a*) As from the appointed day if in the opinion of the medical officer or a public health inspector any substance is used on the premises in connection with any dry-cleaning process

PART IV —*cont.*

which is likely to be dangerous the occupier shall, if so required by the medical officer or public health inspector, display such precautionary notices as may be agreed between the Corporation and such bodies as appear to them to represent the trade or business of self-operated laundries or as failing such agreement may be reasonably required for the purpose of warning the public.

(*b*) Any person who contravenes any provisions of this subsection shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

Definition of "inhabitant" in Act of 1936.

41. In section 92 of the Act of 1936 in its application to the city the expression "inhabitants of the neighbourhood" includes any persons who work within the neighbourhood.

Trees impeding natural light to houses, shops and offices.

42.—(1) Subject to the provisions of this section a tree or shrub which impedes or excludes the access of natural light to a dwelling-house, shop or office premises to such an extent as to be prejudicial to the health of or a nuisance to the occupiers of the dwelling-house, shop or office premises shall be a statutory nuisance for the purpose of Part III of the Act of 1936 in its application to the city, and the provisions of that Act shall have effect accordingly as if the provisions of this section were provisions of the said Part III.

(2) In proceedings brought by virtue of subsection (1) of this section in respect of a tree or shrub which is alleged to impede or exclude the access of natural light to a dwelling-house, shop or office premises, the court shall have regard to the question whether or not immediately after the construction, erection or extension of the dwelling-house, shop or office premises the tree or shrub or one or more trees or shrubs having a substantially similar effect impeded or excluded the access of natural light thereto and the extent of any such impeding or exclusion.

(3) In this section—

"dwelling-house" means a building or part of a building intended to be occupied as a separate dwelling;

"shop" has the same meaning as in the Shops Act 1950; 1950 c. 28.

"office premises" has the same meaning as in the Offices, Shops and Railway Premises Act 1963. 1963 c. 41.

PART V

NIGHT CAFÉS

Interpretation of Part V of Act. 1964 c. 26.

43.—(1) In this Part of this Act—

"the Act of 1964" means the Licensing Act 1964;

PART V —*cont.*

" night café " means—

(*a*) any premises in the city which are kept open for public refreshment at any time between the hours of eleven o'clock in the evening and five o'clock in the morning; or

(*b*) any premises which are used by a club, organisation or body and which, if they were kept open to the public, would fall within paragraph (*a*) of this definition;

but does not include any premises—

(i) in respect of which there is in force for the time being—

(A) a justices' on-licence within the meaning of subsection (2) of section 1 of the Act of 1964;

(B) a registration with the Corporation under section 18 (Entertainment clubs) of the Manchester Corporation Act 1965;

1965 c. xlii.

(C) a licence for the public performance of stage plays or a cinematograph exhibition;

(ii) which are kept open wholly or mainly as an ancillary amenity to a bona fide hotel, guest house or lodging house;

(iii) so long as they are being used by a club which is subject to the provisions of the Act of 1964 or a club provided or maintained by the Corporation;

(iv) so long as they are being used exclusively and bona fide by a club, organisation or body—

(A) registered as a charity under section 4 of the Charities Act 1960, or not required to be registered under that section by virtue of the provisions of subsection (4) thereof; or

1960 c. 58.

(B) for the purpose of a gymnasium or swimming bath, or of playing badminton, fives, racquets, squash, bingo, tombola, ten-pin bowling, billiards, chess, dominoes, bridge, whist or any game similar to any of those games;

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

1961 c. 34.
1963 c. 41.

(vi) comprised in the undertaking of the British Railways Board;

"specified drug" means any substance which the council, with the approval of the Secretary of State, by resolution determine should, from a date to be fixed by the resolution, be included among the drugs to which section 46 (Offences in connection with conduct of night cafés) of this Act applies;

"young person" means a person of not more than eighteen years of age.

(2) For the purposes of a resolution relating to a specified drug, the provisions of subsections (3) and (4) of section 69 (The appointed day) of this Act shall (with any necessary modifications) apply to any such resolution and the date fixed thereby.

Registration of premises.

44.—(1) Subject to the provisions of this Part of this Act, on and after the appointed day—

(*a*) no premises in the city shall be used as a night café unless they are registered with the Corporation in accordance with the provisions of this section;

(*b*) if any owner, occupier or other person concerned in the conduct or management of premises in the city uses them as a night café or permits the premises to be so used, he shall, unless the premises have been so registered with the Corporation and the registration remains in force, be guilty of an offence and shall be liable to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(2) The Corporation may refuse to register or renew the registration of any premises for use as a night café if they are satisfied that—

(*a*) the premises are not structurally suitable for the purpose;

(*b*) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of adjacent properties;

(*c*) the persons concerned or intended to be concerned in the conduct or management of the premises as a night café are such that young persons resorting to the premises are likely to be depraved or corrupted;

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

(*e*) the means of heating the premises are not safe;

(*f*) proper precautions against fire on the premises have not been taken;

(*g*) satisfactory means of escape in case of fire and suitable fire-fighting appliances have not been provided on the premises; or

PART V —*cont.*

(*h*) the applicant has, within the period of five years immediately preceding the date of the application to the Corporation, been convicted of an offence under subsection (3) of this section, section 45 (Powers of entry for inspection, etc.) or section 46 (Offences in connection with conduct of night cafés) of this Act;

and shall refuse to register or renew the registration of any premises for use as a night café if they are satisfied that a disqualification order is for the time being in force under section 100 of the Act of 1964 or section 11 of the Late Night Refreshment Houses Act 1969 in respect of the premises or of any person concerned or intended to be concerned in the conduct or management of the premises as a night café.

1969 c. 53.

(3) (*a*) The Corporation may, on registering or renewing the registration of any premises for use as a night café, impose conditions as to—

(i) the maintenance of public order and safety;

(ii) the number of persons who may be allowed to be on the premises at any time;

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

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

(v) the hours of opening and closing the premises for use as a night café.

(*b*) Any person concerned in the conduct or management of a night café who contravenes any condition imposed under this subsection, or who knew or had reasonable cause to suspect that such a condition was being contravened by some other person, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both:

Provided that, if the person against whom proceedings are brought under this paragraph proves that he has used all due diligence to secure that the condition in question was complied with, he shall be acquitted of an offence under this paragraph.

(4) The Corporation may at any time revoke the registration of any premises on any ground upon which, pursuant to subsection (2) of this section, they are authorised or required to refuse to register or renew the registration of those premises, or if they are satisfied that any condition imposed under subsection (3) of this section has not been complied with.

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

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

(*b*) the name and address of the applicant and his trade or calling during the six months preceding the application;

(*c*) such other information regarding the premises to be registered, the persons concerned or intended to be concerned in the conduct or management of the premises and the manner in which the premises are proposed to be used as the Corporation may reasonably require;

and the applicant shall supply such plans of the premises as the Corporation may reasonably require, and any application made or plans supplied to the Corporation as aforesaid shall on delivery become the property of the Corporation.

(6) Any person making application for registration or renewal of registration of any premises under this section shall, when making application, pay to the Corporation in respect thereof a fee of one pound.

(7) (*a*) Any person making application for registration or renewal of registration of any premises under this section shall give public notice of the application (identifying the premises) in such form as the Corporation may prescribe—

(i) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public, for fourteen days beginning with the date of the application; and

(ii) by advertisement in a local newspaper circulating in the city not later than seven days after the date of the application.

(*b*) Any person objecting to an application for registration or renewal of registration of any premises under this section shall give notice in writing of his objection to the Corporation and shall serve a copy of such notice upon the applicant, stating in general terms the grounds of the objection, not later than twenty-one days after the date of the application, and when considering the application the Corporation shall take such objection into account.

(8) Before refusing to register or renew the registration of any premises or revoking the registration of any premises the Corporation shall give to the person applying for registration or renewal of registration or in whose name the premises are registered an opportunity of appearing before and of being heard

PART V —*cont.*

by a committee of the council and, if so required by him, the Corporation shall within seven days of their decision give to him a statement of the grounds upon which it was based.

(9) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises under this section, or by the revocation of any such registration or by any condition imposed under this section, may, within twenty-one days from the date on which such refusal or revocation, or the imposition of the condition, is notified to him, appeal to a magistrates' court; and on any such appeal the court may by order confirm or set aside such refusal or revocation, or confirm, vary or set aside any such condition, or impose any condition which the Corporation would have been entitled to impose by virtue of this section, and the Corporation shall give effect to such order accordingly.

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

Powers of entry for inspection, etc.

45.—(1) (*a*) Any duly authorised officer of the Corporation (on producing, if so required, some duly authenticated document showing his authority), or any police officer, may at all reasonable times enter upon, inspect and examine any premises used, or which he has reasonable cause to believe are used, as a night café or intended to be so used, and may do all such things as are reasonably necessary for the purpose of ascertaining—

(i) whether there is, or has been, in or in connection with the premises, any contravention of the provisions of this Part of this Act or of any condition imposed under the powers of section 44 (Registration of premises) of this Act; or

(ii) whether or not circumstances exist which would authorise the Corporation to take any action under this Part of this Act.

(*b*) Any person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be guilty of an offence and shall be liable to a fine not exceeding twenty pounds.

(2) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into any premises for the purposes of the foregoing subsection as they apply to entry into premises for the purposes of subsection (1) of that section.

Offences in connection with conduct of night cafés.
1964 c. 64.
1965 c. 15.

46. If a night café is conducted in a disorderly manner, or if any drug to which the Drugs (Prevention of Misuse) Act 1964 or the Dangerous Drugs Act 1965 applies, or any specified drug, is sold, supplied or otherwise distributed on the premises

PART V —*cont.*

by a person to any other person resorting thereto, any person concerned in the conduct or management of the night café who knew or had reasonable cause to suspect that the premises were so conducted as aforesaid or that such sale, supply or distribution was taking place on the premises shall be guilty of an offence under this section and shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both:

Provided that nothing in this section shall apply to the administration of a drug or a specified drug for the purposes of medical treatment by or in accordance with the directions of a medical practitioner registered pursuant to the Medical Acts 1956 to 1969.

Application of Late Night Refreshment Houses Act 1969.

47. Notwithstanding the reference in subsection (1) of section 43 (Interpretation of Part V of Act) of this Act to the hours of eleven o'clock in the evening and five o'clock in the morning, where premises are for the time being registered with the Corporation under section 44 (Registration of premises) of this Act the person who keeps the premises shall be deemed to have been duly licensed in respect of those premises under the provisions of the Late Night Refreshment Houses Act 1969 in respect of the period between the hours of ten o'clock in the evening and five o'clock in the morning or, if an earlier hour than five o'clock in the morning is for the time being prescribed for the closing of the premises in a condition imposed under sub-paragraph (v) of paragraph (*a*) of subsection (3) of the said section 44, such earlier hour, and the provisions of the said Act shall apply accordingly.

1969 c. 53.

As to exemption of certain premises.

48.—(1) If in the opinion of the council it becomes unnecessary that premises of any particular class or description should remain subject to the provisions of this Part of this Act, they may by resolution determine that as from a date to be fixed by the resolution such class or description of premises shall be exempted from such provisions, and the provisions of subsections (3) and (4) of section 69 (The appointed day) of this Act shall (with any necessary modifications) apply to any such resolution and the date fixed thereby.

(2) If in the opinion of the council, after the date so fixed by any such resolution, having regard to any relevant circumstances any particular premises exempted from the provisions of this Part of this Act by virtue of such a resolution should again become subject to the said provisions, they may by a further resolution determine that those premises shall again become subject to the said provisions as from a date to be fixed by such further resolution, and the provisions of subsections (3) and (4) of the said section 69 shall (with any necessary modifications) apply to any such further resolution and the date fixed thereby.

PART VI

PENSIONS

Collective title and definitions.

49.—(1) The Manchester Corporation (Pensions) Acts 1920 to 1970 and this Part of this Act shall be cited jointly as the Manchester Corporation (Pensions) Acts 1920 to 1971.

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

the words and expressions to which meanings are assigned by section 57 (Definitions) of the Act of 1920 or by article 2 of the Manchester Superannuation (Benefits) Scheme 1955 have the same respective meanings; and

the expression " superannuation benefit " means any benefit which is or may be granted in pursuance of the local Act scheme or the Local Government Superannuation Acts 1937 to 1953 or the regulations made thereunder.

Benefits in certain cases of premature retirement.

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

Provided that this subsection shall not apply to a contributor if, not later than one month after ceasing to hold his employment, he notifies the Corporation in writing that he does not wish this subsection to apply to him and would prefer to receive a return of his contributions.

(2) Where, after the coming into force of this section, a contributor who has attained the age of fifty-five years and completed twenty-five years' service but has not attained pensionable age terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 63 (Return of contributions during contributor's lifetime) of the Act of 1920:

Provided that—

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

and such a person shall be entitled to a return of contributions with interest thereon in accordance with section 63 of the Act of 1920 up to the date of election; PART VI —*cont.*

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

(iii) nothing in this subsection shall interfere with the operation and effect of subsection (4) of section 63 of the Act of 1920 as amended by article 12 (Forfeiture) of the Manchester Superannuation (Benefits) Scheme 1955.

(3) Where a person who has become entitled to a superannuation benefit by virtue of subsection (2) of this section dies before any payment on account of such benefit has been made to him, the like benefits shall, as from the date of his death, be payable in respect of him as would have been paid if he had died on the last day of his employment as a contributor.

(4) For the purposes of section 45 (Annuities for spouses and dependants) of the Manchester Corporation Act 1946, a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his office or employment on the day immediately preceding the day on which that benefit first becomes payable to him, and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance as is referred to in subsection (1) of the said section 45. 1946 c. xxxviii.

(5) In this section " pensionable age " in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to superannuation benefits by reason of having, otherwise than under this section, attained such age and completed such period of service as is prescribed in the Manchester Corporation (Pensions) Acts 1920 to 1971 or the Manchester Superannuation (Benefits) Scheme 1955, as the case may be.

(6) This section shall come into force on 1st September, 1971.

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

(*a*) as respects any contributor who ceases or has ceased to hold employment with the Corporation in order to enter an employment (in this paragraph referred to as " the new employment ") in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, in lieu of making any such payment to him from the pension fund as is referred to in section 63 (Return of contributions

PART VI —*cont.*

during contributor's lifetime) of the Act of 1920 as amended by article 12 (Forfeiture) of the Manchester Superannuation (Benefits) Scheme 1955 (or, where such a payment has been made, if it is repaid to the pension fund by the contributor), either—

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

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

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

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

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

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

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

(5) Where any provision of the local Act scheme which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate)

PART VI —*cont.*

to include a reference to any such payment by way of a transfer value as is referred to in sub-paragraph (i) of paragraph (*a*) of subsection (1) of this section or to such payment by way of a transfer value or otherwise as is referred to in paragraph (*b*) of subsection (1) of this section.

(6) In this section "interchange arrangements" means any arrangements, whether by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 or by virtue of any other enactment apart from this section, providing for the preservation of superannuation rights following a change of employment. 1948 c. 33.

Extension of foregoing sections.

52.—(1) The Corporation may, at the request in writing of any other employing authority, being the employing authority of any person who participates in the benefits of the pension fund, determine that, subject to the provisions of this section and to such terms and conditions and from such date as may be agreed between the Corporation and the employing authority, all or any of the provisions of the last two foregoing sections of this Act, and of any scheme made under section 51 (Transfers of employment) of this Act, shall extend and apply in relation to that person.

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

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

Further option for pension fund contributors.

53.—(1) Within six months of the coming into operation of this section a contributor who exercised the option conferred upon him by article 25 (Option to retain existing benefits) of the Manchester Superannuation (Benefits) Scheme 1955, or a contributor who became a contributor by virtue of article 19 (Designation of pension fund and application of Manchester pension enactments) of the South East Lancashire and North East Cheshire Passenger Transport Authority (Designation) Order 1969, on or before 1st November, 1969, or by virtue of section 33 (Civilian employees of police authority) of the Manchester Corporation Act 1970 from 1st October, 1970, who had exercised that option or S.I. 1969/95. 1970 c. li.

PART VI —*cont.*

a similar option under regulation 17 (Option to retain existing benefits) of the Local Government Superannuation (Benefits) Regulations 1954 by notifying the Corporation or other employing authority as the case may be that he did not wish to avail himself of the benefits provided under that scheme or those regulations may notwithstanding the exercise of such option notify the Corporation in writing that he does wish to avail himself of the benefits provided under the scheme or those regulations.

S.I. 1954/1048.

(2) A contributor who notifies the Corporation in pursuance of this section shall be entitled to enjoy rights to benefits under the said scheme as if he had not exercised his option under the said article 25 or a similar option under regulation 17 of the Local Government Superannuation (Benefits) Regulations 1954.

(3) This section shall come into operation on such date as the council may by resolution appoint.

PART VII

FINANCE AND MISCELLANEOUS

Power to borrow.

54.—(1) The Corporation may borrow—

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

(*b*) without the consent of any sanctioning authority, 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.

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

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

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

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

1946 c. 58.

PART VII —*cont.*

Purposes for which money may be borrowed	Amount	Maximum period for repayment of loan
(1)	(2)	(3)
(*a*) The payment of grants under section 5 (Grants towards cost of sound-proofing dwellings) of this Act	The sum required	Forty years.
(*b*) 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	Forty years.
(*c*) The costs, charges and expenses of this Act	The sum required	Five years.

Amendment of section 48 of Education Act 1944.

55. In its application to the city subsection (3) of section 48 of the Education Act 1944 (which subsection relates to the provision of free medical treatment for pupils) shall have effect as if the reference therein to senior pupils included a reference to any persons who have attained the age of nineteen years and for whom full-time or part-time education is provided in pursuance of paragraph (*a*) of section 41 of the said Act of 1944. 1944 c. 31.

Application of certain enactments to vessels and floating structures.

56.—(1) The enactments mentioned in Schedule 1 to this Act in their application to the city and section 34 (Closure of insanitary food premises and stalls) and Part V (Night cafés) of this Act shall apply in relation to a vessel or floating structure used for human habitation or for the sale of food as they apply in relation to other premises and as if the vessel or floating structure used for human habitation or for the sale of food were a house, building or premises.

(2) In relation to any such vessel or floating structure these enactments shall have effect as if the person in charge of the vessel or floating structure were the occupier.

(3) This section shall not apply to any vessel or boat which is being used for the purpose of navigation.

Revocation of building lines.

57.—(1) Where in the opinion of the Corporation a line of new buildings fixed by the council under section 39 (Council to fix the Line of new Buildings) of the Manchester New Streets Act 1853 or a building line prescribed by the Corporation under section 52 (Frontage line in new streets) of the Manchester Corporation Act 1934, or any part of any such a line, is no longer necessary or desirable and should be revoked, they may by resolution revoke the line or that part thereof. 1853 c. xci. 1934 c. xcvii.

PART VII —*cont.*

(2) The provisions of paragraph 8 of Schedule 9 to the Highways Act 1959 shall apply for the purposes of this section and shall have effect as if the said line were an improvement line prescribed under section 72 of the Highways Act 1959, and as if for the reference to the plan prepared in accordance with paragraph 7 of the said Schedule 9 there were substituted a reference to a plan showing the line of new buildings fixed by the council under section 39 of the said Act of 1853, or to the plan referred to in section 52 of the said Act of 1934 and subject to any other necessary modifications.

1959 c. 25.

Removal of property of Corporation.

58.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall remove or otherwise interfere with any property vested in the Corporation in any street or public place within the city.

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

Parking of heavy commercial vehicles in front gardens.

59.—(1) (*a*) If representation is made in manner hereinafter mentioned to the Corporation that the amenities of the neighbourhood are prejudiced by the habitual use in the city of the front garden of any private dwelling-house in a street as a parking place for one or more heavy commercial vehicles, the Corporation on complying with the provisions of this section may make an order precluding the use of the front gardens of the private dwelling-houses in that street, or any part thereof for parking heavy commercial vehicles.

(*b*) A representation under the foregoing paragraph shall be made in writing and signed by not less than ten local government electors residing in private dwelling-houses which are within 100 yards of the said front garden.

(2) (*a*) If the Corporation consider that such an order should be made they shall publish a notice thereof in a local newspaper circulating in the city and stating where the draft order can be inspected and copies purchased, and that objections to the said order may be made in writing to the Corporation within one month from the date of the first publication of the notice.

(*b*) Not later than the date on which the notice is published in pursuance of paragraph (*a*) of this subsection the Corporation shall serve a copy of the notice on the owner or occupier of every private dwelling-house abutting or fronting on the street or part of a street to which the draft order refers.

(*c*) The Corporation shall consider all such objections and shall afford to the owner or occupier of every dwelling-house abutting or fronting on such street or such part thereof who has made objection an opportunity of being heard by a committee of the council before the order is made.

PART VII —*cont.*

(3) (*a*) After considering any objections made under the last foregoing subsection the Corporation may make an order prohibiting the use of the front garden of any dwelling-house in the street or the part of a street specified in the order, for parking heavy commercial vehicles.

(*b*) Any such order shall come into operation at the expiration of the period of one month after the first publication in pursuance of subsection (4) of this section of the notice of the making of the order or, if an appeal is lodged, when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine.

(4) When an order has been made by the Corporation under this section they shall give notice thereof and of the right of appeal by publication in a local newspaper circulating in the city and the owner or occupier of a dwelling-house in the city who is aggrieved by the order may appeal to a magistrates' court:

Provided that in its application to an appeal under this section section 300 of the Act of 1936 shall have effect as if the time within which such appeal may be brought were one month after the first publication in pursuance of this subsection of the notice of the order to which the appeal relates.

(5) For the purposes of this section—

"dual-purpose vehicle" means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed two tons and which either—

(*a*) satisfies the conditions as to construction specified in Schedule 2 to this Act; or

(*b*) is so constructed or adapted that the driving power of the engine is or by the appropriate use of the controls of the vehicle can be transmitted to all the wheels of the vehicle;

"front garden" means so much of a garden or land belonging to or used in connection with a private dwelling-house as lies between any road which the dwelling-house wholly or substantially faces and a line parallel thereto passing through that part farthest from the road of any wall of the dwelling-house facing the road;

"heavy commercial vehicle" means any vehicle (not being a dual-purpose vehicle) whether mechanically propelled or not constructed or adapted for the carriage of goods and having an unladen weight exceeding thirty hundredweight;

PART VII —*cont.*

"private dwelling-house" means a dwelling-house of which no part is used for the purposes of any trade or business and includes a block of flats no part of which is used for the purposes of any trade or business.

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

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

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

(7) Nothing in any order under this section shall apply so as to prevent a heavy commercial vehicle waiting in the front garden of any dwelling-house in a street to which the order relates for any period not exceeding one hour.

(8) The occupier of any front garden or part thereof or the person having control of a front garden or part thereof who permits the same to be used in contravention of an order under this section, and any person who parks a heavy commercial vehicle in contravention thereof, shall be liable to a fine not exceeding twenty pounds, and to a daily fine not exceeding five pounds.

Power to remove inmates from dangerous buildings or structure.

60.—(1) Where a magistrates' court makes or has made an order under section 58 of the Act of 1936 in respect of a building or structure or part thereof, and it appears to the court that the order cannot be complied with while the building or structure is occupied, the court may on application by the owner by order direct that the occupiers be removed therefrom.

(2) If the owner of the building or structure is not known or cannot be found or for any other reason is incapable of making an application to the court, or if the owner is unwilling to make such an application, an application under subsection (1) of this section may be made by the Corporation.

(3) Where the court has made an order under subsection (1) of this section—

(*a*) the owner shall pay to the occupiers such sum as the court may by order appoint towards the expenses of the occupiers in complying with the order;

(*b*) it shall not be lawful for the building or structure to be occupied unless the dangerous state thereof has been remedied to the satisfaction of the Corporation or the court has revoked the order; PART VII —*cont.*

(*c*) as soon as the dangerous state of the premises has been remedied to the satisfaction of the Corporation or the court has revoked the order the owner shall permit the occupiers to resume occupation of the building or structure.

(4) Any person who shall contravene the provisions of subsection (3) of this section shall be liable to a fine not exceeding ten pounds and a daily fine not exceeding two pounds.

Amendment of section 25 of Manchester Corporation Act 1956. 1956 c. lxxxiii.

61. Section 25 (Supply of water to premises where supply cut off) of the Manchester Corporation Act 1956 shall have effect as if—

(*a*) in subsection (1) for the words " Where an occupied house in the city has ceased to be supplied " there were substituted the words " Where any premises in the city have ceased to be supplied " and for the word " house " there were substituted the word " premises "; and

(*b*) the following were substituted for subsection (3):—

" (*a*) Where two or more premises are supplied with water by a common pipe belonging to the owner or occupier of those premises or some of them, and one or more of the premises being occupied has or have ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the defective state of the pipe or the cutting off of supply of water through that pipe, the Corporation may, if they think fit, repair or renew the pipe or execute such other works as they may consider necessary to secure that the supply of water to any such premises is restored and may recover any expenses reasonably incurred by them in so doing from the owners or occupiers of all the premises in such proportions as may be determined by the Corporation or in the case of dispute by a magistrates' court.

(*b*) Nothing done under this subsection shall prejudice or affect the rights and obligations as between themselves of the owner and the occupier of any premises."

Prohibition of interference with bird traps.

62.—(1) If any person in the city other than an authorised person interferes with any substance or apparatus lawfully set in position by the Corporation for killing or taking wild birds he shall be liable to a fine not exceeding five pounds.

PART VII —*cont.*

(2) In this section the expression " authorised person " means an authorised officer of the Corporation or a police officer or an inspector duly appointed by any incorporated society or body whose objects include the prevention or suppression of cruelty to animals or birds.

Hairdressers and barbers.

63.—(1) As from the appointed day—

(*a*) no person shall by himself or any other person carry on the business of a hairdresser or barber in the city unless he is registered by the Corporation under this section;

(*b*) no premises in the city shall be used for the carrying on of the business of a hairdresser or barber unless those premises are registered by the Corporation under this section.

(2) (*a*) Any person requiring registration of himself or premises under this section shall make application in writing to the Corporation and shall in such application state the address at which the person intends to carry on business or (as the case may be) the address of the premises for which registration is required.

(*b*) As soon as reasonably practicable after the receipt of an application under this section the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

1961 c. 64.

(3) The purposes for which the Corporation may make bye-laws under section 77 of the Public Health Act 1961 shall include in addition to the purposes mentioned in subsection (1) of that section the purpose of securing—

(*a*) the safety of the instruments, materials and equipment used in a hairdresser's or barber's shop;

(*b*) the provision of adequate washing facilities, including hot and cold water, wash basins and other appliances; and

(*c*) the safe use of dyes and other chemicals.

(4) The person registered shall keep a copy of the byelaws made by the Corporation under the said section 77 as amended by this section displayed in the registered premises.

(5) (*a*) Any officer or other representative of the Corporation duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any

PART VII —*cont.*

contravention of the provisions of this section or any byelaw made under the said section 77 as amended by this section and any such officer or representative shall have the like power of entry into any premises in the city in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on.

(*b*) Every person who refuses to permit any such authorised officer or representative of the Corporation to enter or inspect any premises which such officer or representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of any power under such provisions or under the provisions of any byelaw made under the said section 77 as amended by this section shall be liable to a fine not exceeding twenty-five pounds.

(6) If any person carries on business in contravention of this section or of any byelaw made under the said section 77 as amended by this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(7) Every person who immediately before the appointed day carries on the business of a hairdresser or barber and who has registered himself and his premises under the provisions of section 42 (Registration of hairdressers and barbers) of the Manchester Corporation Act 1946 shall be deemed to be registered both as respects himself and his premises under this section.

1946 c. xxxviii.

(8) (*a*) On the appointed day section 42 (Registration of hairdressers and barbers) of the Manchester Corporation Act 1946 is hereby repealed.

(*b*) Notwithstanding the repeal of the said section 42 any byelaws made under the powers of that section shall continue in force until revoked or altered under the provisions of this section and until so revoked shall be deemed to have been made under the powers of the said section 77 as amended by this section.

Assistance to developers.

64.—(1) The Corporation may acquire or subscribe for any shares, stock, debentures, debenture stock or any other security of a like nature of a body corporate with which an agreement is entered into under section 9 of the Manchester Corporation Act 1965.

1965 c. xlii.

(2) (*a*) The Corporation may, if requested to do so by any person who is the owner or intended owner or lessee or intended lessee of any building or part of a building in the city to which

PART VII —*cont.*

this subsection applies or of land in the city on which it is proposed that any such building should be erected, guarantee or contract to secure the payment of—

(i) any rent or other sum payable in respect of the building or part thereof;

(ii) any sums payable to any statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purpose of any trade or business carried on or to be carried on in the building.

(*b*) This subsection applies to industrial buildings and buildings which are office or shop premises within the meaning of the Offices, Shops and Railway Premises Act 1963.

1963 c. 41.

(3) The Corporation may advance money to—

(*a*) any person for the purpose of enabling or assisting him to purchase or lease any land in the city; or

(*b*) the owner or intended owner or lessee or intended lessee of—

(i) any land in the city; or

(ii) any land (whether within or outside the city) acquired from or leased by the Corporation;

for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon or for the purpose of assisting him in or in connection with the management or use of any such building:

Provided that any such advance shall not exceed nine-tenths of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(4) Before any advance is made under subsection (3) its repayment shall be secured to the satisfaction of the Corporation by a mortgage of the land in respect of which the advance is to be made or of the owner's or the lessee's interest therein or some other security and the instrument securing the advance—

(*a*) shall specify the rate or rates of interest or the share of the income from the development to be paid to the Corporation and the manner of repayment of the advance;

(*b*) may authorise the borrower after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);

PART VII —*cont.*

(*c*) shall where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount to be taken as outstanding and the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;

(*d*) shall require the borrower either—

(i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or

(ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf;

(*e*) shall require the borrower to keep the said building in good repair.

(5) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under subsection (3) of this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(6) Where any sum is borrowed by the Corporation and is applied in making an advance under subsection (3) of this section in pursuance of an agreement which provides that the whole of the sum advanced shall be repaid to the Corporation at the expiration of the period for which the advance is made, it shall be lawful for the Corporation, for such period 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.

(7) In this section the expression " lessee " includes a person to whom the owner has agreed to grant a lease and the expression " lease " shall be construed accordingly.

(8) Section 19 (Loans for erection etc. of buildings) of the Manchester Corporation Act 1950 and section 7 (Amendment of section 19 of Manchester Corporation Act 1950) and subsection (3) of section 9 (Agreements with developers) of the Manchester Corporation Act 1965 are hereby repealed. 1950 c. lvii. 1965 c. xlii.

Tolls and charges at wholesale meat market and public abattoir.

65.—(1) Nothing in subsections (1) and (2) of section 13 (Tolls and charges at markets and abattoirs) of the Manchester Corporation Act 1965 shall apply to the abattoir, wholesale meat market and cold air stores of the Corporation.

PART VII —*cont.*

1954 c. xlviii.

1965 c. xlii.

(2) The proviso to subsection (5) of section 33 (Provision of abattoir etc.) of the Manchester Corporation Act 1954 and subsection (3) of section 13 (Tolls and charges at markets and abattoir) of the Manchester Corporation Act 1965 are hereby repealed.

(3) In respect of the use of the public abattoir, wholesale meat market and cold air stores provided by the Corporation under section 33 of the Manchester Corporation Act 1954 or of any accommodation, services and facilities provided therewith subsections (2) and (3) of section 73 of the Act of 1955 (which relate to the publication of scales of charges in respect of public slaughterhouses and the directions of the Minister of Agriculture, Fisheries and Food in respect of such charges) shall apply to stallages, tolls and other charges made by the Corporation under paragraph (*b*) of subsection (5) of section 33 of the Manchester Corporation Act 1954 as if those stallages, tolls and other charges were scales of charges determined by the Corporation under subsection (1) of the said section 73 and the said subsections (2) and (3) as so applied shall have effect as if for the references therein to the Minister of Agriculture, Fisheries and Food there were substituted references to the Ministers.

(4) In considering for the purposes of the said section 73 as applied by this section whether any scale of charges (whether in respect of the use of the abattoir or of the wholesale meat market or of the cold air stores) determined by the Corporation is in any respect unreasonable, the Ministers shall have regard to the fact that the abattoir, wholesale meat market and cold air stores are all situated within the curtilage of the same premises and are operated by the Corporation as one integrated undertaking.

(5) Nothing in the foregoing provisions of this section shall apply to—

(*a*) any rents which the Corporation may demand under paragraph (*b*) of subsection (5) of section 33 of the Manchester Corporation Act 1954; or

(*b*) any other rent if and to the extent that the determination of such rents was left to the sole discretion of the Corporation or to agreement between the Corporation and their tenants immediately before the passing of the said Act of 1965.

(6) In this section "the Ministers" means the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly.

Art galleries.

66.—(1) Subject to the provisions of subsection (3) of this section the council shall appoint a committee under the provisions of section 85 of the Act of 1933 to discharge the functions of the council relating to art galleries and any other functions which the council may from time to time decide shall stand referred to it,

PART VII —*cont.*

consisting of not less than twenty-one members of whom seven (or such lesser number as may be agreed between the Corporation and the Victoria University of Manchester) shall be appointed by the university.

(2) On the date of the appointment of the committee under subsection (1) of this section—

(*a*) section 9 (As to constitution and appointment of Art Gallery Committee) of the Manchester Corporation Act 1882, as amended by section 23 (Provisions as to Art Gallery) of the Manchester Corporation (General Powers) Act 1902 shall be repealed; 1882 c. cciii. 1902 c. cxxxviii.

(*b*) in the following sections of the Manchester Corporation Act 1882, namely:—

Section 12 (As to meetings, lectures, &c.);
Section 13 (As to exhibitions of works of art, &c.);
Section 14 (Corporation to provide yearly sum for purchase of works of art, &c.);
Section 15 (As to admission to art gallery);

for references to the Art Gallery Committee there shall be substituted references to the council;

(*c*) the privileges reserved to the Royal Manchester Institution and conferred by the said sections 12 and 13 of the said Act of 1882 or by Schedule 3 to that Act shall cease.

(3) The council may vary the number of members who shall comprise the committee appointed under subsection (1) of this section:

Provided always that the number of members who shall be appointed thereto by the university shall be not less than seven except with the agreement of the university.

PART VIII

GENERAL

Confirming authority for byelaws.

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

Local inquiries.

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

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

PART VIII —*cont.*

(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.

69.—(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 day fixed thereby; and

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

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

(4) Either—

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

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

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

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

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 72 (Appeals) of this Act.

Liability of directors, etc.

70.—(1) Where an offence under Part IV (Public health) or Part V (Night cafés) of this Act committed by a body corporate is proved to have been committed with the consent or connivance

of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) In the foregoing subsection, "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Restriction on right to prosecute.

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

Appeals.

72.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act except under subsection (3) of section 34 (Closure of insanitary food premises and stalls), and sections 301 and 302 of that Act shall apply accordingly.

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

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

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

then, until the time for appealing has expired or, if 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.

Protection of members and officers of Corporation from personal liability.
1875 c. 55.

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

PART VIII —*cont.*

For protection of British Railways Board and British Waterways Board.

74. For the protection of the board the following provisions shall apply and have effect:—

(1) In this section—

" the board " means the British Railways Board and the British Waterways Board or either of them;

" essential works " means works whose execution at the time when they are executed is requisite—

(*a*) in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of a supply or service or facilities afforded by the board, or substantial loss or damage to the board; or

(*b*) in order to enable the board to satisfy an obligation or duty created by or under an enactment to afford a supply or service or facilities;

" operational land " has the same meaning as in the Town and Country Planning Acts 1962 to 1968:

(2) Nothing in section 38 (Control of noise from building, demolition and road works) of this Act shall authorise the Corporation or the medical officer to serve any notice, or make any application to a justice of the peace in respect of noise or vibration—

(*a*) from activities carried out or proposed to be carried out by the board on operational land; or

(*b*) from essential works carried out or proposed to be carried out by or on behalf of the board in the exercise of their statutory powers.

For protection of Central Electricity Generating Board.

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

(1) In this section—

" the board " means the Central Electricity Generating Board;

" essential works " means works whose execution at the time when they are executed is requisite—

(*a*) in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of a supply or service or facilities afforded by the board, or substantial loss or damage to the board; or

(*b*) in order to enable the board to satisfy an obligation or duty created by or under an enactment to afford a supply or service or facilities;

" operational land " has the same meaning as in the Town and Country Planning Acts 1962 to 1968:

(2) In exercising the powers conferred by section 9 (Power to enter premises) or by subsection (4) of section 36 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the board and used or intended to be used by them in connection with the generation or supply of electricity, an authorised officer of the Corporation shall comply with the reasonable requirements of the board in the interest of safety and for preventing interference with any process carried on in those premises:

(3) Nothing in section 38 (Control of noise from building, demolition and road works) of this Act shall authorise the Corporation or the medical officer to serve any notice, or make any application to a justice of the peace in respect of noise or vibration—

(*a*) from activities carried out or proposed to be carried out by the board on operational land; or

(*b*) from essential works carried out or proposed to be carried out by or on behalf of the board in the exercise of their statutory powers.

For protection of Gas Council and North Western Gas Board.

76. For the protection of the gas undertakers the following provisions shall apply and have effect:—

(1) In this section—

" essential works " means works whose execution at the time when they are executed is requisite—

(*a*) in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of a supply or service or facilities afforded by the gas undertakers, or substantial loss or damage to the gas undertakers; or

(*b*) in order to enable the gas undertakers to satisfy an obligation or duty created by or under an enactment to afford a supply or service or facilities;

" gas undertakers " means the Gas Council and the North Western Gas Board or either of them as the case may be:

PART VIII —*cont.*

(2) In exercising the powers conferred by section 36 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the gas undertakers and used or intended to be used by them in connection with the manufacture, storage or supply of gas, an authorised officer of the Corporation shall comply with the reasonable requirements of the gas undertakers in the interest of safety and for preventing interference with any process carried on in those premises:

(3) Nothing in section 38 (Control of noise from building, demolition and road works) of this Act shall authorise the Corporation or the medical officer to serve any notice, or make any application to a justice of the peace in respect of noise or vibration from essential works carried out or proposed to be carried out by or on behalf of the gas undertakers in the exercise of their statutory powers.

Application of general provisions of Act of 1936.

77.—(1) The sections of the Act of 1936 mentioned in Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) Section 287 (Power to enter premises) of the Act of 1936 shall have effect as if references therein to that Act included references to the following Part and sections of this Act, that is to say:—

Part III	(Regulation of street trading);
Section 33	(Carrying or storage of waste food);
Section 34	(Closure of insanitary food premises and stalls);
Section 36	(Silencers for internal combustion engines);
Section 37	(Reduction of noise from use of air-powered tools and compressors);
Section 38	(Control of noise from building, demolition and road works);
Section 39	(Reduction of dust, etc., from building operations);
Section 40	(Provisions as to self-operated laundries);
Section 42	(Trees impeding natural light to houses, shops and offices);
Section 60	(Power to remove inmates from dangerous buildings or structure).

Costs of Act.

78. 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 56.

ENACTMENTS APPLIED TO CERTAIN VESSELS AND FLOATING STRUCTURES

The Act of 1936—

Section 39 (Provisions as to drainage, &c., of existing buildings);
Section 40 (Provisions as to soil pipes and ventilating shafts);
Section 42 (Power of local authority to alter drainage system of premises);
Section 44 (Buildings having insufficient closet accommodation or closets so defective as to require reconstruction);
Section 45 (Buildings having defective closets capable of repair);
Section 46 (Sanitary conveniences in factories, workshops and workplaces);
Section 51 (Care of closets);
Section 79 (Power to require removal of noxious matter by occupier of premises in urban district);
Section 83 (Cleansing of filthy or verminous premises);
Section 84 (Cleansing or destruction of filthy or verminous articles);
Section 89 (Power to require sanitary conveniences to be provided at inns, refreshment houses, &c.);
Section 90 (Interpretation of Part II);
Part III (Nuisances and offensive trades);
Section 138 (Power of local authority to require any occupied house to be provided with sufficient water supply);
Part V (Prevention, notification and treatment of disease);
Part XII (General).

Public Health Act 1961— 1961 c. 64.

Section 35 (Filthy or verminous premises);
Section 80 (Meaning of " refreshment house " in section 89 of Public Health Act 1936).

SCHEDULE 2

Section 59.

CONDITIONS AS TO CONSTRUCTION OF DUAL-PURPOSE VEHICLES

1. The vehicle must be permanently fitted with a rigid roof with or without a sliding panel.

2. The area of the vehicle to the rear of the driver's seat must—

(*a*) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests attached either to the seats or to a side or the floor of the vehicle; and

SCH. 2 —*cont.*

(*b*) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear.

3. The distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in paragraph 2 of this schedule (or if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.

Section 77.

SCHEDULE 3

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT

Section	Marginal note
271	Interpretation of " provide ".
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
293	Recovery of expenses, &c.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

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