Norwich Corporation Act 1970

CHAPTER xxvii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

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

PART II

HEATING UNDERTAKING

4. Interpretation of Part II of Act.
5. Supply of heat.
6. Works for provision of heat.
7. Power to buy heat in bulk.
8. Purchase of land for heating undertaking.
9. Power to lay mains, etc., and break open streets.

(4) By virtue of subsection (3) of section 113 of the Housing Act 1957, the Corporation are empowered to grant to any of their tenants such rebates from rent, subject to such terms and conditions, as they may think fit and it is expedient that the Corporation should be empowered to make payments to or on behalf of certain other tenants in respect of rent as provided in this Act:

1957 c. 56.

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

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

(7) 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:—

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Norwich Corporation Act 1970.

(2) The Norwich Corporation Acts and Orders 1726 to 1950 and this Act may be cited together as the Norwich Corporation Acts and Orders 1726 to 1970.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Heating undertaking.
Part III.—Parks, cemeteries and other municipal property.
Part IV.—Rent rebates.
Part V.—Fire precautions.
Part VI.—Finance and superannuation.
Part VII.—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.

PART I —*cont.*

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

" 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 city " means the city and county of the city of Norwich;

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

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

" the council " means the council of the city;

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

" the electricity board " means the Eastern Electricity Board;

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

" the gas board " means the Eastern Gas Board;

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

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

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

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

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

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

PART II

HEATING UNDERTAKING

Interpretation of Part II of Act.

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

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

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

"heating charges " means the charges for heat prescribed by the Corporation under subsection (1) of section 12 (Heating charges) of this Act;

ELIZABETH II



1970 CHAPTER xxvii

An Act to confer further powers on the lord mayor, aldermen and citizens of the city of Norwich; to empower them to establish an undertaking for the supply of heat; to make further provision for the improvement, health, local government and finances of the city; and for other purposes.

[29th May 1970]

WHEREAS—

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

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

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

Section

10. Power to lay down or erect electric lines, etc.
11. Power to supply fittings.
12. Heating charges.
13. Security for payment of accounts.
14. Power to enter premises.
15. Interference with apparatus, etc.
16. Byelaws for protection of heating undertaking.
17. Discount for prompt payment.
18. Notice to be given before quitting premises supplied with heat.
19. Corporation not to be exempted from proceedings for nuisance.
20. Modification of section 26 of Act of 1950.
21. Crown rights.

PART III

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

22. Extension of power to maintain burial grounds.
23. For protection of Commonwealth War Graves Commission.
24. Parking places in parks, etc.
25. Golf courses.
26. Saving for trusts, etc.

PART IV

RENT REBATES

27. Interpretation of Part IV of Act.
28. Application of Part IV of Act.
29. Power to make payments to certain tenants.
30. Calculation of payments to tenants.
31. Expenditure not to be taken into account for rate support grant.

PART V

FIRE PRECAUTIONS

32. Oil-fired boilers.
33. Underground parking places.
34. Further provision as to underground parking places.
35. Interpretation and powers of entry for purposes of last two foregoing sections.

PART VI

FINANCE AND SUPERANNUATION

Section

36. Power to borrow.
37. Power to Corporation to raise money by issue of bills.
38. Power to raise money by issue of bearer bonds.
39. Power to raise money abroad.
40. Saving for Exchange Control Act 1947.
41. Extension of power to invest superannuation fund moneys.
42. Expenses of investment of superannuation fund.
43. Investment of other funds of Corporation.
44. Sheriff's remuneration.

PART VII

GENERAL

45. Confirming authority for byelaws.
46. Local inquiries.
47. Liability of directors, etc.
48. Restriction on right to prosecute.
49. Protection of members and officers of Corporation from personal liability.
50. Application of general provisions of Act of 1936.
51. Repeal.
52. Costs of Act.

SCHEDULES:

Schedule 1—Sections of Act of 1936 applied—
Part I—Sections applied generally.
Part II—Sections applied to Part V of this Act.
Schedule 2—Provisions of local enactments repealed.

PART II —*cont.*

"heating fittings" includes radiators, air heaters, water heaters, mains, pipes, meters, taps, cocks, valves, ferrules and other works and apparatus used in connection with the supply or use of heat;

"the 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;

"main" includes mechanical and thermal protection for a main and apparatus used in connection with a main;

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

1878 c. 76.

Supply of heat.

5.—(1) The Corporation may supply heat to—

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

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

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

Provided that 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.

(2) 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 to do so 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.

Works for provision of heat.

6.—(1) Subject to the provisions of this Part of this Act, the Corporation may on any lands in the city belonging 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 equipment 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;

(*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 only 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 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 supply of heat; 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 a single arbitrator to be appointed in default of agreement by the President of the Institution of Electrical

PART II —*cont.*

(5) 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.

11.—(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 or 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.

(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 by them under this section as 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.

PART II —*cont.*

(6) 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 and 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 and, if the amount does not exceed twenty pounds, summarily as a civil debt.

Heating charges.

12.—(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, subject as hereinafter provided, 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 the same, the Corporation shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

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

Security for payment of accounts.

13. 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.

PART II —*cont.*

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—

" the limits of supply " means the city;

" main " includes a pipe or duct for the transmission of heat whether or not that transmission is for the purpose of the supply of heat;

" 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—

(*a*) to lay down a main outside the city except for the purpose of—

(i) giving or facilitating a supply of heat within the city; or

(ii) taking a supply of heat from any works or premises outside the city; or

(iii) supplying heat to any premises owned by them;

(*b*) to supply heat to any premises outside the city other than premises owned by them.

Power to lay down or erect electric lines, etc.

10.—(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 6 (Works for provision of heat) of this Act the Corporation may, within the city, 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:

PART II —*cont.*

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 and 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 a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

(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, and for the purpose of such application the city shall be deemed to be the limits of supply:— 1945 c. 42.

Section 22 (Power to break open streets);

Section 25 (Protection for railway companies navigation authorities tramway undertakers etc.);

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);

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

(4) 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 in 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.

PART II —*cont.*

Engineers 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.

Power to buy heat in bulk.

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

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

(*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, hot water or steam from any generating station or gasworks, refuse destructor or industrial plant and any person able to supply heat, hot water or steam may enter into such an agreement.

Purchase of land for heating undertaking.

8.—(1) The Corporation may be authorised by the Minister to purchase compulsorily for the purposes of the heating undertaking land within the city.

1946 c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

PART II —*cont.*

(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.

(*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.

Power to lay mains, etc., and break open streets.

9.—(1) The following provisions of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act:— 1945 c. 42.

Part V	(Power to lay mains etc.);
Section 22	(Power to break open streets);
Section 25	(Protection for railway companies navigation authorities tramway undertakers etc.);

PART II —*cont.*

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 duly 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;

(*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:

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

(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

PART II —*cont.*

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) If any person who, in compliance with the provisions of this section or of a warrant issued thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall, unless such disclosure was made in the performance of his duty, 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).

Interference with apparatus, etc.

15.—(1) If any person wilfully and without the consent of the Corporation turns on, opens, closes, shuts off or otherwise interferes with any valve, cock or other work or apparatus 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 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.

(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 twenty pounds.

Byelaws for protection of heating undertaking.

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 hot water or steam used by them in connection with the supply and use of heat under this Part of this Act.

(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

PART II —*cont.*

(*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 hot water or steam;

(ii) reverberation in pipes; or

(iii) waste, misuse or undue consumption of heat.

(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.

Discount for prompt payment.

17. 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 rent of meter 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:

Provided that the Corporation shall make the same allowance to all persons under similar conditions.

Notice to be given before quitting premises supplied with heat.

18.—(1) If the occupier of any premises supplied with heat by the Corporation quits the premises without giving twenty-four hours' notice in writing 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 foregoing provisions of this section, or a statement of the effect thereof, shall be endorsed upon every demand note in respect of heating charges payable to the Corporation.

PART II —*cont.*

19. 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.

Corporation not to be exempted from proceedings for nuisance.

20.—(1) In any case in which—

(*a*) the Corporation are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of undertakers' works authorised by this Part of this Act, or are the owning undertakers within the meaning of that section in respect of apparatus laid down under the powers of this Part of this Act; and

Modification of section 26 of Act of 1950.

(*b*) either the Post Office, the generating board, the electricity board, the Gas Council or the gas 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;

(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 hot water or steam 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 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;

(iv) any question which may arise under the said section as modified by this section between the operating undertakers and the owning undertakers shall be determined

PART II —*cont.*

by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

1950 c. 39.

(2) In this section " the Act of 1950 " means the Public Utilities Street Works Act 1950 and any expressions to which meanings are assigned by the Act of 1950 have the same respective meanings.

Crown rights.

21. Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Corporation to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

(1) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(2) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

PART III

PARKS, CEMETERIES AND OTHER MUNICIPAL PROPERTY

Extension of power to maintain burial grounds.

22.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

(*a*) to put, and keep, in order any memorial therein;

(*b*) to level any grave therein;

(*c*) to remove the whole or any part of a memorial therein;

(*d*) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraph (*b*), (*c*) or (*d*) of the foregoing subsection the Corporation shall—

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

(*b*) display a notice thereof in a conspicuous position in the burial ground; and

(*c*) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

PART III —*cont.*

(3) Each of the notices shall—

(*a*) contain brief particulars of the Corporation's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;

(*b*) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications, or than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service whichever is the latest; and

(*c*) state the effect of the next following subsection.

(4) If notice of objection to a proposal, and of the ground thereof, is given to the Corporation before the date specified under paragraph (*b*) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Minister, unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (*a*) of subsection (2) of this section, or, where notice has been served under paragraph (*c*) thereof, after the date of such service, whichever is the later.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at their own expense, in substitution, a memorial of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each memorial taken from the burial ground under this section containing—

(*a*) a copy of any inscription on it; and

(*b*) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(8) (*a*) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject to obtain for any work a faculty or licence of a consistory court.

(*b*) Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a

PART III —*cont.*

faculty or licence; and subsection (5) thereof shall not have effec in relation to any memorial for whose removal such a faculty o licence was obtained.

(9) In this section—

" burial ground " includes a cemetery;

" grave " includes a grave space;

" memorial " means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or memorial.

For protection of Commonwealth War Graves Commission.

23.—(1) In this section—

" the Commission " means the Commonwealth War Graves Commission;

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

(2) In relation to any burial ground to which the provisions of section 22 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

(*a*) not later than the date upon which such notice is first published in a newspaper circulating in the city serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 22;

(*b*) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (*b*), (*c*) or (*d*) of subsection (1) of the said section 22;

and in any such case shall have due regard to any written representations made by the Commission within a period of one month from the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not, in pursuance of the powers of the said section 22, remove any memorial placed or erected over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:—

(*a*) that no other memorial shall be placed or erected over such grave;

PART III —*cont.*

(*b*) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;

(*c*) that in the case of any headstone placed or erected by the Commission over any such grave, such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

(4) If a Commonwealth war burial would be affected by a consent given by the Minister under subsection (4) of the said section 22, the Corporation shall, not later than the date on which the matter is referred to the Minister, inform the Commission in writing of such reference, and the Minister shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Minister.

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

24.—(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.

Golf courses.

25.—(1) The Corporation may within or outside the city provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

(2) References in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided, or works executed, under the last foregoing subsection, and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

(*a*) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or

PART III —*cont.*

(*b*) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Corporation may—

(*a*) at a golf course provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;

(*b*) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;

(*c*) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;

(*d*) by themselves, or any person appointed by them in that behalf, apply for, and hold, licences for the sale of intoxicating liquor at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses provided under this section, whether within or outside the city and the conduct of persons using them or resorting thereto.

Saving for trusts, etc.

26. No power conferred upon the Corporation by either of the last two foregoing sections of this Part of this Act 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.

PART IV

RENT REBATES

Interpretation of Part IV of Act.

1968 c. 23.

27.—(1) In this Part of this Act unless the subject or context otherwise requires—

" the Act of 1968 " means the Rent Act 1968;

" controlled tenancy " and " regulated tenancy " have the meanings assigned to them by section 7 of the Act of 1968;

PART IV —*cont.*

" the Corporation's rent rebates " means the rebates from rent which the Corporation grant under subsection (3) of section 113 of the Housing Act 1957; 1957 c. 56.

" a house of the Corporation " means a dwelling-house of which the interest of the landlord belongs to the Corporation;

" housing association " has the meaning assigned to it by subsection (1) of section 189 of the Housing Act 1957;

" housing society " has the meaning assigned to it by subsection (7) of section 1 of the Housing Act 1964; 1964 c. 56

" let " includes sub-let;

" tenancy " includes sub-tenancy;

" tenant " has the meaning assigned to it by section 113 of the Act of 1968.

(2) In this Part of this Act unless the subject or context otherwise requires the expression " dwelling-house " means a building let and used solely as a separate dwelling or a part of a building being a part so let and used:

Provided that a building or part of a building shall not for the purpose of this definition be excluded from being a dwelling-house by reason only of the kitchen being used by a tenant in common with another person or other persons.

(3) For the purpose of this Part of this Act or of any calculation made under this Part of this Act the gross value and the rateable value of a dwelling-house shall respectively be deemed to be the gross value and the rateable value of the dwelling-house as shown in the valuation list for the time being current for the city, or, if no gross value or no rateable value (as the case may be) of that dwelling-house is shown in that list, such value as the Corporation may estimate.

Application of Part IV of Act.

28.—(1) This Part of this Act applies to tenants in occupation of dwelling-houses in the city other than—

(*a*) a tenant of a house of the Corporation;

(*b*) a tenant of a dwelling-house the rateable value of which for the time being exceeds one hundred and ten pounds or such greater or less sum as the council may after consultation with the Minister by resolution from time to time determine;

(*c*) a tenant who occupies a dwelling-house under the terms of his employment;

(*d*) a tenant of a dwelling-house which is let by a housing association or a housing society whose constitution or

PART IV —*cont.*

rules restrict membership of the association or society to, or whose management is such as to result in substantially all the members being, persons entitled or prospectively entitled (whether as tenants or otherwise) to occupy a house provided or managed by the association or society.

(2) If the council pass a resolution varying the sum referred to in paragraph (*b*) of subsection (1) of this section, the Corporation shall cause to be published in a local newspaper circulating in the city notice of the passing of the resolution and of the sum fixed thereby.

Power to make payments to certain tenants.

29. Subject to the provisions of section 30 (Calculation of payments to tenants) of this Act the Corporation may, as they may from time to time determine and subject to such terms and conditions as they may think fit, on the application of a tenant to whom this Part of this Act applies, make payments out of the general rate fund to him, or to another person on his behalf, in respect of the rent payable by him.

Calculation of payments to tenants.

30.—(1) The payments, if any, which the Corporation may make to or on behalf of a tenant under section 29 (Power to make payments to certain tenants) of this Act shall as far as practicable be calculated in the same manner as the Corporation's rent rebates are for the time being calculated:

Provided that such payments to or on behalf of a tenant shall be calculated by reference to his net rent as ascertained in accordance with subsection (2) of this section.

(2) (*a*) For the purpose of calculating any payment to or on behalf of a tenant under this Part of this Act his net rent shall be ascertained by deducting from the rent payable by him or his assessed rent as determined under paragraph (*b*) of this subsection (whichever be the less) a sum equal to so much of the rent as represents rates or any other matter which would not be treated as part of the net rent for the purpose of determining the Corporation's rent rebates if the dwelling-house had been a house of the Corporation.

(*b*) For the purpose of paragraph (*a*) of this subsection the assessed rent of a tenant shall be deemed to be—

(i) in the case of a regulated tenancy where the rent is registered under Part IV of the Act of 1968—the rent so registered;

(ii) in the case of a controlled tenancy—a rent equal to the limit ascertained under Part V of the Act of 1968;

(iii) in the case of a tenancy where the rent is registered with the Corporation under Part VI of the Act of 1968—the rent so registered;

(iv) in any other case—such rent as in the opinion of the Corporation would be payable to them if the dwelling-house were a house of the Corporation, having regard to the current level of rents of houses of the Corporation. PART IV —*cont.*

Expenditure not to be taken into account for rate support grant.

31. Any expenditure incurred by the Corporation under this Part of this Act shall not be taken into account in computing the expenditure of the Corporation for the purposes of rate support grant.

PART V

FIRE PRECAUTIONS

Oil-fired boilers.

32.—(1) As from the coming into operation of this section any person intending to install or place oil-burning equipment in any building in the city, whether erected before or after the commencement of this Act, or on any land in the city shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) (*a*) The Corporation may make byelaws for securing that, in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws, proper arrangements will be made for preventing or reducing danger from fire.

(*b*) Byelaws made under this section may include provisions prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, apparatus and fittings and fire-fighting appliances to be provided, and the mode of arrangement of any such works, apparatus, fittings and appliances.

(3) (*a*) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and passed by, the Corporation shall, for the purposes only of this section, be deemed to be approved by the Corporation as complying with the appropriate specification for such equipment contained in the byelaws in respect of all matters shown in the plans and specifications so passed.

(*b*) If the Corporation do not, within two months from the submission of plans and specifications of any oil-burning equipment under this subsection, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(4) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land in the city, the Corporation are satisfied that proper arrangements will be made for preventing or reducing danger from fire, they may, on the

PART V —*cont.*

application of the person proposing to install or place such equipment, approve the installation or placing of the equipment notwithstanding that it may not comply with the appropriate specification for such equipment contained in byelaws made under this section.

(5) (*a*) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any oil-burning equipment under subsection (4) of this section may, within twenty-one days from the receipt of notification of the refusal, appeal to the Secretary of State.

(*b*) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(*c*) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaws.

(6) (*a*) If any person installs oil-burning equipment in any building or on any land in the city without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(*b*) If any person contravenes any byelaw made under subsection (2) of this section, other than pursuant to an approval granted under subsection (4) of this section, he shall be liable to a fine not exceeding fifty pounds, and if—

(i) that person after conviction of the contravention; or

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

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(7) Nothing in this section or any byelaws made thereunder shall apply to—

(*a*) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding 1,000 gallons; or

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

(*c*) the installation of any oil-burning equipment by the British Railways Board, the generating board, the electricity board, the Gas Council or the gas board for the purposes of their respective undertakings:

PART V —*cont.*

Provided that the exemption conferred by this paragraph shall not extend—

(i) to houses; or

(ii) to buildings used as offices or showrooms other than in the case of the British Railways Board, buildings so used which form part of a railway station.

(8) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963 apply on the coming into force in relation to those premises of regulations made under either of those Acts and relating to the same subject-matter as this section.

1961 c. 34.
1963 c. 41.

(9) (*a*) In this section—

" apparatus and fittings " includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters;

" boiler " means a boiler, furnace, heater, oven or similar plant;

" house " means a dwelling-house, whether a private dwelling-house or not, and includes a flat and maisonette;

" oil-burning equipment " means a boiler designed or adapted for the combustion of oil and includes the burner, the storage tanks and the apparatus, fittings, devices and catch-pits, and any other equipment used for or in connection with the heating of the boiler;

" storage tank " means a tank, container or device designed or adapted for the purpose of supplying oil to a boiler.

(*b*) References in this section to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(10) (*a*) This section shall come into operation on such day as may be fixed by resolution of the council, subject to and in accordance with the provisions of this subsection.

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

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

(ii) of the general effect of the provisions of this section;

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

PART V —*cont.*

(*c*) 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.

Underground parking places.

33.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building regulations include proposals for the construction, alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the Corporation may, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire, being proposals relating to all or any of the following matters:—

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

(*b*) the provision of adequate means of ventilation of the underground parking place;

(*c*) the provision of electrical and mechanical and heating equipment in the underground parking place;

(*d*) the provision of a satisfactory emergency lighting system in connection with the underground parking place;

(*e*) the provision of fire-fighting equipment and appliances in connection with the underground parking place;

(*f*) the provision of safe and adequate means of ingress to and egress from the underground parking place;

(*g*) the provision of adequate means for preventing inflammable substances from being admitted to any drainage system forming part of the underground parking place;

(*h*) the provision of adequate means of access to the underground parking place for fire brigade appliances and personnel.

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

PART V —*cont.*

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

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

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

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

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

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground parking place or permits it to be used as an underground parking place without giving effect to or securing the observance of any proposal specified in the notice, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

Further provision as to underground parking places.

34.—(1) Without prejudice to the provisions of section 33 (Underground parking places) of this Act, the Corporation may by notice to the owner or occupier of any underground parking place in the city which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building regulations, the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (*b*) to (*h*) of subsection (1) of the said section 33 as the Corporation think fit.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

PART V —*cont.*

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

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

(5) On consideration of any such appeal, the Secretary of State may, if he thinks fit, confirm, modify, alter or annul any requirement made by the Corporation under this section.

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

1928 c. 32.

35.—(1) In the last two foregoing sections the expression "underground parking place" means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act, 1928, is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space, either alone or in addition to any other facility or service, for motor cars or other vehicles and of which any part of the floor is situated more than 4 feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 the provisions of the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

PART VI

FINANCE AND SUPERANNUATION

Power to borrow.

36.—(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.

PART VI —*cont.*

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

(3) It shall not be lawful to exercise the power 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.

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

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

(*b*) 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 "Norwich 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:—

(i) 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:

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

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

(iv) 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 Corporation:

(v) The Corporation may make regulations providing for—

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

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

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

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

PART VI —*cont.*

(vi) 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:

(vii) 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—

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

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

whichever is the greater:

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

(ix) 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.

(2) In this section—

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

" 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.

" revenues " has the same meaning as in section 218 of the Act of 1933;

" signature " includes a facsimile of a signature by whatever process reproduced.

Power to raise money by issue of bearer bonds.

38. In addition to any other method by which the Corporation may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to raise money abroad.

39.—(1) Any method by which the Corporation are empowered by any enactment (including the last two foregoing sections) 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.

PART VI —*cont.*

(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).

(3) Nothing in this section shall be taken as exempting the Corporation from the provisions of any order under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

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

40. Nothing in the last two foregoing sections shall be taken as exempting the Corporation from the provisions of the Exchange Control Act 1947.

Extension of power to invest superannuation fund moneys. 1937 c. 68.

41.—(1) In its application to the investment by the Corporation under subsection (3) of section 21 of the Local Government Superannuation Act 1937 of any moneys forming part of, but not for the time being required to meet payments out of, the superannuation fund, the Act of 1961 shall have effect as if—

(*a*) in Part III (Wider-Range Investments) of Schedule 1 to that Act—

(i) in paragraph 3 there were added at the end the words " or in any units or other shares of a property unit trust ";

(ii) the following paragraphs were added:—

" 4. In any securities issued in any of the scheduled territories within the meaning of section 1 of the Exchange Control Act 1947, or in Canada, the United States of America, Japan, the Netherlands Antilles, or in any of the following countries, namely, Austria, Belgium, Denmark, France, Holland, Italy, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland and Western Germany being securities which at the time of making the investment are quoted on any stock exchange in any of the said scheduled territories or any of the territories mentioned in this paragraph.

PART VI —*cont.*

5. 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.

6. In the advance of money upon the security of any legal estate or interest in immovable property comprised in a building agreement as specified in paragraph 5 of this Part 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.";

(*b*) in Part IV (Supplemental) of the said schedule—

(i) in paragraph 1 there were inserted after the word "Schedule" the words "other than those mentioned in paragraph 4 of the said Part III";

(ii) after paragraph 2 there were inserted the following paragraph—

"2A. The securities mentioned in paragraph 4 of Part III of this Schedule do not include shares or debenture stock not fully paid up (except shares or debenture stock which, by the terms of issue, are required to be fully paid up within nine months of the date of issue).";

(iii) sub-paragraph (*a*) of paragraph 3 were omitted and the following were substituted for sub-paragraph (*b*) of the said paragraph 3:—

"(*b*) shares or debenture stock of an incorporated company which has not paid a dividend on its ordinary stock or shares for each of the five years immediately preceding the date of investment, or if the company has been incorporated or registered or has been trading for less than five years before that date unless—

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

(*ii*) in the case of a company which has not been incorporated or registered or trading for at least one year before the date of investment

PART VI —*cont.*

but which has been formed by the amalgamation of other companies each of such companies has paid dividends on its ordinary stock or shares for each of the five years immediately preceding the date of the amalgamation.";

(iv) after paragraph 4 there were inserted the following paragraph:—

"4A. The securities mentioned in paragraph 4 of Part III of this Schedule do not include shares or debentures of an incorporated company of which the total issued and paid-up share capital is less than one million pounds sterling or its equivalent in any foreign currency."

(2) (*a*) Notwithstanding anything in the Act of 1961, the Corporation may invest any moneys referred to in subsection (1) of this section in any manner specified in Part III of Schedule 1 to the Act of 1961, as amended by this section, and may also from time to time vary any such investments:

Provided that—

(i) no such moneys shall be so invested at any time when the value of all the investments made in the manner specified in the said Part III as so amended equals or exceeds three-quarters of the total value of the superannuation fund; and

(ii) no such moneys so invested in the manner specified in paragraphs 5 and 6 of the said Part III as so amended shall equal or exceed one-quarter of the total value of the superannuation fund.

(*b*) For the purposes of this subsection, the value of any investment belonging to the superannuation fund shall be deemed to be the value of the investment at the time at which it was made.

(3) In this section "the Act of 1961" means the Trustee Investments Act 1961. 1961 c. 62.

Expenses of investment of superannuation fund.

42. All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund, shall be paid by the Corporation out of that fund.

Investment of other funds of Corporation.

43. Notwithstanding anything in any other enactment the moneys standing to the credit of any capital, repairs, reserve, renewals, insurance, contingencies or other similar fund established by the Corporation, other than funds applicable wholly or partly for the redemption of debt, may be invested in similar manner and subject to the same restrictions as money of the superannuation fund.

PART VI —*cont.*

Sheriff's remuneration.

44. The Corporation may pay to the sheriff of the city such allowance and expenses as they think reasonable.

PART VII

GENERAL

Confirming authority for byelaws.

45. 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 except that, in the case of byelaws made under section 16 (Byelaws for protection of heating undertaking) of this Act the confirming authority shall be the Minister of Technology.

Local inquiries.

46.—(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.

Liability of directors, etc.

47.—(1) Where an offence under the provisions of this Act mentioned in subsection (2) of this section 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) The provisions hereinbefore referred to are—

Section 32 (Oil-fired boilers);

Section 33 (Underground parking places);

Section 34 (Further provision as to underground parking places).

(3) In this section, " 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.

PART VII —*cont.*

48. 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. Restriction on right to prosecute.

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

50.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 1 to this Act shall have effect as if references therein to that Act included a reference to this Act. Application of general provisions of Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part V (Fire precautions) of this Act.

51. The enactments specified in column (1) of Schedule 2 to this Act are hereby repealed to the extent specified in column (2) of that schedule. Repeal.

52. 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. Costs of Act.

SCHEDULES

Section 50.

SCHEDULE 1

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of " provide ".
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PART V OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act 1925.

1925 c. 22.

SCHEDULE 2

Section 51.

PROVISIONS OF LOCAL ENACTMENTS REPEALED

(1) Enactments repealed	(2) Extent of repeal	
The Act 46 Geo. III c. 67 intituled " An Act for better paving, lighting, cleansing, watching and otherwise improving the City of Norwich ":		
Section XXXV (Power to take Materials)	The whole section.	
Section XXXVI (Notice to be given before Materials are taken)	The whole section.	
Section XXXVII (Lamps to be set up)	The whole section.	
Section XXXVIII (Penalty for breaking Lamps)	The whole section.	
Section XXXIX (For negligently breaking Lamps)	The whole section.	
Section XLII (Penalty on Victuallers harbouring Watchmen on Duty)	The whole section.	
Section XLVI (Power to remove Projections and Encroachments)	The whole section.	
Section XLVII (Protection for Corners of Buildings)	The whole section.	
Section XLVIII (For preventing future Projections)	The whole section.	
Section LII (Empowering the Commissioners to contract for the Purchase of Buildings &c., for the improvement of streets etc.)	The whole section.	
Section LIII (Power for Bodies Politic &c., to sell)	The whole section.	
Section LIV (Provision in Cases of Refusal or Inability to sell)	The whole section.	
Section LV (Provision that Verdicts shall not be binding unless Money paid within Three Calendar Months)	The whole section.	
Section LVI (Provision for Payment of Costs of Verdicts)	The whole section.	
The Act 6 Geo. IV c. lxxviii intituled " An Act for amending and enlarging an Act of His late Majesty, for better paving, lighting, cleansing, watching and otherwise improving the City of Norwich ":		
Section XIII (Limiting the Amount of Assessment)	The whole section.	
Norwich Corporation Markets Act 1862:		1862 c. iii.
Section 16 (Penalty on Sale &c. of Meat &c. unfit for Food of Man)	The whole section.	
Norwich Poor Act 1863	The whole Act.	1863 c. xciii.
City of Norwich Act 1867:		1867 c. cii.
Section 6 (Power to Board to take Lands compulsorily)	The whole section.	
Section 7 (The taking of Lands to be subject to provisions of Lands Clauses Consolidation Acts)	The whole section.	
Section 8 (Correction of deposited Plans &c.)	The whole section.	
Section 9 (Deposit of Certificate of Correction with Clerks of Peace and Parish Clerk)	The whole section.	

SCH. 2 —*cont.*

	(1) Enactments repealed	(2) Extent of repeal
	Section 10 (Powers for compulsory Purchases limited)	The whole section.
	Section 19 (Power to Board to acquire Land for Materials for Trowse Road)	The whole section.
	Section 54 (Trowse Road Works affecting Railway to be made to Satisfaction of Railway Company's Engineer)	The whole section.
	Section 55 (Not to deviate from Centre Line of Road without Consent)	The whole section.
	Section 56 (Not to take certain Lands without Consent)	The whole section.
1889 c. clxxxvii.	Norwich Corporation Act 1889 :	
	Section 11 (Restriction on taking houses of labouring class)	The whole section.
	Section 18 (Penalty on throwing injurious matters into sewers)	The whole section.
	Section 19 (Steam &c. not to be turned into sewers)	The whole section.
	Section 20 (Power for Corporation to authorise inspection of drains privies and cesspools)	The whole section.
	Section 74 (Restriction on casual employment of children)	The whole section.
	Section 75 (Definition of term casual employment)	The whole section.
	Section 76 (Penalty for employing a child in contravention of Act)	The whole section.
	Section 77 (Definition of employment in case of parent)	The whole section.
	Section 88 (Consolidation of parishes of city into one parish)	Subsections (3), (4), (5), (6), (7) and (8).
	Section 89 (Assessment committee for parish of Norwich)	The whole section.
	Section 90 (Meetings and proceedings of assessment committee)	The whole section.
	Section 91 (Powers and duties of assessment committee)	The whole section.
	Section 92 (Board of guardians to make valuation list for parish of Norwich)	The whole section.
	Section 93 (Board of guardians to be sole authority for collection of rates)	The whole section.
	Section 94 (Board to raise sums required)	The whole section.
	Section 95 (Corporation to make orders for payment of amounts required by them)	The whole section.
	Section 96 (Powers of board for buying rates)	The whole section.
	Section 97 (Rates may be kept in one or more books)	The whole section.
	Section 98 (Fractions to be disregarded in rating)	The whole section.
1902 c. cliii.	Norwich Corporation (Electricity &c.) Act 1902	The whole Act except sections 11, 14, 18, 19 and the Fifth Schedule.
1933 c. xxvii.	Norwich Corporation Act 1933: Section 26 (Byelaws as to charging of accumulators)	The whole section.

SCH. 2 —*cont.*

(1) Enactments repealed	(2) Extent of repeal
Section 27 (Byelaws as to wires apparatus and fittings)	The whole section.
Section 28 (Provisions as to byelaws under this Part of Act)	The whole section.
Section 29 (Charges for special readings of electricity meters)	The whole section.
Section 31 (Use for lighting purposes of electricity supplied for power)	The whole section.
Section 117 (Power to contribute to expenses of sheriff)	The whole section.

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