ELIZABETH II



1970 CHAPTER lxiv

An Act to confer further powers on the mayor, aldermen and burgesses of the county borough of Northampton; to establish an undertaking for the supply of heat; to make further provision for the finances, improvement and local government of the borough; and for other purposes. [17th December 1970]

WHEREAS—

(1) The borough of Northampton (hereinafter referred to as " the borough ") is a county borough under the management of the mayor, aldermen and burgesses of the borough (hereinafter called " the Corporation "):

(2) It is expedient that the Corporation should be authorised to supply heat to premises within and outside the borough as by this Act provided:

(3) It is expedient that the provisions in regard to the finances, improvement and local government of the borough which are contained in this Act should be enacted:

(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:

1933 c. 51.

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

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Northampton Corporation Act 1970.

Division of Act into Parts.

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

Part I—Preliminary.
Part II—District heating.
Part III—Finance.
Part IV—Miscellaneous.
Part V—General.

Interpretation.

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

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

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

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

1950 c. 39. " the Act of 1950 " means the Public Utilities Street Works Act 1950;

" the borough " means the county borough of Northampton;

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

" the Corporation " means the mayor, aldermen and burgesses of the borough;

" the council " means the council of the borough;

" the electricity board " means the East Midlands Electricity Board;

" electric line " has the same meaning as in the Electric Lighting Act 1882; 1882 c. 56.

" 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 borough;

PART I —*cont.*

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

" the fund " means the superannuation fund maintained by the council under the Local Government Superannuation Acts 1937 to 1953;

" the gas board " means the East Midlands Gas Board;

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

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

" gross rate income " means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967; 1967 c. 9.

" heating charges " means the charges the scale for which is prescribed by the Corporation under section 11 (Heating charges) of this Act;

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

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

" the revenues of the Corporation " includes all such funds, rates, contributions and revenues receivable by the Corporation as are mentioned in section 218 of the Act of 1933;

" statutory undertakers " means persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas or water, and includes the Post Office;

" telegraphic line " has the same meaning as in the Telegraph Act 1878; 1878 c. 76.

" the town clerk " and " the treasurer " mean respectively the town clerk and the treasurer of the borough.

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

PART II

DISTRICT HEATING

Interpretation of this Part of Act.

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

" heat " means heat however supplied and includes hot water and hot air but does not include gas other than non-combustible gas;

" heating fittings " includes pumps, boiler installations, radiators, air heaters, water heaters, mains, pipes,

PART II —*cont.*

meters, taps, cocks, valves, ferrules and other works and apparatus used in connection with the heating undertaking;

"heating undertaking" means the heating undertaking authorised by this Part of this Act and includes all lands, stations, boiler-houses, properties, works, buildings, machinery, plant, mains, pipes, apparatus, appliances, easements, rights, powers and privileges for the time being belonging to or held, used or enjoyed by the Corporation for or in connection with the provision, storage, transmission, distribution and supply of heat and hot water;

"local authority" means the council of a borough, urban district or rural district;

"main" includes a pipe or duct for the transmission of heat whether or not that transmission is for the purpose of supplying heat and also includes mechanical and thermal protection for a main and apparatus used in connection with a main.

Works for provision of heat.

5.—(1) Subject to the provisions of this Part of this Act, the Corporation may on any lands belonging to or leased to them erect, lay down, maintain, work and use stations, boiler-houses, mains, pipes and other works for providing, storing, transmitting, distributing and supplying heat and for producing any material, product, matter or thing arising or used in the process of such provision of heat (including the generation of electricity), together with such buildings, boilers, engines, pumps, machinery, lifts, hoists, sidings, electric lines, matters and things of whatever description as may be required by the Corporation to enable them to provide, store, transmit, distribute and supply heat, and the Corporation may accordingly on those lands provide, store, transmit, distribute and supply heat and may produce such materials, products, matters and things:

Provided that—

(*a*) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted;

(*b*) any electrical works or apparatus erected, laid down, maintained, worked or used pursuant to the powers conferred by this section shall be so erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line;

PART II —*cont.*

(*c*) before installing any engines or machinery for the generation of electricity (other than electricity to be used for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated) the Corporation shall consult with the generating board and shall not install such engines or machinery except with the agreement of that board.

(2) Any electricity generated by the Corporation as aforesaid may be sold—

(*a*) to the generating board; or

(*b*) with the approval of the generating board to the electricity board;

and any electricity so generated and not so sold as aforesaid may be used only for or in connection with the supply of heat under the powers of this Part of this Act at the works at which it is generated or (with the consent of the generating board and the electricity board) elsewhere.

(3) The generating board shall, subject to the terms of any agreement made under paragraph (*c*) of the proviso to subsection (1) of this section, take all the electricity generated by the Corporation as aforesaid which is not—

(*a*) required for or in connection with the heating undertaking; or

(*b*) supplied to the electricity board with the approval of the generating board;

upon such terms and conditions as may be agreed between the Corporation and the generating board or, in default of agreement, determined by arbitration, and the arbitrator in determining the terms and conditions shall have regard to the costs which the generating board would incur in producing the equivalent amount of electricity from their own resources.

(4) Before erecting or laying down any works for providing, storing, transmitting, distributing or supplying heat, the Corporation shall give notice of their proposals to the generating board, the electricity board, the Gas Council, the gas board and to such other bodies as the Corporation may consider it appropriate to consult, together with such information and estimates with regard to their proposals as any of such boards or bodies may reasonably require, and if so requested in writing by any of such boards or bodies within fourteen days after the date of the receipt by that board or that body of such information, the Corporation shall consult with that board or that body as to the Corporation's proposals and any alternative proposals which may within three months after that date be submitted by that board or that body.

PART II —*cont.*

Power to buy heat in bulk.

6.—(1) The Corporation may enter into and carry into effect agreements with any person able to give a supply of heat for the furnishing to the Corporation by such person for the purposes of this Part of this Act of such a supply and—

(*a*) any such person may enter into any such agreement accordingly; and

(*b*) any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works, plant, materials or things required for the purposes of the agreement; and

(*c*) the Corporation may let any land which they may possess to any such person to enable that person to supply heat in accordance with the agreement.

(2) The Corporation may for the said purposes also enter into and carry into effect agreements for the taking and use of surplus heat from any generating station or gasworks, refuse destructor or industrial plant, and any person able to supply heat may enter into such an agreement.

Supply of heat.

7.—(1) Subject to the provisions of subsection (2) of this section the Corporation may supply heat to—

(*a*) such premises in the borough; and

(*b*) such premises owned by them outside the borough;

as they may think fit, upon and subject to the provisions of this Part of this Act and such terms and conditions as may be agreed between the Corporation and the owners or occupiers of the premises.

(2) The Corporation may by agreement with the owners or occupiers of the premises and with the consent of the appropriate local authority supply heat to any premises outside the borough which are so situated that they can be included within the scope of the heating undertaking for the supply of heat to premises referred to in subsection (1) of this section without unreasonable addition to expenditure for the purposes thereof and without prejudicially affecting the supply of heat to any such premises, upon and subject to the provisions contained in this Part of this Act and such terms and conditions as may be agreed between the Corporation and the owners or occupiers of the premises and between the Corporation and the local authority:

Provided that nothing in this subsection shall empower the Corporation to supply heat to any premises outside the area comprised in the Northampton New Town (Designation) Order 1968.

PART II —*cont.*

(3) The terms and conditions subject to which the consent of the local authority is granted shall not be other than such terms and conditions as are necessary to protect the functions of that authority.

(4) In the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(5) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises, they shall give notice of their intention so to do to the owner of the premises and, in the event of the supply of heat to such premises being discontinued, notice of such discontinuance shall be given by the Corporation to the owner of such premises.

Power to lay mains, etc., and break open streets. 1945 c. 42.

8.—(1) The following provisions of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act, namely:—

Part V	(Power to lay mains &c.);
Section 22	(Power to break open streets);
Section 25	(Protection for railway companies, navigation authorities, tramway undertakers, &c.);
Section 27	(Remedies where undertakers fail to comply with foregoing requirements);
Section 28	(Application of Part VI to verges and streets and highways not maintainable at the public expense); and
Section 93	(Protection for works of navigation authorities and for catchment boards and railways).

(2) For the purposes of this Part of this Act, in the construction of the provisions incorporated by this section—

" limits of supply " means the borough;

" main " has the meaning assigned to it by section 4 (Interpretation of this Part of Act) of this Act;

" service pipe " means a pipe or duct for supplying heat from a main to any premises;

" supplying water " means supplying heat and " supply of water " shall be construed accordingly; and

" the undertakers " means the Corporation.

(3) Nothing in the provisions incorporated by this section shall authorise the Corporation to lay down a main outside the borough except for the purpose of—

(*a*) giving or facilitating the supply of heat in accordance with the provisions of this Part of this Act; or

(*b*) taking a supply of heat from any works or premises outside the borough.

PART II —*cont.*

Power to lay down or erect electric lines, etc.

9.—(1) For the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 5 (Works for provision of heat) of this Act the Corporation may lay down or erect electric lines and apparatus—

(*a*) in, under or over any street, subject however to the provisions of subsection (3) of this section; and

(*b*) with the consent of every owner and occupier of any land not forming part of a street in, on or over that land;

and may from time to time inspect, repair, alter or renew or may at any time remove any electric line or apparatus laid down or erected by them whether by virtue of this section or otherwise:

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld, and any question whether such a consent is or is not unreasonably withheld shall be referred to and determined by the Minister of Technology.

(2) (*a*) Where the Corporation in the exercise of the powers of this section lay down or erect any electric line or apparatus in, on or over any land not forming part of a street or inspect, repair, alter, renew or remove any electric line or apparatus laid down or erected in, on or over any such land, they shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the laying down, erection, inspection, repair, alteration, renewal or removal of the electric line or apparatus.

(*b*) Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

1945 c. 42.

(3) The following provisions of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the laying down, erection, inspection, repair, alteration, renewal or removal of electric lines and apparatus under this section:—

Section 22 (Power to break open streets);

Section 25 (Protection for railway companies, navigation authorities, tramway undertakers, &c.);

Section 27 (Remedies where undertakers fail to comply with foregoing requirements);

Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and

Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

(4) For the purpose of such application, the Corporation shall be deemed to be the undertakers and the limits of supply shall be deemed to be the borough.

PART II —*cont.*

(5) Without prejudice to the operation of section 4 of the Electric Lighting Act 1888, those provisions of the Electricity (Supply) Acts 1882 to 1936, as amended by the Electricity Act 1947, and of the schedule to the Electric Lighting (Clauses) Act 1899 which, as applied by the Post Office Act 1969, afford protection to the Post Office and its telegraphic lines, shall so far as applicable extend and apply to any electric lines or apparatus laid down or erected under this section, and references in those provisions to the electricity board or the undertakers shall be construed as references to the Corporation.

1888 c. 12. 1947 c. 54. 1899 c. 19. 1969 c. 48.

(6) The powers of this section shall not be exercised except with the consent of the electricity board which consent shall not be unreasonably withheld and any dispute as to whether such consent is or is not unreasonably withheld shall be determined by the Minister of Technology.

Power to supply fittings.

10.—(1) In any premises to which the Corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating fittings as may be required for or in connection with the supply or utilisation of the heat so supplied and may install, repair, renew or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation, repair, renewal or alteration.

(2) The Corporation may make such charges as may be agreed or, in default of agreement, as may be reasonable for any heating fittings supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises supplied.

(3) Any heating fittings let for hire by the Corporation and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(*a*) shall not be subject to distress or to the landlord's remedy for rent nor be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

(*b*) shall, notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire-Purchase Act 1965) removable by the Corporation: 1965 c. 66.

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

PART II —*cont.*

(4) All heating fittings supplied by the Corporation under any hire-purchase agreement shall, until payment of the final instalment of the purchase money for such fittings, be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) The Corporation shall so adjust the charges to be made under this section that the income therefrom will, taking one year with another, meet any expenditure by them thereunder, including interest upon any moneys borrowed for the purposes thereof, establishment charges, and any sums carried to a sinking fund for repayment of moneys so borrowed and the cost of repairs or renewals.

(6) (*a*) If any person wilfully injures or suffers to be injured any heating fittings belonging to the Corporation he shall be liable to a fine not exceeding twenty pounds.

(*b*) Without prejudice to the foregoing provisions of this subsection, the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender either as a simple contract debt in any court of competent jurisdiction, or, if the amount does not exceed twenty pounds, summarily as a civil debt.

Heating charges.

11.—(1) The Corporation may from time to time prescribe a scale of charges for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for reconnecting premises thereto, and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the Corporation to pay the same, in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction, or, if the amount does not exceed twenty pounds, summarily as a civil debt and, where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises, the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

Provided that if, before the expiration of the said seven days, notice is given to them that there is a dispute as to the amount due in respect of the heating charges or as to the liability to pay

PART II —*cont.*

the same, the Corporation shall not cut off the supply of heat until the dispute has been settled or, on the application of either party, determined by a court of competent jurisdiction.

(3) Without prejudice to any other method of recovery any heating charges payable by the occupier of any premises of which he is the tenant of the Corporation and connected as aforesaid may be recovered as rent due from him.

Security for payment of accounts.

12. The Corporation may require any person desiring to take a supply of heat or to be supplied with heating fittings or materials under this Part of this Act to deposit with the Corporation such sum as the Corporation may reasonably require as security for the payment of any moneys which may become due from him to the Corporation in respect of such supply of heat or of any fittings or materials supplied to him in connection therewith.

Discount for prompt payment.

13.—(1) The Corporation may, if they think fit, make an allowance by way of discount on all sums of money due to them for the supply of heat or meter rent or for heating fittings or materials supplied at the request of the owner or occupier of the premises from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf, and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges.

(2) In the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

Power to enter premises.

14.—(1) Subject to the provisions of this section, any authorised officer of the Corporation shall, on producing if so required some authenticated document showing his authority, have a right to enter at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act, or any premises in or upon which any heating fittings have been installed for the purpose of or in connection with supplying heat to any premises as aforesaid, for the purpose of—

(*a*) inspecting and examining any heating fittings whether belonging to the Corporation or not;

(*b*) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder;

(*c*) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act;

PART II —*cont.*

(*d*) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation:

Provided that, except in cases of emergency arising from defects in any heating fittings, admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing that—

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

(*b*) there is reasonable ground for entry into the premises for any such purpose as aforesaid;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises, if need be by force.

(3) An authorised officer of the Corporation entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectually secured against trespassers as he found them.

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

(5) Any person who, in compliance with the provisions of this section or of a warrant issued thereunder, is admitted into a factory, workshop or workplace shall not disclose to any person, except where such disclosure was made in the performance of his duty, any information obtained by him in the factory, workshop or workplace with regard to any manufacturing process or trade secret, and if he does so he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall authorise any authorised officer of the Corporation to enter any premises (other than offices or showrooms) belonging to or used by the generating board or the electricity board or the Gas Council or the gas board for the purposes of or in connection with the generation or supply of electricity or the manufacture, storage or supply of gas (as the case may be).

PART II —*cont.*

15.—(1) If any person wilfully and without the consent of the Corporation turns on, opens, closes, shuts off or otherwise interferes with any heating fitting belonging to the Corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a fine not exceeding twenty pounds and, whether proceedings be taken against him in respect of his offence or not, the Corporation may recover from him the amount of any damage or loss sustained by them either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt. Interference with apparatus, etc.

(2) If any person wrongfully takes, uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Corporation) be liable to a fine not exceeding ten pounds.

16.—(1) The Corporation may make byelaws for preventing the waste, misuse, undue consumption or contamination of, or interference with, the circulation or supply of heat by them under this Part of this Act. Byelaws for protection of heating undertaking.

(2) Byelaws under this section may include provisions—

(*a*) prescribing the size, nature, materials, strength and workmanship and the mode of arrangement, connection, disconnection, insulation, alteration and repair of the heating fittings to be used; and

(*b*) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—

(i) waste, misuse, undue consumption or contamination of or interference with the circulation of heat; or

(ii) reverberation in pipes; and

(*c*) requiring the testing of fittings, and the making of charges therefor.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may, without prejudice to their right to take proceedings in respect of such contravention, cause any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or, if the amount does not exceed twenty pounds, summarily as a civil debt.

(4) As respects byelaws made under this section the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister of Technology.

PART II —*cont.*

Notice to be given before quitting premises supplied with heat.

17.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving notice of his intention so to do to the Corporation he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises, whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing to the address and in the manner specified by the Corporation for the purpose.

(3) There shall be endorsed upon every demand note in respect of heating charges payable to the Corporation—

(*a*) the foregoing provisions of this section, or a statement of the effect thereof; and

(*b*) the address for, and manner of, service of a notice under this section; and

(*c*) the length of notice required by the Corporation.

Corporation not to be exempted from proceedings for nuisance

18. Nothing in this Part of this Act shall exonerate the Corporation from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them:

Provided that this section shall not apply to the exercise by the Corporation of the powers of sections 8 (Power to lay mains, etc., and break open streets) and 9 (Power to lay down or erect electric lines, etc.) of this Act.

Modification of section 26 of Act of 1950.

19.—(1) In any case in which within the meaning of section 26 of the Act of 1950—

(*a*) the Corporation are the operating undertakers in respect of undertakers' works authorised by this Part of this Act, or are the owning undertakers in respect of apparatus laid down under the powers of this Part of this Act; and

(*b*) either the Post Office, the generating board, the electricity board, the Gas Council, the gas board or the Mid-Northamptonshire Water Board are the owning undertakers or (as the case may be) the operating undertakers;

the said section 26 shall be modified as follows:—

(i) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans, sections and particulars of the works;

PART II —*cont.*

(ii) subject to the provisions of the next succeeding paragraph the said notice shall be given not less than seven days before the works are commenced;

(iii) on the first occasion on which the Corporation execute undertakers' works under this Part of this Act, and on any subsequent occasion on which the Corporation execute such works extending for a distance of more than 100 yards, the said notice shall be given not less than twenty-one days before the works are commenced and shall be accompanied by information as to—

(A) the maximum temperatures and pressures at which heat is proposed to be transmitted or distributed by the Corporation by means of such works; and

(B) the measures (if any) proposed to be taken by the Corporation with respect to the securing of the safety of any apparatus of the Post Office or the generating board or the electricity board or the Gas Council or the gas board or the Mid-Northamptonshire Water Board from damage or injury arising directly or indirectly from such works and with respect to the insulation of such works so as to prevent the escape of heat therefrom.

(2) Any question which may arise under the said section 26 as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

(3) In this section any expressions to which meanings are assigned by the Act of 1950 have the same respective meanings.

Purchase of land for heating undertaking.

20.—(1) The Corporation, by means of an order made by the Corporation and submitted to and confirmed by the Minister, may be authorised to purchase land within the borough compulsorily for the purposes of the heating undertaking.

1946 c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land under this 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*) In this section the expression "land" includes easements and rights in respect of land and 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.

PART II —*cont.*

(*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.

Attachment of brackets, etc.

21.—(1) Subject to the provisions of this section the Corporation may affix to any buildings in the borough such brackets, mains, electric lines and attachments (in this section called "attachments") as may be required for the purposes of the heating undertaking.

1961 c. 64.

(2) The provisions of subsections (2) to (9) of section 45 of and Schedule 4 to the Public Health Act 1961 shall apply to any attachments affixed under subsection (1) of this section as if they were attachments affixed under subsection (1) of the said section 45 and the said provisions as so applied shall have effect with any necessary modifications including the substitution of "the Corporation" for "a street lighting authority", the substitution

of a reference to " section 30 of the Town and Country Planning Act 1962 " for " section twenty-nine of the Town and Country Planning Act 1947 " and the omission from subsection (9) of the definition of " street lighting ": PART II —*cont.* 1962 c. 38. 1947 c. 51.

Provided that nothing in this section shall authorise the Corporation to affix any attachments to—

(*a*) a building for the time being included in a list published by the Minister of Public Building and Works under any enactments for the time being in force with respect to ancient monuments without the consent of that Minister; or

(*b*) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Minister under section 32 of the Town and Country Planning Act 1962, not being a building to which paragraph (*a*) of this proviso applies, without the consent of the Minister.

PART III

FINANCE

Power to borrow.

22.—(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, such sums as may be necessary for paying the costs, charges and expenses of this Act;

and, 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.

(2) The Corporation shall repay sums borrowed under paragraph (*b*) of the foregoing subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (*a*) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

Power to Corporation to raise money by issue of bills.

23. In addition to the modes of borrowing prescribed by the Act of 1933 or by any other enactment the Corporation may raise money—

(1) for any purpose for which the Corporation are authorised to borrow;

PART III —*cont.*

(2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Corporation may properly be applied;

by means of bills (to be called "Northampton Corporation bills" and in this section referred to collectively as "bills" and separately as a "bill") subject to and in accordance with the following provisions:—

(*a*) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:

(*b*) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:

(*c*) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Corporation may determine:

(*d*) Bills shall be issued under the authority of a resolution passed by the council and shall bear the signature of the treasurer or of some other person authorised by the council:

(*e*) The Corporation may make regulations providing for—

(i) the preparation and form and the mode of issue, payment and cancellation of bills;

(ii) the issue of a new bill in lieu of one defaced, lost or destroyed;

(iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and

(iv) the giving of a proper discharge on the payment of a bill:

(*f*) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

(*g*) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—

(i) the sum of nine hundred thousand pounds; or

(ii) one-fifth of the amount of the estimated gross rate income of the borough during the then current financial year;

whichever is the greater:

PART III —*cont.*

(*h*) Subject to the provisions of the last preceding paragraph the Corporation may renew a bill at maturity:

(*i*) The Corporation may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Corporation to borrow shall be suspended to the extent of the amount which has been raised for capital purposes by the issue of bills.

Power to raise money abroad.

24.—(1) Any method by which the Corporation are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) (*a*) The powers conferred by the foregoing subsection shall not be exercised except with the consent of the Treasury and subject to such conditions as the Treasury may impose.

(*b*) The enactments empowering the Corporation to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there were substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there were substituted a reference to the sum expressed in terms of the foreign currency (adjusted where necessary to produce an amount which the Corporation consider appropriate having regard to all the circumstances of the transaction).

Amendment of power to issue bonds. 1963 c. 46.

25. Section 7 of the Local Government (Financial Provisions) Act 1963 and Schedule 1 to that Act (which section empowers a local authority to issue bonds in accordance with the provisions of that schedule) shall have effect in their application to the Corporation as if the following provisions were substituted for paragraph 1 of that schedule:—

"1. Local authority bonds issued by a local authority shall, subject to the next following paragraph—

(*a*) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;

(*b*) be issued for periods of not less than one year."

Further powers of investment of superannuation fund. 1937 c. 68.

26.—(1) In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments to be made out of the fund there were substituted an obligation to invest such moneys as follows (namely):—

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

PART III —*cont.*

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

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

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

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

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

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

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

PART III —*cont.*

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

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

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

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

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

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

(ii) building operations or other development;

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

(*k*) upon the security of freehold or leasehold ground rents, land charges or rentcharges;

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

Provided that—

(i) no investment shall be made under paragraph (*g*) of this subsection at any time when the value of all the investments made under the said paragraph (*g*) which form part of the fund equals or exceeds three-quarters of the total value of the assets of that fund; and

(ii) so long as the value of all the investments made under paragraph (*h*) and paragraph (*j*) of this subsection which form part of the fund is equal to or greater than one-quarter of the value of all the investments made under the said paragraph (*g*) which form part of the fund, no further investment shall be made under the said sub-paragraph (*h*) or the said sub-paragraph (*j*).

(2) For the purposes of the foregoing subsection the value of any investment of moneys forming part of the fund shall be treated as being the value of the investment at the time at which it was made.

(3) For the purposes of the foregoing provisions of this section an investment in the units of a unit trust scheme or in participation certificates or in any form of participation under any trust or

PART III —*cont.*

scheme established in the United Kingdom or elsewhere having the effect of enabling persons to participate in the profits and income arising from the acquisition, holding, management or disposal of such securities or of such property or interest in property as are specified in subsection (1) of this section shall be regarded as an investment in the securities or property in question.

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

(5) In this section—

"participation certificate" means any document conferring upon the holder the right to participate in (or constituting evidence of the right of the holder to participate in) the profits or income arising from the acquisition, holding, management or disposal of a particular investment specified or described in the document;

"recognised stock exchange" in its application to the United Kingdom means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1958;

1958 c. 45.

"securities" includes shares, debentures, treasury bills and tax reserve certificates;

"unit trust scheme" has the meaning assigned thereto by subsection (1) of section 26 of the Prevention of Fraud (Investments) Act 1958.

Amendment of powers relating to insurance fund.

1943 c. xv.

27. Section 111 (Insurance fund) of the Northampton Corporation Act 1943 is hereby amended as follows:—

(1) for the words "fifty thousand pounds" (wherever those words occur) there shall be substituted the words "the prescribed amount";

(2) after subsection (10) there shall be added the following subsection:—

"(11) In this section 'the prescribed amount' means such sum as may from time to time be prescribed by the council."

Reserve fund for heating undertaking.

28.—(1) Notwithstanding anything contained in any enactment the Corporation may at any time after the passing of this Act create a reserve fund out of the revenue of the undertaking by setting aside in respect of the undertaking such money as they may think reasonable and accumulating the same until the fund so created amounts to the prescribed maximum.

(2) A reserve fund created in pursuance of this section shall be applicable to answer any deficiency at any time happening in the income from the undertaking or to meet any extraordinary

PART III —*cont.*

claim or demand at any time arising against the Corporation in respect of the undertaking or for the purpose of meeting expenses incurred in the replacement and repair of buildings, plant, vehicles or apparatus forming part of the undertaking or for the purpose of extending and improving such buildings, plant, vehicles and apparatus and so that if that fund at any time be reduced it may thereafter be restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had under the foregoing provisions of this section to the reserve fund although it may not at the time have reached or may have been reduced below the prescribed maximum.

(3) Pending the application of the reserve fund created in pursuance of this section to the purposes authorised in subsection (2) of this section the moneys in the said fund shall (unless applied in any other manner authorised by any enactment and in so far as those moneys are not for the time being required for the purposes of the said fund) be invested in any security in which trustees are for the time being authorised by law to invest trust moneys.

(4) In this section—

"the prescribed maximum" means such sum as may from time to time be prescribed by the council, not exceeding a sum equal to one-fifth of the aggregate capital expenditure on the undertaking or such higher sum as may be approved by the Minister;

"undertaking" means the heating undertaking authorised by Part II (District heating) of this Act.

Saving for Exchange Control Act 1947. 1947 c. 14.

29. Nothing in this Part of this Act shall be taken as exempting the Corporation from the provisions of the Exchange Control Act 1947.

PART IV

MISCELLANEOUS

Disposal of specimens and works of art.

30.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any object—

(*a*) vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library, archives or other building of the Corporation; or

(*b*) which has been in the custody of the Corporation for not less than three months after being left at any museum, art gallery, library, archives or other building of the Corporation for the purpose of identification or otherwise and which is not proved to the reasonable satisfaction of the Corporation to belong to any claimant:

PART IV —*cont.*

Provided that, in the case of any object to which paragraph (*b*) of this subsection applies, the powers conferred by this subsection shall be subject to any express terms on which that object was placed in the custody of the Corporation.

(2) The Corporation may make arrangements by way of sale, loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any object vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

(*a*) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section in respect of that object; and

(*b*) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable in respect of that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor.

(4) Any moneys received by the Corporation in the exercise of the powers of this section as respects any object which has become vested in the Corporation by virtue of a gift or bequest shall be applied by them in the purchase of specimens, works of art, books or documents or paid into the art fund established by the Corporation under section 112 (Art fund) of the Northampton Corporation Act 1943 except in a case in which such moneys exceed fifty pounds and are subject to a trust the terms of which prevent them being so applied or paid.

1943 c. xv.

(5) In this section " object " means a specimen, work of art, book or document.

Parking places in parks, etc. 1967 c. 76.

31.—(1) For the purpose of providing a parking place under section 28 of the Road Traffic Regulation Act 1967 the Corporation may, with the consent of the Minister, utilise any part of a park, pleasure ground or open space provided by them or under their management and control:

Provided that the part of any park, pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof, or one acre, whichever is the less.

(2) In this section " open space " has the same meaning as in the Open Spaces Act 1906.

1906 c. 25.

PART IV —*cont.*

(3) No power conferred upon the Corporation by this section shall be exercised in such a manner—

(*a*) as to be at variance with an express trust subject to which land or a building is held, managed or controlled by the Corporation, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

(*b*) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Misleading signs on motor vehicles.

32.—(1) There shall not be displayed on any private hire-car in the borough any sign or notice—

(*a*) which consists of or includes the word " taxi " or " cab ", whether in the singular or plural and whether alone or as part of another word; or

(*b*) which consists of the words " for hire ", or the form or wording of which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it, or would be so available if not already hired.

(2) No advertisement—

(*a*) indicating that motor vehicles can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the borough; or

(*b*) on or near any such premises indicating that motor vehicles can be hired at those premises;

shall include the word " taxi " or " cab ", whether in the singular or plural and whether alone or as part of another word, unless the vehicles offered for hire are licensed cabs or the advertisement makes it clear that they are not.

(3) Any person who—

(*a*) drives a vehicle in respect of which subsection (1) of this section is contravened or causes or permits that subsection to be contravened in respect of any vehicle; or

(*b*) subject to subsection (4) of this section, issues, or causes to be issued, an advertisement which contravenes subsection (2) of this section;

shall be guilty of an offence and liable on summary conviction, in the case of a first offence under the paragraph of this subsection

PART IV —*cont.*

in question, to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence under that paragraph, to a fine not exceeding fifty pounds.

(4) Where a person is charged with an offence under paragraph (*b*) of subsection (3) of this section, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that paragraph.

(5) In this section—

"advertisement" includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly;

"licensed cab" means a vehicle licensed under section 37 of the Town Police Clauses Act 1847;

1847 c. 89.

"private hire-car" means a motor vehicle, other than a licensed cab or public service vehicle, which is used for the purpose of carrying passengers for hire or reward;

"public service vehicle" has the meaning assigned to that expression by section 117 of the Road Traffic Act 1960.

1960 c. 16.

Provisions as to motor vehicles let for hire.

1875 c. 55.

33. The provisions of the Town Police Clauses Act 1847, and of section 171 of the Public Health Act 1875, shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to any motor vehicle, notwithstanding that it is not a hackney carriage, which is offered or let for hire with the services of a driver and to such drivers:

Provided that this section shall not apply to—

(*a*) any vehicle which is kept by any person in connection with any business carried on by such person as a funeral director or owner of funeral vehicles available for hire and used wholly or mainly in connection with such business; or

(*b*) any vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or

(*c*) a public service vehicle as defined in the last foregoing section;

or to the drivers or conductors of such vehicles.

PART IV —*cont.*

Conditional passing of building plans.

34.—(1) If any person by whom or on whose behalf plans are deposited in pursuance of building regulations with respect to a proposal fails to deposit with the council any information whether by way of specifications, calculation or otherwise which the council are by virtue of the said regulations entitled to require in connection with the building work or fitting to which the plans relate the council may with the consent of that person instead of rejecting the plans as defective pass them subject to a condition that no part of the proposed building work or fitting shall be begun before the expiration of a specified period not exceeding twenty-eight days after the said information has been deposited with the council.

(2) The notice given by the council in pursuance of subsection (2) of section 64 of the Act of 1936 shall contain a statement of any condition imposed under subsection (1) of this section.

(3) Until the said information has been so deposited and until the expiration of the said period thereafter—

(*a*) the plans shall for the purposes of subsections (4) and (5) of section 65 of the Act of 1936 be deemed not to have been passed; and

(*b*) for the purposes of those subsections the notice containing a statement of the imposition of any such condition shall be deemed to have been a notice of rejection of the plans.

(4) If the said information is duly deposited—

(*a*) the original deposit and passing of the plans shall be void; and

(*b*) the council shall treat the plans as if they incorporated the said information and were deposited in pursuance of building regulations on the date when the said information was deposited with the Corporation:

Provided that the council shall not on reconsidering them under this subsection reject the said plans on any ground on which they could have been lawfully rejected when first deposited.

Loans for erection of buildings, etc.

35.—(1) The Corporation may advance money to—

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

(*b*) the owner, purchaser or lessee of—

(i) any land in the borough; or

(ii) any land outside the borough acquired, or taken on lease, from the Corporation;

PART IV —*cont.*

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

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.

1963 c. 29.

(2) The provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act 1963 (which section empowers local authorities to make advances for the erection of buildings on land sold or let by them) shall apply in relation to an advance made under the foregoing subsection, and for that purpose those provisions shall have effect subject to the substitution for references therein to an advance made under the said section 3 of references to an advance made under subsection (1) of this section and to any other necessary modifications.

(3) 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 this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) The borrower may with the permission of the Corporation (which shall not be unreasonably withheld) at any time transfer his interest in the land in respect of which the advance was made, but any such transfer shall be made subject to the terms of the instrument securing the advance.

(5) In this section—

"lessee" includes a person to whom the Corporation have agreed to grant a lease, and the expression "lease" shall be construed accordingly; and

"owner" means the person (other than a mortgagee not in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple of the land.

Power to Corporation to assist industry.

36.—(1) The Corporation may, if requested so to do by any person—

(*a*) who is the owner or intended owner or lessee or intended lessee of any land in the borough; or

(*b*) who has purchased or intends to purchase or has taken or intends to take on lease from the Corporation any land (whether within or outside the borough);

PART IV —*cont.*

being in either case land upon which an industrial building is built or is intended to be built, extended or improved, carry out any work required in relation to the preparation or improvement of the site for that building or for the provision or improvement of services or facilities on which any trade or business carried on or intended to be carried on in such building depends, and may with the approval of the Minister make grants or loans towards the cost of such works or of the provision or improvement of such services or facilities or both:

Provided that nothing in this section shall authorise the Corporation to carry out works for the provision or improvement of services which it is the function of statutory undertakers to provide or improve.

(2) In this section " industrial building " means a building used or designed for use for the carrying on of any process for or incidental to any of the following purposes, that is to say:—

(*a*) the making of any article or of part of any article; or

(*b*) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, or breaking up or demolition, of any article; or

(*c*) the storing of any article; or

(*d*) without prejudice to the foregoing paragraphs, the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of a trade or business, and for the purposes of this definition " building " includes a part of a building and " article " means an article of any description, including a ship or vessel.

Amendment of section 155 of Highways Act 1959. 1959 c. 25.

37. Section 155 of the Highways Act 1959 in its application to the borough shall have effect as if—

(1) in subsection (6) for the word " estimate " in both places where that word occurs there were substituted the word " quotation ";

(2) the following subsection were substituted for subsection (7):—

" (7) As soon as practicable after such a deposit has been made with an authority the authority shall execute the works as approved or proposed by them."

Power to compound for payment of tolls.

38.—(1) The Corporation may enter into a composition with any person with respect to the payment of any tolls or charges levied pursuant to the Northampton Corporation Markets and Fairs Act and Order 1870 and 1948.

PART IV —*cont.*

(2) The Corporation may, if they think fit, include in such composition an allowance by way of discount with respect to any such tolls or charges.

(3) In the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

PART V

GENERAL

Local inquiries.

39.—(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.

(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.

Arbitration.

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

Provision of Act	Person appointing arbitrator
Subsection (3) of section 5 (Works for provision of heat)	The President of the Institution of Electrical Engineers.
Subsection (2) of section 9 (Power to lay down or erect electric lines, etc.)	The President of the Institution of Civil Engineers.

Evidence of proceedings, appointments, etc.

41.—(1) In proceedings under any enactment, a document purporting to be certified by the town clerk as a copy of a resolution passed, order made, or report received, by the council or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the council or committee on that date.

PART V —*cont*

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

(3) In this section " officer " includes a servant and an agent.

(4) Section 286 of the Act of 1936 and that section as applied by or incorporated in any other enactment, shall cease to apply to the council and its committees.

Restriction on right to prosecute.

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

Application of general enactments.

43. The sections of the Act of 1936 mentioned in the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

Costs of Act.

44. 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.

Section 43.

SCHEDULE

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304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

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CHAPTER lxiv

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FINANCE

22. Power to borrow.
23. Power to Corporation to raise money by issue of bills.
24. Power to raise money abroad.
25. Amendment of power to issue bonds.
26. Further powers of investment of superannuation fund.
27. Amendment of powers relating to insurance fund.
28. Reserve fund for heating undertaking.
29. Saving for Exchange Control Act 1947.

PART IV

MISCELLANEOUS

30. Disposal of specimens and works of art.
31. Parking places in parks, etc.
32. Misleading signs on motor vehicles.
33. Provisions as to motor vehicles let for hire.
34. Conditional passing of building plans.
35. Loans for erection of buildings, etc.
36. Power to Corporation to assist industry.
37. Amendment of section 155 of Highways Act 1959.
38. Power to compound for payment of tolls.

PART V

GENERAL

39. Local inquiries.
40. Arbitration.
41. Evidence of proceedings, appointments, etc.
42. Restriction on right to prosecute.
43. Application of general enactments.
44. Costs of Act.

SCHEDULE—Sections of Act of 1936 applied to this Act.