ELIZABETH II



1970 CHAPTER lxxxiv

An Act to confer further powers upon the mayor, aldermen and burgesses of the county borough of Reading; to make further provision with regard to the health, local government, welfare, improvement and finances of the borough; and for other purposes.

[17th December 1970]

WHEREAS—

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

(2) It is expedient that further and better provision should be made with reference to lands and streets and the health, local government, welfare and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

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

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

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

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 Reading Corporation Act 1970.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Land.
Part III.—Highways and streets.
Part IV.—Health and sanitation.
Part V.—Nuisances.
Part VI.—Parks and burial grounds.
Part VII.—Fire protection.
Part VIII.—Finance.
Part IX.—Superannuation.
Part X.—Miscellaneous.
Part XI.—General.

Interpretation.

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

1936 c. 49.

(2) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

1933 c. 51.

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

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

1937 c. 68.

" the Act of 1937 " means the Local Government Superannuation Act 1937;

1959 c. 25.

" the Act of 1959 " means the Highways Act 1959;

1963 c. 41.

" the Act of 1963 " means the Offices, Shops and Railway Premises Act 1963;

1967 c. 76.

" the Act of 1967 " means the Road Traffic Regulation Act 1967;

" the appointed day " has the meaning assigned to that expression by section 80 (The appointed day) of this Act;

" the borough " means the county borough of Reading;

PART I —*cont.*

" building regulations " means regulations made under Part II of the Act of 1936 with respect to buildings, works and fittings;

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

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

" the council " means the council of the borough;

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

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

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

" the fire authority " means the Berkshire and Reading Fire Authority;

" the fund " means the superannuation fund maintained by the Corporation under Part I of the Act of 1937;

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

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

" open space " has the same meaning as in the Open Spaces Act 1906; 1906 c. 25.

" the railways board " means the British Railways Board;

" 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 security " means any security in which trustees are for the time being authorised by law to invest trust moneys or in which the Corporation are by this Act authorised to invest money forming part of the fund;

" 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;

" the tribunal " means the Lands Tribunal.

(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

LAND

Compulsory acquisition of easements.

4.—(1) The Corporation, by means of an order made by the Corporation and submitted to and confirmed by the confirming authority, may be authorised to create in favour of the Corporation in, over or under any land which under any enactment the Corporation may be authorised to acquire compulsorily any easement or other right in, over or under or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any land or building owned or occupied, or intended to be acquired or occupied, by the Corporation for the purposes of any of their undertakings, powers or duties.

(2) The confirming authority shall not confirm any order under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in, over or under or in relation to which it is proposed to be created or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.

1946 c. 49.

(3) 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 the said Act of 1946 and as if—

(*a*) the expression "compulsory purchase of land" in the said Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(*b*) paragraphs 9 and 10 of Schedule 1 to the said Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1), whether it is created in, over or under any land to which either of those paragraphs relates or in, over or under any other land in which the person entitled to the benefit of the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

1965 c. 56.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within subsection (1) of section 8 of the Compulsory Purchase Act 1965.

(5) In this section the expression "confirming authority" means the authority having power to authorise the purchase compulsorily of the land for the enjoyment or use of which the easement or other right is required or which would have had such power if such land were not already owned by the Corporation.

PART II —*cont.*

5. In respect of land acquired by the Corporation under any enactment for the benefit, improvement or development of the borough, section 165 of the Act of 1933 shall have effect with the omission of the words " and which is not required for the purpose for which it was acquired or is being used ". Disposal of land.

PART III

HIGHWAYS AND STREETS

Adjustment of boundaries of estates in connection with streets.

6.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may, for the purpose of securing the proper laying out or development of any estate through which the street is to run, by notice require that such provision shall be made—

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

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

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

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

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

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

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

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land,

PART III —*cont.*

and any removal, modification, or imposition of covenants, restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

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

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

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

(10) (*a*) Any land received by any person as aforesaid and held by that person with other land subject to a mortgage shall also be held subject to the same mortgage and the land exchanged therefor shall cease to be subject to that mortgage.

(*b*) Any money payable to any person as aforesaid in respect of land which was subject to a mortgage shall be paid to the mortgagee, or if there is more than one mortgagee, to the first mortgagee and shall in either case be applied by him as if it were proceeds of sale and the land in respect of which the money was received shall cease to be subject to the mortgage.

(11) The Corporation may purchase land by agreement for the purposes of this section, and, until they dispose of the land or appropriate it for any other purpose, may manage the land in such manner as they think fit.

(12) In this section " estate " includes any parcel of land.

Trees, grass verges and gardens.

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

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

(*b*) to attach containers for plants to posts or standards provided by the Corporation or, with the consent of the owner thereof, to any other posts or standards; PART III —*cont.*

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

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

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

(*f*) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition, or mown, or any garden so laid out;

(*g*) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto.

(2) Any such notice as is referred to in paragraph (*f*) or paragraph (*g*) of the foregoing subsection shall be conspicuously posted on, or in proximity to, the grass verge or garden to which it relates.

(3) If any person (except in a case of emergency) contravenes a notice so posted in pursuance of the said paragraph (*f*) or if any person contravenes a notice so posted in pursuance of the said paragraph (*g*), he shall be liable to a fine not exceeding twenty pounds.

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

(5) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act 1925 with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section. 1925 c. 68.

(6) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

PART III —*cont.*

(7) (*a*) The Corporation may exercise the powers conferred by this section in a street being a trunk road with the consent of the Secretary of State, notwithstanding that the street is not vested in the Corporation.

(*b*) Any consent required by this subsection shall not be unreasonably withheld but may be given subject to a condition that the Corporation shall at their own expense remove anything placed in a street under the powers conferred by this section if reasonably required to do so by the Secretary of State.

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

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

Enforcement of improvement line. 1925 c. 71.

8.—(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1959 or section 33 of the Public Health Act 1925, the Corporation may, for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building, which, or any part of which, was beyond, or in front of, the improvement line at the time when the line was prescribed, to demolish, set back or alter the said building within such reasonable time as may be specified in the notice, not being less than six months from the date of the service of the notice, so that it shall not project beyond, or in front of, the improvement line.

(2) (*a*) If, within twenty-eight days from the date of the service by the Corporation of a notice under subsection (1) of this section, the person on whom the notice is served gives counter-notice to the Corporation objecting to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall not take effect unless the counter-notice is withdrawn or the notice is confirmed by the tribunal either without modifications or subject to such modifications as the tribunal may determine.

PART III —*cont.*

(*b*) The tribunal shall not confirm a notice under subsection (1) of this section if it appears to them that—

(i) the notice is not justified by the terms of subsection (1) of this section;

(ii) the Corporation have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary; or

(iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

and, in a case within sub-paragraphs (ii) and (iii) of this paragraph, that it would not be equitable to modify the notice.

(*c*) Without prejudice to the provisions of paragraph (*b*) of this subsection, the tribunal shall not confirm a notice under subsection (1) of this section where it appears to them that—

(i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated, or any adjoining land in which that person has an interest; and

(ii) that person is able and, in the circumstances of the case, willing to sell the building to the Corporation, with or without adjoining lands, on terms not less favourable to the Corporation than those on which they would have acquired the building under a compulsory purchase order made under section 214 of the Act of 1959 (which authorises the acquisition of lands for the improvement of streets) and the Acquisition of Land (Authorisation Procedure) Act 1946. 1946 c. 49.

(*d*) Where a notice under subsection (1) of this section has been confirmed by the tribunal it shall have effect as from the date on which the Corporation serve on the owner of the building to which it relates a copy of the notice as so confirmed.

(3) For the purpose of complying with any notice under subsection (1) of this section, the owner may, notwithstanding anything in any lease or other agreement, enter upon any land or building affected by any requirement of the notice and carry out the work required by the notice.

(4) (*a*) Where a building is demolished, set back or altered in compliance with a notice under subsection (1) of this section, any owner or tenant thereof may recover from the Corporation

PART III —*cont.*

compensation for the damage or loss sustained by him in consequence of the compliance, and the amount of the compensation shall, in case of dispute, be determined by the tribunal.

(*b*) Rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act 1961 (which provides rules for valuation on a compulsory acquisition) shall apply to the calculation of compensation under this subsection in so far as it is calculated by reference to the depreciation of the value of the interest of the owner or tenant in the building.

1961 c. 33.

(5) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(*a*) he has an interest in land abutting on so much of the improvement line as, immediately before the service of the notice under subsection (1) of this section, intersected, or abutted on, the building or land occupied in connection therewith; and

(*b*) the value of this said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(6) Where compensation is payable under this section in right of an interest in land which is subject to a mortgage—

(*a*) the compensation payable in respect of the depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;

(*b*) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(*c*) no compensation under this section shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and

(*d*) the compensation payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

(7) If any person fails to comply with a notice under this section he shall be liable to a fine not exceeding one hundred pounds and the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(8) In this section " building " includes a structure.

PART III —*cont.*

Retaining walls.

9.—(1) In this section " retaining wall " means a wall which—

(*a*) serves, or is intended to serve, as a support for earth or other material on one side only; and

(*b*) does not form part of a permanent building;

and this section applies to any length of a retaining wall, being a length—

(i) any cross-section whereof is wholly or partly within 12 feet of a street in the borough; and

(ii) which is at any point of a greater height than 6 feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans, sections and specifications approved by the Corporation; and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a fine not exceeding twenty pounds.

(3) Any person aggrieved by the refusal of the Corporation to approve any plans, sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a magistrates' court.

(4) If any length of a retaining wall to which this section applies—

(*a*) is in such disrepair as to be liable to endanger persons using the street; or

(*b*) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section, is so constructed as to be liable as aforesaid;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent its being liable as aforesaid; and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to a retaining wall erected—

(*a*) on land belonging to any railway, canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway, canal or inland navigation undertaking; or

(*b*) by the Secretary of State on a trunk road.

Awnings over footways.

10.—(1) (*a*) If a person erects, or permits to be erected, over the footway of a street in the borough, being a highway maintainable at the public expense, an awning which—

(i) projects over any part of the footway which is less than 2 feet from the carriageway; or

PART III —*cont.*

(ii) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

he shall be liable to a fine not exceeding twenty pounds.

(*b*) An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

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

(4) In this section—

" awning " includes a blind, shade or other covering; and

" traffic sign " has the meaning assigned to it by section 54 of the Act of 1967.

Temporary stoppage of streets.

11.—(1) For the purpose of—

(*a*) making any new street; or

(*b*) providing a parking place for vehicles under section 28 of the Act of 1967;

the Corporation may break up and for any reasonable time stop up, divert and interfere with any street in the borough and divert the traffic therefrom and prevent persons using it:

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

(i) as respects any trunk road, without the consent of the Secretary of State; or

(ii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or

(iii) so as to obstruct, or interfere with, the access to, or exit from, any station, dock, wharf or depot of any railway, dock, canal, inland navigation or passenger road transport undertakers.

(2) The Corporation, when considering the question of exercising their powers under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected.

(3) The provisions of Schedule 3 to the Act of 1967, so far as applicable, shall apply in respect of the exercise by the Corporation of the powers of this section as they apply in respect of the making by a highway authority of an order under section 12 of that Act.

PART III —*cont.*

Damage to obstruction lights, etc. 1950 c. 39.

12. If a person, without lawful authority or excuse, takes down, alters or removes any fence or other guard erected, or extinguishes or removes any light placed, by any statutory undertakers in pursuance of the requirements of section 8 of the Public Utilities Street Works Act 1950 or by the Corporation in the exercise of their functions as highway or drainage authority, when executing works in the borough, he shall be guilty of an offence and shall be liable in respect thereof to a fine not exceeding one hundred pounds.

Buildings over highways.

13.—(1) Notwithstanding anything in any other enactment, the Corporation may for the benefit, improvement or development of the borough authorise the erection of any building or structure over, above or across any highway maintainable at the public expense in the borough on such terms and conditions as they think fit, including terms and conditions relating to the construction, use and maintenance of the building or structure:

Provided that—

(*a*) the Corporation shall not exercise the powers of this section as respects a trunk road without the consent of the Secretary of State or so as to authorise the construction of a building or structure which would affect the sighting of railway signals or the stability of railway works;

(*b*) before authorising, in exercise of the powers conferred by this section the erection of any building or structure so as to reduce below 16 feet 6 inches the clear headway over the carriageway of any highway the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice;

(*c*) before authorising, in exercise of the powers conferred by this section, the erection of any building or structure so as to reduce below 17 feet 6 inches the clear headway over the carriageway of any highway which is the only means of vehicular access to an electricity substation of the Central Electricity Generating Board or the Southern Electricity Board, the Corporation shall give notice of the proposal to the board concerned and shall take into consideration any written objections or representations in respect of such proposal which may be made by the board concerned within twenty-eight days of such notice.

(2) Nothing in an authority granted under this section shall authorise any interference with a telegraphic line except with the consent of the Post Office.

PART III —*cont.*

(3) Nothing in this section shall prejudice the powers of the Corporation under section 151 of the Act of 1959 or the rights of any person under a licence granted in pursuance of the said section 151.

Excavations near streets.

14.—(1) This section applies to any excavation made after the passing of this Act on any land in the borough within 30 feet from any highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the highway with the vertical plane of the boundary of the highway nearest to the excavation, but does not apply to any excavation made in the course of carrying out works for the purposes of or in connection with apparatus of statutory undertakers or with apparatus or works of the railways board.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for the highway, and if the making of any such excavation or the execution of works for the making of any such excavation causes the withdrawal of support as aforesaid for the highway so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment or on summary conviction, to a fine:

Provided that an offence under this section shall be punishable on summary conviction by a fine not exceeding one hundred pounds.

(4) Subject to the provisions of section 17 (Offences due to fault of other person) of this Act, for the purposes of this section the owner of the land on which an excavation is made shall be taken as being the person responsible for the making of the excavation or the execution of works for the making of the excavation.

PART III —*cont.*

(5) In any proceedings for an offence under this section it shall be a defence to prove that all practicable steps were taken to prevent the withdrawal of support.

Exemption for Conservators of the River Thames from last foregoing section.

15.—(1) The provisions of the last foregoing section shall not apply to an excavation made by the conservators in case of emergency and shall not apply to any other excavation made by them for the purpose of any of their functions in respect of which the following conditions have been fulfilled:—

(*a*) not less than twenty-eight days before commencing the excavation plans are submitted by the conservators to the Corporation for their reasonable approval;

(*b*) the excavation shall not be commenced until the plans have been approved in writing by the Corporation or settled by arbitration:

Provided that if the Corporation do not within twenty-eight days from the date of submission to them of any such plans signify to the conservators in writing their disapproval thereof they shall be deemed to have approved thereof;

(*c*) the excavation shall be carried out in accordance with the plans approved, deemed to have been approved or settled by arbitration.

(2) Any question between the Corporation and the conservators arising under this section shall be determined by arbitration.

(3) In this section—

" the conservators " means the Conservators of the River Thames; and

" plans " includes sections and particulars.

Building operations affecting public safety.

16.—(1) This section applies to building operations, being operations for the construction, repair or demolition of any building or structure carried out on land in the borough.

(2) Any person who, after the passing of this Act, carries out building operations to which this section applies shall secure that the operations are so carried out as to cause no danger to persons in any street or other public place, and if in the course of the carrying out of such building operations there is any accident which gives rise to the risk of serious bodily injury to a person in a street or other public place, whether or not death or serious bodily injury is caused thereby, or which, but for the taking by or on behalf of the Corporation of steps to remove immediate danger under section 25 of the Public Health Act 1961, or any other enactment, would give rise to such risk, the person responsible for the part of the building operations in the course of the carrying out of which such accident happens

1961 c. 64.

PART III —*cont.*

shall, without prejudice to any obligation or liability to which he or any other person may be subject, apart from this section, be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) Subject to the provisions of section 17 (Offences due to fault of other person) of this Act, for the purpose of this section the owner of the land or building on which building operations are carried out shall be taken as being the person responsible for those operations.

(5) In any proceedings for an offence under this section it shall be a defence to prove that all reasonably practicable steps were taken to secure that the building operations were carried out so as to avoid causing danger to persons in any street or in any other public place.

Offences due to fault of other person.

17.—(1) Where the commission by the owner of any land of an offence under section 14 (Excavations near streets) or section 16 (Building operations affecting public safety) of this Act is due to the act or default of some other person that other person shall be guilty of the offence and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the owner of the land.

(2) In any proceedings against the owner of any land for an offence under the said sections 14 or 16 it shall, subject to subsection (3) of this section, be a defence for the person charged to prove—

(*a*) that the commission of the offence was due to the act or default of another person who—

(i) had undertaken to be responsible for the making of the excavation in question, the execution of the works in question or the building operations in question; or

(ii) by reason of the fact that he had in his charge or subject to his direction the making of the excavation, the execution of the works or the building operations, or part thereof, ought to be taken to be responsible as aforesaid; and

(*b*) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(3) If in any case the defence provided by the last foregoing subsection involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days

before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession. PART III —*cont.*

Oil pipes and manholes in streets.

18.—(1) The owner or occupier of any premises situated under, or abutting on part of, a street in the borough may, with the consent of the Corporation, provide—

(*a*) pipes under the street for conveying oil for use or storage to such premises; or

(*b*) manholes in the street in connection with any such pipes.

(2) In giving their consent under this section the Corporation may attach thereto such terms and conditions as they think fit, and such terms and conditions, and any conditions imposed by them under subsection (5) of this section, shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act 1925. 1925 c. 22.

(3) Any person aggrieved by the refusal of the Corporation to give a consent under subsection (1) of this section or by any term or condition imposed by the Corporation under subsection (2) or subsection (5) of this section may appeal to a magistrates' court.

(4) If any person carries out any works to provide pipes or manholes as aforesaid without the consent of the Corporation or fails to comply with any term or condition of the Corporation imposed on him under subsection (2) or subsection (5) of this section, he shall, subject to any order made on appeal, but without prejudice to any other liability to which he may be subject, be liable to a fine not exceeding fifty pounds.

(5) (*a*) Before the Corporation determine to give any consent under this section, they shall give at least twenty-eight days' notice of the application therefor to any statutory undertakers who appear to them to be concerned, and on giving any such consent shall attach thereto such conditions as such statutory undertakers may reasonably require for the protection of any apparatus belonging to, or used or maintained by, those statutory undertakers.

(*b*) As soon as may be after the Corporation have given a consent under this section they shall give notice thereof to any such statutory undertakers.

(6) Nothing in this section shall authorise any person to alter, or require any alteration of, any telegraphic line belonging to or used by the Post Office or any apparatus belonging to any statutory undertakers.

(7) The Public Utilities Street Works Act 1950 shall not apply to the provision of pipes or manholes under subsection (1) of this section. 1950 c. 39.

PART III —*cont.*

(8) This section shall not apply to—

(*a*) any street belonging to or repairable by the railways board; or

(*b*) a pipe-line (as defined in section 65 of the Pipe-lines Act 1962), being a pipe-line which may be placed in a street under the provisions of section 15 of the Pipe-lines Act 1962 and in exercise of the powers given by that section; or

1962 c. 58.

(*c*) the carrying out of any works in a street by statutory undertakers in the exercise of their statutory powers.

(9) The Corporation shall not give their consent under this section in respect of a trunk road without the consent of the Secretary of State but the consent required by this subsection shall not be unreasonably withheld.

Interpretation of Part III.

19. In this Part of this Act—

" excavation " includes the demolition of any part of a building or structure situate below ground level;

" highway " has the meaning assigned to it by subsection (1) of section 294 of the Act of 1959;

" highway maintainable at the public expense " has the meaning assigned to it by subsection (1) of section 295 of the Act of 1959;

" new street byelaws " has the meaning assigned to it by subsection (4) of section 157 of the Act of 1959;

" structure " means a wall, fence, hoarding or similar erection; but for the purpose of this definition " wall " does not include a wall forming part of a permanent building.

PART IV

HEALTH AND SANITATION

Sanitary conveniences for persons employed on construction work.

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

(*a*) to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and

(*b*) where the workpeople employed thereon comprise both men and women, to provide as aforesaid for men and women separately;

if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works—

1961 c. 34.

(i) to which section 127 of the Factories Act 1961 applies; or

(ii) at any mine or quarry within the meaning of the Mines and Quarries Act 1954.

1954 c. 70.

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

Sanitary conveniences at places of public exhibition, etc.

21.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition, entertainment, performance, amusement, game or sport to which the public are or will be admitted is held, given or provided or is about to be held, given or provided, or in respect of which there is for the time being in force a licence under section 9 of the Betting, Gaming and Lotteries Act 1963, to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition, entertainment, performance, amusement, game or sport or during the continuance of the licence in a suitable position such numbers of suitable and sufficient sanitary conveniences for the use of the public resorting to such premises or place as may in the opinion of the Corporation be reasonable.

1963 c. 2.

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

(3) If any person fails to comply with a notice served on him under this section within such reasonable period after the date of the service of the notice, as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, entertainment, performance, amusement, game or sport or for effecting betting transactions, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds:

Provided that—

(*a*) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises or place;

(*b*) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section if, on the date when the public are admitted to the premises or place in respect of which the notice was served, he had ceased to be the owner or occupier thereof.

(4) Nothing in this section shall apply to premises to which section 89 of the Act of 1936 applies by reason only of the holding thereon of any exhibition, performance, amusement, game or sport to which the public are admitted.

(5) This section shall not apply to—

(*a*) premises in respect of which there is in force a licence under the Cinematograph Acts 1909 and 1952;

PART IV —*cont.*

(*b*) any premises or place in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under section 75 of the Public Health Act 1961.

1961 c. 64.

Restriction on use of dustbins, etc.

22.—(1) No person shall deposit in a dustbin or other receptacle for the removal of house refuse or trade refuse by or on behalf of the Corporation, or in a receptacle provided by the Corporation under paragraph (*a*) of subsection (1) of section 76 of the Act of 1936—

(*a*) any refuse of a liquid character;

(*b*) any corrosive or explosive substance; or

(*c*) any similar matter in such a state or condition that injury to the health of the employees of the Corporation may be caused thereby.

(2) No person shall use any dustbin provided by the Corporation (being a dustbin so provided for the removal of house refuse) for any purpose other than the deposit of refuse for removal by, or on behalf of, the Corporation.

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

PART V

NUISANCES

Tipping of spoil and refuse.

23.—(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

(2) Byelaws made by virtue of this section may—

(*a*) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

(*b*) provide that any spoil or refuse tip placed, kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to—

(*a*) regulate or control the tipping of spoil or refuse by railway, canal or inland navigation undertakers for the purpose of constructing, widening, altering or maintaining any railway, canal, inland navigation, dock or wharf works; or

(*b*) regulate or control the tipping of spoil or refuse by the Conservators of the River Thames in the exercise of their statutory powers.

PART V —*cont.*

Silencers on air-powered tools.

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

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

(2) Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

(3) In determining in any case whether the best practicable means have been employed, regard shall be had, amongst other things, to cost and local conditions and circumstances and to the current state of technical knowledge.

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

Silencers for internal combustion engines.

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

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

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

PART VI

PARKS AND BURIAL GROUNDS

Interpretation of Part VI.

26. In this Part of this Act—

" burial ground " includes a cemetery;

" 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.

PART VI —*cont.*

Parking places in parks, etc.

27.—(1) For the purpose of providing a parking place under section 28 of the Act of 1967 the Corporation may, with the consent of the Secretary of State, 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) 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.

Extension of power to maintain burial grounds.

28.—(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 borough, 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.

(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;

PART VI —*cont.*

(*b*) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall not be 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 Secretary of State 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 apart from those provisions 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 faculty or licence; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such a faculty or licence was obtained.

(9) In this section " grave " includes a grave space.

PART VI —*cont.*

For protection of Commonwealth War Graves Commission.

29.—(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 28 (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 borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 28;

(*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 28;

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 28 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;

(*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.

PART VI —*cont.*

(4) If a Commonwealth war burial would be affected by a consent given by the Secretary of State under subsection (4) of the said section 28 the Corporation shall, not later than the date on which the matter is referred to the Secretary of State, inform the Commission in writing of such reference and the Secretary of State shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Secretary of State.

PART VII
FIRE PROTECTION

Oil-burning equipment.

30.—(1) As from the appointed day any person intending to instal or place oil-burning equipment in any building in the borough, whether the building is erected before or after the passing of this Act, or on any land in the borough, shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) (*a*) The fire authority, if requested by the Corporation to do so, 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 and requirements as to maintenance of any such works, apparatus, fittings and appliances.

(*c*) Byelaws made under this section shall be subject to the provisions contained in subsections (2), (3), (4), (5), (6) and (7) of section 250 and in section 252 of the Act of 1933 and those sections shall for the purposes of this section be construed as if the fire authority were a local authority within the meaning of those sections and the reference to " the clerk of the authority " included a reference to the clerk of the fire authority.

(3) (*a*) Any oil-burning equipment installed or placed in any building or on any land in the borough 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 byelaws made under this section 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 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.

PART VII —*cont.*

(4) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land in the borough, the Corporation are satisfied, after consultation with the fire authority, that proper arrangements will be made for preventing or reducing danger from fire, they may, on the application of the person proposing to instal 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 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 under the byelaws.

(6) (*a*) If any person instals oil-burning equipment in any building or on any land in the borough 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*) the installation of any oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

PART VII —*cont.*

(*c*) the installation of any oil-burning equipment by the railways board, the Central Electricity Generating Board, the Southern Electricity Board and the Southern Gas Board for the purposes of their respective undertakings:

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

(i) to a house; or

(ii) to a building used as offices or showrooms other than, in the case of the railways board, a building so used which forms 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 wh'ch the Factories Act 1961 or the Act of 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.

(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.

Firemen's switches for luminous tube signs.

31.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts, or other equipment so designed, and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

(2) As from the coming into operation of this section, apparatus to which this section applies in the borough shall be provided with a cut-off switch on the low-voltage side of the transformer, and the switch shall be so placed, and coloured or otherwise

PART VII —*cont.*

marked, as to satisfy such reasonable requirements as the fire authority may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

(3) Not less than fourteen days before work is begun to instal apparatus to which this section applies, the consumer shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the date of the coming into operation of this section, the consumer shall, not less than fourteen days before that date, give notice to the fire authority—

(*a*) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is coloured or otherwise marked;

(*b*) in the case of apparatus not already provided with such a cut-off switch as aforesaid, showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the fire authority as required by subsection (3) or subsection (4) of this section, the proposed or, as the case may be, actual position, colouring or marking of the switch shall be deemed to satisfy the requirements of the fire authority unless, within ten days from the date of the service of the notice, if the notice is served under subsection (3) of this section, or within twenty-one days from the date of service of the notice, if the notice is served under subsection (4) of this section, the fire authority have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the fire authority.

(7) A person aggrieved by a counter-notice served by the fire authority under subsection (5) of this section may appeal to a magistrates' court and the court, if it allows the appeal, shall order the cancellation of the counter-notice.

(8) The owner or the occupier of any premises where apparatus to which this section applies is installed which does not comply with subsection (2) of this section shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be liable to a fine not exceeding twenty pounds.

PART VII —*cont.*

(10) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937 or any regulations that may be made under section 60 of the Electricity Act 1947. 1947 c. 54.

(11) This section shall not apply to apparatus installed on or in premises, or any part of premises, in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that where any luminous tube sign to which, but for this subsection, this section would apply is proposed to be fitted on or in any such premises, the owner or occupier thereof shall, before such apparatus is fitted, give notice under subsection (3) of this section to the fire authority informing them of the position in which it is proposed to place the cut-off switch.

(12) This section shall come into operation in the borough on 1st April, 1971.

(13) (*a*) The fire authority shall, as soon as may be after the passing of this Act, cause public notice to be given of the effect of the foregoing provisions of this section by advertisement in two or more newspapers circulating in the borough, and otherwise in such manner as the fire authority think fit.

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

Building plans: access for fire brigade.

32.—(1) Where plans for the erection of a building are in accordance with building regulations deposited with the Corporation, the Corporation shall reject the plans if they show—

(*a*) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or

(*b*) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(2) Where plans for the extension of a building are in accordance with building regulations deposited with the Corporation the Corporation shall reject the plans if they show—

(*a*) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or

PART VII —*cont.*

(*b*) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(3) The Corporation shall consult with the fire authority before rejecting any plans in accordance with the provisions of subsection (1) or (2) of this section.

(4) In this section " access by the fire brigade " means access by members of one or more fire brigades and their appliances, and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, references to the neighbouring building as erected, altered or extended in accordance with those plans.

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

(6) Any question arising under this section between the Corporation and the person by whom, or on whose behalf, plans are deposited as to whether the Corporation ought to pass the plans may, on the application of that person, be determined by a magistrates' court.

Fire precautions in certain large buildings.

33.—(1) No building of the warehouse class and no building used or intended to be used for the purpose of trade or manufacture shall be erected in the borough of a cubic extent exceeding 250,000 cubic feet or extended to exceed that extent unless (in accordance with plans and particulars submitted in accordance with building regulations and approved for the purposes of this section after consultation with the fire authority by the Corporation)—

(*a*) it is provided with all such means of escape therefrom in case of fire as may be reasonably required; and

(*b*) if the Corporation so require, it is fitted with automatic fire alarms and a fire extinguishing system or with either such alarms or such system to the satisfaction of the Corporation after consultation with the fire authority:

Provided that—

(i) nothing in paragraph (*a*) of this subsection shall apply to a factory to which section 40 of the Factories Act 1961 applies, to buildings to which section 59 of the Act of 1936 applies or to premises to which the Act of 1963 applies;

1961 c. 34.

PART VII —*cont.*

(ii) nothing in paragraph (*b*) of this subsection so far as it relates to the provision of fire alarms shall apply to a factory to which subsection (7) of section 48 of the said Act of 1961 applies or to premises to which section 34 of the Act of 1963 applies, nor so far as it relates to the provision of a fire extinguishing system shall the said paragraph apply to a factory to which subsection (1) of section 51 of the said Act of 1961 applies or to premises to which the Act of 1963 applies.

(2) (*a*) The person proposing to erect or cause to be erected or to extend or cause to be extended any building to which subsection (1) of this section applies shall, when submitting plans and particulars in accordance with building regulations, deposit with the Corporation particulars showing how it is proposed to comply with the requirements of paragraphs (*a*) and (*b*) of subsection (1) of this section.

(*b*) The Corporation at any time within a period of two months after the deposit of the particulars irrespective of any decision under building regulations—

(i) may refuse to approve them; or

(ii) may approve them subject to such conditions (if any) as, after consultation with the fire authority, they think fit.

(*c*) Where the Corporation refuse to approve the particulars or approve them subject to conditions they shall give to the person who deposited the particulars notice stating their reasons for refusal or for the imposition of conditions:

Provided that if within the period of two months mentioned in paragraph (*b*) of this subsection the Corporation fail to give such notice they shall be deemed to have approved the said particulars.

(3) (*a*) If any building to which the preceding subsections of this section are applicable is erected or extended in contravention of any of the requirements of paragraph (*a*) or (*b*) of subsection (1) of this section the Corporation, without prejudice to their rights to take proceedings for penalties in respect of the contravention, may by notice require the person erecting or causing to be erected the building or extension either to pull down and remove it or, if he so elects, to effect such alterations therein as may be necessary in order to comply with the said requirements.

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

PART VII —*cont.*

(4) All means of escape provided, and any fire alarms and fire extinguishing systems fitted, under the requirements of paragraphs (*a*) and (*b*) of subsection (1) of this section shall be properly maintained and kept free from obstruction.

(5) (*a*) A person who erects or causes to be erected or extends or causes to be extended a building in contravention of any of the provisions of this section shall be guilty of an offence under this section.

(*b*) The occupier of any premises who fails to maintain the means of escape provided, and any fire alarms and fire extinguishing systems fitted, under the requirements of paragraphs (*a*) and (*b*) of subsection (1) of this section, or to keep them free from obstruction, shall be guilty of an offence under this section.

(*c*) A person who commits an offence under this section shall on summary conviction be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds.

(6) Any person aggrieved by—

(*a*) a requirement of the Corporation; or

(*b*) a refusal by the Corporation to approve particulars; or

(*c*) a condition subject to which approval of particulars is given by the Corporation;

under subsection (1) or (2) of this section may appeal to a magistrates' court and on any such appeal the court may confirm, reverse or vary such requirement, refusal or condition.

(7) Any officer of the fire authority who is duly authorised for the purpose shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter at all reasonable times any building to which subsections (1) to (3) of this section apply—

(*a*) for the purpose of ascertaining whether there is, or has been, in or in connection with the building any contravention of the provisions of this section;

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise the Corporation to take any action under this section.

(8) The provisions of subsections (2), (3), (4) and (5) of section 287 of the Act of 1936 shall apply to entry into a building for the purpose of subsection (7) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(9) Nothing in this section shall apply to any building—

(*a*) in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

(*b*) exempted from the provisions of Part II of the Act of 1936 with respect to building regulations by paragraph (*c*) of section 71 of that Act.

(10) Any reference in this section to plans deposited in accordance with building regulations shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the regulations or this section. PART VII —*cont.*

34.—(1) This section applies to— Parts of buildings used for storage of flammable substances.

(*a*) any building of which part (hereafter in this section referred to as " the storage part of the building ") is used, or intended to be used, for the storage for the purposes of sale or trade of any substance to which this section applies and part is used, or intended to be used, as a habitable room or a place in which any person works, if the part used, or intended to be used, as a habitable room or a place in which a person works communicates directly or indirectly with, or is adjacent to, or constructed at a higher level than, the storage part of the building;

(*b*) any substance which is highly flammable:

Provided that this section shall not apply to any building in which no substance to which this section applies is stored other than—

(i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 or the Celluloid and Cinematograph Film Act 1922 apply; or **1928 c. 32.** **1922 c. 35.**

(ii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or

(iii) any substance which does not, when tested by a method approved by the Secretary of State, give off a flammable vapour at a temperature of less than 80 degrees Fahrenheit (27 degrees Centigrade) and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such a manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

(2) If the fire authority are of the opinion that the storage for the purposes of sale or trade of any substances to which this section applies in any part of a building to which this section applies in the borough is—

(*a*) in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or

PART VII —*cont.*

(*b*) in such manner as to be liable to cause fire or explosion; they may by notice require the occupier of any part of the building to provide or fit (as the case may be) within such reasonable period as may be specified in the notice—

(i) appropriate means of giving warning, in the case of fire, to persons occupying the building and for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building, being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with, or is adjacent to, or constructed at a higher level than, the storage part of the building;

(iii) notices in or on the storage part of the building indicating the existence of danger from fire.

(3) The occupier of any building who—

(*a*) by reason of a restriction affecting his interest in the building, is unable to execute works for the purpose of complying with a notice given by the fire authority under subsection (2) of this section; or

(*b*) considers that the owner of the building, or any other person having an interest therein, should contribute towards the cost of the execution of works aforesaid and of the maintenance of such works and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with the notice or, as the case may be, to direct the owner of the building, or any other person who appears to the court to have an interest therein, to contribute towards the cost of such works as aforesaid and of the maintenance of such works such an amount as appears to the court, in all the circumstances of the case, to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(4) Upon compliance with a notice under subsection (2) of this section the fire authority shall forthwith issue to the person to whom the notice was given a certificate of such compliance.

(5) (*a*) If, after a certificate of compliance with a notice under subsection (2) of this section has been granted by the fire authority—

(i) any material extension or material structural alteration of the building to which the certificate relates is intended to be made; or

PART VII —*cont.*

(ii) it is intended materially to increase the storage in the said building of any substance to which this section applies;

the occupier of any part of the building shall not less than twenty-one days before any such extension or alteration is made or any such storage is increased give notice of such intention to the fire authority who may serve a further notice varying any requirement made under subsection (2) of this section in respect of that building.

(*b*) Upon compliance being made with such varied requirements the fire authority shall amend the certificate or grant a new certificate in respect of the building, but if anything required to be provided in accordance with a further notice served under this subsection is not provided within such reasonable time as may be specified in the notice, the fire authority may cancel the certificate previously granted in respect of the building.

(6) All means of escape, fire alarms and means of extinguishing fire, safeguards to prevent the spread of fire and notices provided or fitted (as the case may be) under the requirements of sub-paragraphs (i), (ii) and (iii) of paragraph (*b*) of subsection (2) of this section shall be properly maintained and kept free from obstruction.

(7) Any officer of the fire authority who is duly authorised for the purpose shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter at all reasonable times any building to which this section applies in the borough—

(*a*) for the purpose of ascertaining whether there is, or has been, in or in connection with the building any contravention of the provisions of this section;

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise the fire authority to take any action under this section.

(8) The provisions of subsections (2), (3), (4) and (5) of section 287 of the Act of 1936 shall apply to entry into a building for the purposes of subsection (7) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(9) (*a*) An officer of the fire authority may, in respect of any premises which he has entered in pursuance of the powers conferred by subsection (7) of this section, purchase and test samples of any substance stored on such premises for the purpose of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(*b*) The result of any test of a sample taken by an officer of the fire authority by virtue of this subsection shall not be admissible

PART VII —*cont.*

as evidence in any legal proceedings under this section, including an appeal under subsection (10) of this section, unless the following requirements have been complied with, that is to say, the officer shall forthwith after taking the sample notify the occupier of the building of his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container, which shall be sealed up and marked, and shall—

(i) deliver one part to the occupier of the building;

(ii) retain one part for future comparison; and

(iii) if he thinks fit to have a test made, submit one to be tested.

(10) (*a*) Any person aggrieved by a requirement of the fire authority under subsection (2) of this section, or by a variation of a requirement under subsection (5) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

(i) that the requirement or variation is not justified by the terms of this section;

(ii) that the requirement or variation is unreasonable in character or extent;

(iii) that the period specified in the notice is not reasonably sufficient for the purpose of complying with the requirements in the notice.

(*b*) Any person aggrieved by the refusal of the fire authority to grant or amend a certificate under this section or by the cancellation of a certificate under subsection (5) of this section may appeal to a magistrates' court.

(11) If any person contravenes the provisions of this section or the requirements of the fire authority under this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(12) In this section "building" where used in relation to the storage of substances therein includes the curtilage of the building and "habitable room" includes a room or place to which the public resort.

(13) Nothing in this section shall apply to—

1961 c. 34.
1964 c. 26.
1967 c. 19.

(*a*) premises which are subject to the Factories Act 1961, the Act of 1963, the Licensing Act 1964 or the Private Places of Entertainment (Licensing) Act 1967 or regulations made under those Acts;

(*b*) any building, or part of a building, by reason only that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for, or in connection with, the supply of gas.

PART VII —*cont.*

35.—(1) Section 60 of the Act of 1936 in its application to the borough shall have effect as if— Provision of means of escape from fire in certain buildings.

(*a*) in subsections (1) and (4) of that section the words " eighteen feet " were substituted for the words " twenty feet ";

(*b*) in paragraph (*a*) of subsection (4) of that section the words " used in whole or in part as a flat or flats " were substituted for the words " let in flats ";

(*c*) in paragraph (*b*) of subsection (4) of that section the words " boarding school " were omitted and the words " old persons' home " were inserted after the words " children's home "; and

(*d*) in paragraph (*c*) of subsection (4) of that section the word " school " was inserted after the word " shop " and the words " for persons employed on the premises " were omitted.

(2) (*a*) The Corporation may by notice require the person having control of a building to which the said section 60 as amended by subsection (1) of this section applies (other than a house used in whole or in part as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice, and, if he fails to do so, he shall be liable to a fine not exceeding twenty pounds.

(*b*) A person served with a notice under this subsection may appeal to a magistrates' court on any of the following grounds:—

(i) that the requirement is not justified by the terms of this subsection;

(ii) that there has been some informality, defect or error in, or in connection with, the notice;

(iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary.

Saving for certain enactments. 1961 c. 34.

36. Nothing in this Part of this Act shall affect the operation of the Fire Services Acts 1947 to 1959, the Factories Act 1961 or the Act of 1963 or any regulations or orders made thereunder or building regulations.

PART VIII
FINANCE

Power to borrow.

37.—(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 VIII —*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 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 raise money by issue of bills.

38.—(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 " Reading 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:

(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

PART VIII —*cont.*

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 one million two hundred and fifty thousand pounds; or

(B) one-fifth of the estimated gross rate income of the borough 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 the expression—

" gross rate income " has the same meaning as used in the calculation of the product of a rate of one new penny in the pound in accordance with rules made under 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; and

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

Power to raise money by issue of bearer bonds.

39. 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.

Working capital.

40. In addition to the purposes mentioned in section 195 of the Act of 1933 for which money may be borrowed, the Corporation may, with the consent of the sanctioning authority (within the meaning of that section), borrow such sums as may be required to provide working capital for any of their undertakings from which revenue is derived.

Power to raise money abroad.

41.—(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.

PART VIII —*cont.*

(*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 was substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there was 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.

42. Nothing in section 39 (Power to raise money by issue of bearer bonds) or section 41 (Power to raise money abroad) of this Act shall be taken as exempting the Corporation from the provisions of the Exchange Control Act 1947.

1947 c. 14.

Amendment of power to issue bonds.

1963 c. 46.

43. Section 7 of the Local Government (Financial Provisions) Act 1963, and Schedule 1 to that Act, in their application to the Corporation shall have effect as if the following provisions were substituted for paragraph 1 in that schedule:—

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

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

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

(*b*) For the purposes of sub-paragraph (*a*) of this paragraph—

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

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

PART VIII —*cont.*

Investment of superannuation fund in acquisition, etc., of land.

1961 c. 62.

44.—(1) (*a*) Subject to the provisions of this section the powers exercisable by the Corporation under the Trustee Investments Act 1961 to invest any property belonging to the wider-range part of the fund shall include power to invest such property in such manner as they think fit in the acquisition, development or management (whether alone or in association with any other person or in units or shares of investment of any unit trust scheme whether or not there may be in force relating to such scheme an order referred to in paragraph 3 of Part III of Schedule 1 to the said Act of 1961) of land situated in the United Kingdom (other than land situated in the borough), the Isle of Man or the Channel Islands or any interest in such land and used or to be used for residential, commercial or industrial purposes and the restrictions contained in paragraphs 1, 2 and 3 of Part IV of Schedule 1 to the said Act of 1961 shall not apply to any investment made under this subsection.

(*b*) In respect of investment under paragraph (*a*) of this subsection in units or shares of investment of any unit trust scheme, paragraph (*a*) shall have effect as if the words " (other than land situated in the borough) " were omitted.

(2) So long as the value of the investments of property for the time being made under the powers conferred by the foregoing subsection is equal to or greater than one-quarter of the total value of the wider-range part of the fund, no further investment may be made thereunder.

(3) For the purposes of the last foregoing subsection, the value of any investment of property belonging to the wider-range part of the fund shall be deemed to be the value of the investment at the time at which it was made.

(4) Subsections (2) to (7) of section 6 of the said Act of 1961 shall apply in relation to the exercise of the powers of investment conferred by subsection (1) of this section as they apply in relation to the exercise by the Corporation of the powers conferred by section 1 of that Act to invest any property belonging to the wider-range part of the fund in a manner specified in Part III of Schedule 1 to that Act.

(5) In this section " property " and " wider-range part " in relation to the said fund have the same meanings as they have for the purposes of the said Act of 1961.

Further extension of power to invest superannuation fund moneys.

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

(*a*) in paragraph 3 of Part III (Wider-Range Investments) of Schedule 1 to that Act there were added the words " or in any units or other shares of investments of a

PART VIII —*cont.*

property unit trust scheme whether or not there may be in force relating to such scheme such an order as is referred to in this paragraph ";

(*b*) the following paragraph were included in Part III (Wider-Range Investments) of Schedule 1 to that Act:—

" 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, or in any of the following countries, namely, Austria, Belgium, Denmark, France, Holland, Italy, Luxembourg, Norway, Portugal, Spain, Sweden, Switzerland and Western Germany.";

1947 c. 14.

(*c*) in Part IV (Supplemental) of the said schedule, paragraph 1, sub-paragraph (*b*) of paragraph 2 and paragraph 3 were omitted.

(2) Sub-paragraph (*a*) of paragraph 2 of Part IV of the said schedule shall not apply in relation to any investment authorised by virtue of paragraph (*b*) of subsection (1) of this section in any securities issued by a company established under the law of any territory outside the United Kingdom.

(3) Notwithstanding anything in the said 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 said Act of 1961 and may also from time to time vary any such investments:

Provided that no such moneys as aforesaid shall be so invested at any time when the value of all the investments made in the manner specified in Part III of the said schedule equals or exceeds three-quarters of the total value of the assets of the fund.

(4) For the purposes of subsection (3) of this section 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.

Expenses of investment of superannuation fund.

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

Reserve funds.

47.—(1) (*a*) The Corporation may (if they think fit) establish a reserve fund in respect of any undertaking, department or service of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in any statutory securities until the fund so provided amounts to the maximum for the time being prescribed by the Corporation.

PART VIII —*cont.*

(*b*) Any income arising from the investment of the moneys in the reserve fund in manner provided by this subsection shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

(2) Any reserve fund established under this section may in respect of the undertaking, department or service to which it relates be applied—

(*a*) in making good any deficiency at any time happening in the income of the Corporation from the undertaking, department or service; or

(*b*) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking, department or service; or

(*c*) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, equipment, appliances, plant or conveniences forming part of the undertaking, department or service or otherwise for the benefit thereof;

and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to the reserve fund established under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) If and when the Corporation establish a reserve fund under this section in respect of any such undertaking, department or service as aforesaid any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking, department or service and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking, department or service.

Insurance fund.

48.—(1) The Corporation may (if they think fit) establish a fund to be called " the insurance fund " with a view to providing a sum of money which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as " the specified risks ").

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) When the insurance fund shall amount to the prescribed amount the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section and may not

PART VIII —*cont.*

accept any further payments under subsection (6) of this section but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations and may accept further payments under the said subsection (6) until the fund be restored to the prescribed amount, and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed such moneys shall be transferred to the general rate fund and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund and if they think fit from the housing revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Corporation which, if the specified risks were insured against in an insurance office, would be properly chargeable with the payment of the premium of such insurance:

Provided that any payment by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly relates to the specified risks arising from the purposes for which that account is kept.

(5) (*a*) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks or any of them, all moneys for the time being standing to the credit of the insurance fund shall unless applied in any other manner authorised by any enactment be invested in any statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

(*b*) The Corporation shall in every financial year carry to the credit of the insurance fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the preceding paragraph of this subsection.

(6) The specified risks may include risks in connection with the operations of any body of which the Corporation is a constituent member by virtue of any enactment, and the Corporation may accept payments into the insurance fund from any such body.

(7) (*a*) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Corporation or by a body referred to in the foregoing subsection, in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses

PART VIII —*cont.*

become ascertained, and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the Corporation may with the sanction of the Secretary of State borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(*b*) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings, departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(*c*) Where any sum is borrowed by the Corporation or any deficiency not made up by borrowing is paid by the Corporation out of the general rate fund in respect of any losses, damages, costs or expenses sustained by a body referred to in the foregoing subsection that body shall pay to the Corporation the amounts which in pursuance of arrangements in force for the redemption of the loan and the payment of interest thereon are payable in respect of the money borrowed or the amount of the deficiency as the case may be.

(*d*) Any sum payable under paragraph (*c*) of this subsection shall unless otherwise agreed be paid to the Corporation not later than the day on which it becomes payable by the Corporation.

(8) In the event of the insurance fund ceasing to be required to meet losses, damages, costs and expenses in respect of the specified risks, the insurance fund may be carried to and form part of any capital fund established by the Corporation under section 1 of the Local Government (Miscellaneous Provisions) Act 1953, or (if the Corporation so determine) shall be applied in such other manner as the Secretary of State may approve towards the discharge of any debt of the Corporation or otherwise for any purpose for which capital money may properly be applied. 1953 c. 26.

(9) Any covenant or obligation binding on the Corporation to insure against any risk shall (except in so far as the terms of such covenant or obligation otherwise specifically provide) be deemed to be satisfied by a resolution of the council under subsection (1) of this section and that risk shall be one of the specified risks.

(10) In this section—

" insurance office " means—

(*a*) an insurance company; or

PART VIII —*cont.*

(*b*) an underwriter being a member of an association of underwriters;

"the prescribed amount" means such sum as may from time to time be prescribed by the council.

Receipt in case of minors.

49.—(1) If any money is payable by the Corporation to any employee (other than wages or salary), or to any creditor, or to the holder of any authorised security, and the person entitled to such payment is a minor, the receipt of the guardian shall be a sufficient discharge to the Corporation.

(2) In this section "authorised security" means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue, or upon or by means of which the Corporation are for the time being authorised to raise money.

Power to make temporary loans.

50.—(1) In addition to any other power of investment the Corporation may lend money for a period not exceeding twelve months to any person on the security of—

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

(*b*) Treasury bills or bills issued by any local authority in the United Kingdom; or

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

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

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

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

Compensation for injury to or death of officers.

51.—(1) The Corporation may pay compensation—

(*a*) to any of their officers who sustains an injury in the course of his employment; or

(*b*) to a dependant of any of their officers who, in the course of his employment, dies or sustains an injury resulting in death.

PART VIII —*cont.*

(2) Any compensation payable under this section may be paid either—

(*a*) by way of a lump sum; or

(*b*) by way of periodical payments of such amounts and payable at such times and for such periods as the Corporation may from time to time determine having regard to all the circumstances of the case.

(3) The payment of compensation under this section shall not affect any right or claim to damages or compensation which an officer of the Corporation or his dependant may have against any person other than the Corporation or, except so far as may be agreed when the compensation is granted, against the Corporation.

PART IX

SUPERANNUATION

Interpretation of Part IX.

52. In this Part of this Act, except as otherwise expressly provided or unless the context otherwise requires, words and expressions to which meanings are assigned by the Act of 1937 have the same respective meanings, and—

"contributor" means a contributor to the fund as respects whom the Corporation are the employing authority;

"death grant" and "transfer value" have in relation to a contributor the meanings assigned to them respectively by the regulations of 1954;

"the principal Acts" means the Local Government Superannuation Acts 1937 to 1953;

"the regulations of 1954" means the Local Government Superannuation (Benefits) Regulations 1954;

"return of contributions" in relation to a person who has ceased to be a contributor includes any sum paid to or in respect of him by way of interest on the amount of the contributions returned to him;

"superannuation benefit" includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder or in pursuance of any local Act or scheme or local Act scheme.

Exclusion of certain remuneration and service for superannuation purposes.

1967 c. 12.

53.—(1) Subject to the provisions of subsection (4) of this section, subsection (2) of this section applies to employees—

(*a*) who are contributory employees; or

(*b*) who are employed in reckonable service within the meaning of the Teachers' Superannuation Act 1967; or

(*c*) who are firemen participating in the Firemen's Pension Scheme; or

PART IX —*cont.*

(*d*) who by virtue of the provisions of rule 3 of the Superannuation (Policy and Local Government Schemes) Interchange Rules 1948 and 1955 are not subject to the provisions of the principal Acts;

and who are employed whole-time by the Corporation, a magistrates' courts committee, a probation and after-care committee, the managers or governors of a voluntary school, a local valuation panel or any voluntary organisation, undertakers or other body approved by the Secretary of State and who participate in the benefits of the fund.

(2) The salary, wages, fees and other payments paid or made (whether before or after the passing of this Act) to an employee to whom this subsection applies in respect of any part-time employment (not being employment the duties of which may be performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Corporation or any other authority or body the employees of which participate in the benefits of the fund—

(*a*) as an instructor or other employee performing duties at, or for the purpose of, an evening institute or for the purposes of evening classes; or

(*b*) as a warden of, or other employee performing duties at, or for the purpose of, a youth centre; or

(*c*) as a civil defence instructor; or

(*d*) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment;

shall not be remuneration within the meaning of the principal Acts or of any other enactment affecting the fund, and the service of any such contributory employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(3) Where, before the passing of this Act, any person to whom subsection (2) of this section applies has paid any contribution or contributions to the fund which would not have been so paid if this section had been in force when such contribution or contributions were paid, the Corporation shall repay to such person a sum equal to the amount of such contribution or contributions, together with compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

(4) Subsection (2) of this section shall not apply to any such person as is referred to in subsection (3) of this section unless

PART IX —*cont.*

within six months after the passing of this Act he gives notice in writing to the Corporation that the said subsection (2) is to apply to him, whereupon that subsection shall apply to him as if this Act had come into force on the date of the receipt by the Corporation of such notice.

Benefits in certain cases of premature retirement.

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

Provided that this subsection shall not apply to a contributor if not later than one month after ceasing to hold his employment he notifies the Corporation in writing that he does not wish this subsection to apply to him.

(2) Where, after the passing of this Act, a contributor who has attained the age of fifty-five years and completed twenty-five years' service, but has not attained pensionable age, terminates his employment at his own request, then superannuation benefits calculated by reference to the service which he was entitled to reckon at the date when he ceased to hold his employment shall be payable in lieu of any entitlement to a return of contributions under section 10 of the Act of 1937:

Provided that—

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

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

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

PART IX —*cont.*

(4) For the avoidance of doubt it is hereby declared that where a person is for the time being entitled to any benefit by virtue of subsection (2) of this section, that benefit shall be deemed to be a superannuation benefit for the purpose of the definition of " service " in subsection (1) of section 40 of the Act of 1937 whether or not any payment has been made to him on account thereof.

1953 c. 25.

(5) For the purposes of section 16 of the Local Government Superannuation Act 1953 and of any rules made thereunder a person entitled to a superannuation benefit by virtue of subsection (2) of this section shall be deemed to cease to hold his employment on the day immediately preceding the day on which that benefit first becomes payable to him and a superannuation benefit as aforesaid shall be deemed to be such a superannuation allowance or benefit as is referred to in subsection (1) of the said section 16.

(6) In this section " pensionable age " in relation to any person means the earliest age at which, if he were to remain a contributor without a break of service, he would, on ceasing to hold his employment, become entitled to superannuation benefits by reason of having otherwise than under this section attained such age and completed such period of service as is prescribed in the principal Acts or the regulations of 1954 as the case may be.

Power to require designated sum to be paid to trustees.

55.—(1) A contributor may at any time by notice in writing to the Corporation, given in such form as the Corporation may approve, direct that the provisions of this section shall apply to the amount (if any) which would otherwise be payable to his estate by way of death grant or by way of return of contributions to the fund and that any such amount (hereafter in this section and in Schedule 1 to this Act referred to as " the designated sum ") instead of being paid to his estate shall be paid to such responsible persons (not being less than two nor more than four in number and hereafter in this section and in the said Schedule 1 referred to as " the trustees ") as shall be appointed for that purpose by the Corporation, to be held upon the trusts and with and subject to the powers and provisions in force under the said Schedule 1 at the date of such direction.

(2) Any direction given in accordance with this section shall be effective and the designated sum shall accordingly be paid to the trustees and shall be held by them upon the trusts and with and subject to the powers and provisions in force under the said Schedule 1 at the date of such direction.

(3) The trusts, powers and provisions set out in the said Schedule 1 may from time to time be varied by resolution of the council, but so that the trusts, powers and provisions as so varied

shall only apply in relation to directions received by the Corporation after the making of such variations. PART IX —*cont.*

(4) Any direction given by a contributor under this section shall be revocable at any time before the death of the contributor.

(5) In this section and in the said Schedule 1, " contributor " includes any person who on or after the passing of this Act is a contributor to the fund, and " former contributor " shall be construed accordingly.

Transfers of employment.

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

(*a*) as respects any contributor who ceases or has ceased to hold employment under the Corporation in order to enter an employment (in this paragraph referred to as " the new employment ") in relation to which interchange arrangements are not for the time being in force, if that contributor so desires, in lieu of making any such payment to him from the fund as is referred to in section 10 of the Act of 1937 (or, where such a payment has been made, if it is repaid to the fund by the contributor), either—

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

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

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

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

PART IX —*cont.*

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

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

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

(5) Where any provision of the principal Acts or the regulations made thereunder which has effect in relation to a contributor contains a reference to a transfer value, such reference shall be deemed (as may be appropriate) to include a reference to any such payment by way of a transfer value as is referred to in sub-paragraph (i) of paragraph (*a*) of subsection (1) of this section or to such payment by way of transfer value or otherwise as is referred to in paragraph (*b*) of that subsection.

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

1948 c. 33.

Extension of powers to grant gratuities to widows and dependants of former employees. 1953 c. 25.

57.—(1) Section 18 of the Local Government Superannuation Act 1953 in its application to the borough shall have effect as if—

(i) for the expression " to the widow or any other dependant " in subsections (1) and (2) there were substituted " to the widow and to any other dependant or dependants ";

(ii) after sub-paragraph (*c*) of subsection (1) there were inserted the following new paragraphs:—

" (*d*) partly by way of an annuity for the benefit of the widow and partly by way of periodical payments for the benefit of such of the children of the deceased employee who shall for the time being be under the age of twenty-one years:

Provided that the aggregate of the capital value of such annuity and of such periodical payments shall not exceed the amount aforesaid;

PART IX —*cont.*

(*e*) by way of periodical payments for the benefit of such of the children of the deceased employee who shall for the time being be under the age of twenty-one years:

Provided that the aggregate of such periodical payments shall not exceed the amount aforesaid."

(2) Subsection (1) of the said section 18 (as amended by the last foregoing subsection) shall apply to a dependant of a former employee of the Corporation who dies within one year after ceasing to be in their employment as it applies to a dependant of an employee who dies whilst in their employment:

Provided that no gratuity shall be granted under this subsection to a dependant of a former employee to whom a gratuity has been granted under subsection (1) of the said section 18.

Recovery of sums paid to officers, etc.

58.—(1) Where the Corporation have paid in advance to any employee the amount of his emoluments and such employee dies before the expiration of the period in respect of which such payment is made the Corporation shall not be required to demand the return of such portion thereof not exceeding twenty-five pounds as the Corporation may determine.

(2) In any case where the Corporation exercise the powers of the foregoing subsection they shall transfer from the general rate fund to the fund the amount which but for the exercise of those powers would have been returned to the fund.

(3) In this section—

" employee " means any officer or servant of the Corporation or any officer or servant whose salary or wages is or are payable by the Corporation and includes any former officer or servant who is in receipt of a superannuation allowance or benefit payable out of the fund; and

" emoluments " means in relation to an officer or servant his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a superannuation allowance or benefit the amount of that allowance or benefit.

As to proof of continued existence of pensioners.

59. Notwithstanding anything in any other enactment the Corporation shall not be required to make any payment by way of superannuation allowance, pension, compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

PART X

MISCELLANEOUS

Touting, hawking, etc.

60.—(1) As from the appointed day no person shall at any place in the borough to which this section applies—

(*a*) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden or place of amusement, or for a boat, hackney carriage or public service vehicle; or

(*b*) without the consent of the Corporation, which may be given on such terms and conditions as they think fit—

(i) hawk, sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section.

(2) The Corporation shall not withhold their consent under paragraph (*b*) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons.

(3) The prohibition imposed by sub-paragraph (i) of paragraph (*b*) of subsection (1) of this section shall not apply to a sale or offering for sale to persons residing in, or employed or carrying on business at, premises in or adjoining a place to which this section applies.

(4) The prohibition imposed by sub-paragraph (ii) of paragraph (*b*) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

(5) This section applies to any place—

(*a*) in or on an esplanade, parade, promenade or public walk;

(*b*) in a park, pleasure ground or open space provided by the Corporation, or under their management and control;

(*c*) in any street or part of a street to which this section applies by virtue of byelaws made by the Corporation under this section.

PART X —*cont.*

(6) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (*b*) of subsection (1) of this section, or by any terms or conditions attached to a consent given by the Corporation thereunder, may appeal to a magistrates' court.

(7) If any person contravenes any of the foregoing provisions of this section, or any term or condition upon which any consent is given thereunder, he shall be liable to a fine not exceeding twenty pounds.

Recreational, etc., facilities for employees.

61.—(1) The Corporation may within or outside the borough provide and maintain recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid the Corporation may—

(*a*) erect or maintain buildings;

(*b*) make such charges as they think fit for the use of facilities provided under this section;

(*c*) make regulations for the management of such buildings and facilities.

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

62. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if the 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.

Authorisation of appearance of council's officers in legal proceedings.

63. A resolution of the council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

Provisions as to motor vehicles let for hire. 1847 c. 89.

64. 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—

(*a*) this section shall not apply to any such vehicle which is kept by any company, firm or person in connection with any business carried on by such company, firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer

PART X —*cont.*

1960 c. 16.

periods of hire or to a public service vehicle as defined in section 117 of the Road Traffic Act 1960, or to any vehicle belonging to or used by the railways board for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles;

(*b*) nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the railways board except with the consent of that board.

As to use of computer equipment of Corporation.

65.—(1) The Corporation may provide services and facilities for the processing of data by computer or by any other equipment which the Corporation may possess for any person or body and the Corporation may make such charges as may be agreed for the provision of those services and facilities.

(2) Information obtained by any employee of the Corporation in the course of the provision of such services or facilities shall not without the consent of the person or body from whom it was obtained be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

Microfilming of documents.

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

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

Provided that—

(*a*) the Corporation shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962; and

1958 c. 51.
1962 c. 56.

(*b*) the Corporation shall afford a right of access for the public to a microfilm recording of a document which has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the document so destroyed.

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

PART X —*cont.*

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

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

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

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

(5) In this section unless the context otherwise requires—

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

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

Power to advertise facilities.

67. The Corporation may advertise in any manner which they may think fit—

(1) the facilities and amenities afforded by the borough for industry or as a tourist centre, place of historical or cultural interest; or

(2) the institutions provided by them under the Public Libraries and Museums Act 1964; 1964 c. 75.

and for that purpose may—

(*a*) cause to be published and may sell or dispose of bulletins, journals and leaflets and documents of historical or literary interest having a local connection;

(*b*) combine with any other organisation, company or person, and with any local authority authorised in that behalf; and

(*c*) expend a sum which shall not in any financial year exceed the equivalent of the product of one half of a new penny rate levied in the borough as estimated for the purpose of the General Rate Act 1967. 1967 c. 9.

Publication of bulletins, etc.

68.—(1) The Corporation may publish and sell or dispose of bulletins, journals, periodicals and leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Corporation.

PART X —*cont.*

(2) Nothing in this section shall affect the rights of any person under the law for the time being in force relating to copyright.

Disposal of unsuitable specimens and works of art.

69.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any specimen, work of art or book vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building 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 specimen, work of art or book 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 the 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; 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 as respects 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 maintained by them under section 15 of the Public Libraries and Museums Act 1964, 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.

1964 c. 75.

Disposal of lost and uncollected property.

70.—(1) Where any lost or uncollected property is contained in a package, bag or other receptacle the Corporation may cause such a receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the reasonable satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation:

PART X —*cont.*

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may notwithstanding that it has not vested in the Corporation under this section be disposed of at such time and in such manner as the Corporation may think fit and if it is sold the proceeds of sale shall vest in the Corporation at the expiration of three months from the date on which the property came into their custody.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) Where lost property (or the proceeds of sale thereof) has vested in the Corporation under subsection (2) of this section and a person employed by the Corporation shows to their reasonable satisfaction that before vesting such property belonged to him and was left at a place where he worked, he shall be entitled to the return of the property or, if it has been disposed of, to receive the estimated value thereof from the Corporation.

(6) In this section—

" lost property " means any property including money coming into the custody of the Corporation after being left on or in any premises occupied by the Corporation to which the public have access; and

" uncollected property " means—

(*a*) any property deposited in any cloakroom or parcels' store provided by the Corporation for the use of the public or any containers deposited in any market store-room provided by the Corporation in which there is exhibited a notice containing a statement of the effect of subsections (1) and (2) of this section; and

(*b*) any property held by the Corporation under section 48 of the National Assistance Act 1948. 1948 c. 29.

Power to provide car parks for certain purposes.

71. The Corporation may provide parking places for vehicles used by members or officers of the council or other persons using the town hall and law courts and other halls, offices and buildings

PART X —*cont.*

now or hereafter provided and maintained by the Corporation for or in connection with the discharge of their functions and may adapt and use for the purpose any land acquired by them under this section.

Power to change titles of officers.

72.—(1) Notwithstanding anything in Part IV of the Act of 1933, or in any other enactment, the council may from time to time by resolution determine that the office, style or title of any officer of the council shall be that specified in the resolution instead of that specified in the Act of 1933 or in any other enactment and any thing done by an officer as holding that office, or in the style or title specified in the resolution, shall be valid and effectual for all purposes as it would have been had it been done by the officer in the office and holding the style or title specified in the Act of 1933.

(2) As from the date of the passing of any resolution by the council pursuant to subsection (1) of this section, any reference (whether specific or general) in any enactment or document to the office or title of an officer to whom the resolution relates shall be construed as if the office or title specified in the resolution were substituted for the office or title specified in that enactment or document.

PART XI

GENERAL

Confirming authority for byelaws.

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

Local inquiries.

74.—(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.

PART XI —*cont.*

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

For protection of certain statutory undertakers.

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

" apparatus " means—

(*a*) any electric line or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the Central Electricity Generating Board or the Southern Electricity Board; 1882 c. 56.

(*b*) any telegraphic line belonging to or used by the Post Office;

(*c*) mains, pipes or other apparatus belonging to or maintained by the Gas Council or the Southern Gas Board;

(*d*) mains, pipes or other apparatus belonging to or maintained by the Thames Valley Water Board;

and includes any works constructed for the lodging therein of apparatus;

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

" operational land " in relation to the Post Office has the same meaning as in sub-paragraph (4) of paragraph 93 of Schedule 4 to the Post Office Act 1969 and in relation to statutory undertakers land which is used for the purpose of the carrying on of their undertakings and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held for the purpose of the carrying on of statutory undertakings; 1969 c. 48.

" position " includes depth;

" the undertakers " means—

the Central Electricity Generating Board;
the Southern Electricity Board;
the Post Office;
the Gas Council;
the Southern Gas Board;
the Thames Valley Water Board;

or any of them as the case may be;

and words and expressions to which meanings are assigned by section 19 (Interpretation of Part III) of this Act have the same respective meanings:

PART XI —*cont.*

(2) (*a*) Notwithstanding anything in section 6 (Adjustment of boundaries of estates in connection with streets) of this Act, the undertakers shall not, under the provisions of that section, be required to adjust or alter the boundaries of or exchange any operational land except with their consent which shall not be unreasonably withheld;

(*b*) Nothing in subsection (1) of the said section 6 shall apply to any covenant, restriction or condition for the benefit of or for preventing interference with the use of or for securing access to operational land or apparatus of the undertakers:

(3) Nothing in section 7 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

Provided that, in exercising such rights the undertakers shall not cause or permit, except in the case of necessity, vehicles to enter upon any such verge which is maintained in an ornamental condition or mown, or any garden:

(4) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to obstruct or render less convenient so far as is reasonably practicable the access to any apparatus or operational land:—

Section 7 (Trees, grass verges and gardens);

Section 11 (Temporary stoppage of streets):

(5) Nothing in section 8 (Enforcement of improvement line) of this Act shall apply to any building or structure of the undertakers erected on operational land of the undertakers except with the consent of the undertakers which shall not be unreasonably withheld:

(6) Nothing in section 9 (Retaining walls) of this Act shall apply to any retaining wall erected on operational land of the undertakers:

(7) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 11 (Temporary stoppage of streets) of this Act the undertakers shall be at liberty at all times to execute and do all such works and things in, under or upon any such street, as may be necessary for placing, inspecting, repairing, maintaining,

PART XI —*cont.*

renewing or removing any apparatus and to enter upon such street for those purposes or any of them with any necessary vehicles:

(8) No byelaw made under section 23 (Tipping of spoil and refuse) of this Act shall extend to regulate or control the tipping of spoil or refuse by the undertakers on operational land of the undertakers:

(9) In exercising the powers conferred by subsection (3) of section 25 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used or intended to be used by them in connection with the generation, manufacture, storage or supply of electricity or gas an authorised officer of the Corporation shall conform to the reasonable requirements of the undertakers in the interests of safety and for preventing interference with any process carried on in such premises:

(10) (*a*) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration;

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

Arbitration.

76. 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 (4) of section 6 (Adjustment of boundaries of estates in connection with streets)	The Secretary of State.
Subsection (2) of section 15 (Exemption for Conservators of the River Thames from last foregoing section)	The President of the Institution of Civil Engineers.
Section 75 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

PART XI —*cont.*

Liability of directors, etc.

77.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

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

Restriction on right to prosecute.

78. 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 (except section 64 (Provisions as to motor vehicles let for hire) thereof) by any person other than a party aggrieved or the Corporation.

Appeals.

79.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

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

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

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

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

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

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

The appointed day.

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

PART XI —*cont.*

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

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

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

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

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

(4) Either—

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

(*b*) a photostatic or other reproduction certified by the town clerk 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 publication.

Application of general provisions of Act of 1936.

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

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act, that is to say:—

Part III (Highways and streets);

Part IV (Health and sanitation).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to—

(*a*) the following sections of this Act, that is to say:—

Section 8 (Enforcement of improvement line);

Section 21 (Sanitary conveniences at places of public exhibition, etc.);

(*b*) the following Parts of this Act, that is to say:—

Part V (Nuisances);

Part VII (Fire protection).

PART XI —*cont.*

Repeal.
1914 c. ci.

82. Section 51 (Provision of storage for food in new houses) of the Reading Corporation Act 1914 is hereby repealed.

Costs of Act.

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

SCHEDULES

SCHEDULE 1

Section 55.

SETTING OUT THE TRUSTS, POWERS AND PROVISIONS UPON, WITH AND SUBJECT TO WHICH THE DESIGNATED SUM IS TO BE HELD IN PURSUANCE OF A DIRECTION GIVEN BY A CONTRIBUTOR UNDER SECTION 55 (POWER TO REQUIRE DESIGNATED SUM TO BE PAID TO TRUSTEES) OF THIS ACT

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 55 (Power to require designated sum to be paid to trustees) of this Act should apply and the income thereof upon the trusts and with and subject to the following powers and provisions, that is to say:—

1. During the period of twenty-one years from the death of a former contributor the trustees may pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of all or any one or more exclusively of the other or others of the following persons:—

(*a*) the widow or widower of such former contributor;

(*b*) the grandparents of such former contributor and the grandparents of the widow or widower of such former contributor and the grandparents of any previous or deceased wife or husband of such former contributor;

(*c*) the issue of such former contributor;

(*d*) any other issue of any of the grandparents referred to in sub-paragraph (*b*) of this paragraph; and

(*e*) the person or persons (if any and whether of full age or not) to whom such former contributor has at any time put himself in loco parentis or of whose person or property such former contributor has at any time been guardian;

in such shares and in such manner as the trustees shall in their absolute discretion from time to time determine and so that the trustees may if they think fit pay any sum to the parent or guardian of any infant to be applied for the benefit of such infant without seeing to the application thereof.

2. In addition to the powers conferred on them by virtue of the foregoing paragraph 1, during the said period of twenty-one years the trustees may at any time pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of any person who in the opinion of the trustees was wholly or in part dependent on the earnings of such former contributor at his death in such manner as the trustees shall in their absolute discretion think fit.

3. Subject as aforesaid, the designated sum and the income thereof or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this schedule shall be paid to such person or persons (other than the Crown, the Duchy of Lancaster or the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act 1925, as amended by the Intestates' Estates Act 1952, or any statutory modification or re-enactment thereof in force at the death of such former contributor if such former

1925 c. 23.
1952 c. 64.

SCH. 1 —*cont.*

contributor had died possessed thereof intestate and domiciled in England and solvent and so that such persons if more than one shall take in such shares and manner in which they would have taken under the provisions of the said Act or Acts and subject to the conditions therein contained.

4. In this schedule the expressions "grandparent" and "issue" shall be construed as if the stepchild, adopted child or illegitimate child of any person was that person's child, and "issue" includes issue in any degree.

Section 81.

SCHEDULE 2

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED TO THIS ACT

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.
293	Recovery of expenses, &c.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

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SECTIONS APPLIED TO PARTS III AND IV OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
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.

SCH. 2
—*cont.*

PART III

SECTION APPLIED TO SECTIONS 8 AND 21 AND PARTS V AND VII OF THIS ACT

Section	Marginal note
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Reading Corporation Act 1970

CHAPTER lxxxiv

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3. Interpretation.

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4. Compulsory acquisition of easements.
5. Disposal of land.

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9. Retaining walls.
10. Awnings over footways.
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12. Damage to obstruction lights, etc.
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14. Excavations near streets.
15. Exemption for Conservators of the River Thames from last foregoing section.
16. Building operations affecting public safety.
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18. Oil pipes and manholes in streets.
19. Interpretation of Part III.

PART IV

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21. Sanitary conveniences at places of public exhibition, etc.
22. Restriction on use of dustbins, etc.

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SCHEDULES:

Schedule 1—Setting out the trusts, powers and provisions upon, with and subject to which the designated sum is to be held in pursuance of a direction given by a contributor under section 55 (Power to require designated sum to be paid to trustees) of this Act.

Schedule 2—Sections of Act of 1936 applied—

Part I—Sections applied to this Act.
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