ELIZABETH II



1983 CHAPTER xviii

An Act to re-enact with amendments and to extend certain local enactments in force within the county of Staffordshire; to confer further powers on the Staffordshire County Council and local authorities in the county; to make further provision with regard to the environment, local government, improvement, health and finances of the county; to make further provision regarding the trusts respectively relating to the burgesses and the Silverdale lands of the borough of Newcastle-under-Lyme and the Coton Field Estate in the borough of Stafford; and for other purposes.

[21st December 1983]

WHEREAS by virtue of the Local Government Act 1972 (hereinafter referred to as "the Act of 1972") the county of Staffordshire (hereinafter referred to as "the county") was constituted on 1st April 1974 so as to consist of an area comprising the following districts described by reference to administrative areas existing immediately before the passing of the Act of 1972:— 1972 c. 70.

The city of Stoke-on-Trent—
the county borough of Stoke-on-Trent:

The borough of Newcastle-under-Lyme—
the borough of Newcastle-under-Lyme:
the urban district of Kidsgrove:
the rural district of Newcastle-under-Lyme:

The borough of Stafford—
the borough of Stafford:
the urban district of Stone:
the rural district of Stafford:
the rural district of Stone:

The borough of Tamworth—
the borough of Tamworth:

The district of Cannock Chase—
the urban district of Cannock:
the urban district of Rugeley:
in the rural district of Lichfield, the parish of Brindley Heath:

The district of East Staffordshire—
the county borough of Burton upon Trent:
the urban district of Uttoxeter:
the rural district of Tutbury:
the rural district of Uttoxeter:

The district of Lichfield—
the borough of Lichfield:
the rural district of Lichfield except the parish of Brindley Heath:

The district of South Staffordshire—
the rural district of Cannock:
the rural district of Seisdon:

The district of Staffordshire Moorlands—
the urban district of Biddulph:
the urban district of Leek:
the rural district of Cheadle:
the rural district of Leek:

And whereas numerous local enactments were in force in parts of the said area and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before 1st April 1974:

And whereas it was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1984:

And whereas it is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole or part, as the case may be, of the county:

And whereas it is expedient at the same time to extend and enlarge in various respects the powers of the Staffordshire County Council and local authorities in the county:

And whereas the trusts relating to the burgesses of the borough of Newcastle-under-Lyme, the Silverdale lands in that borough and the Coton Field Estate relating to lands in the borough of Stafford, are regulated or affected by existing local enactments; and it is expedient that the provisions in this Act should be enacted respecting each of those trusts and lands:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 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

Citation and commencement.

1.—(1) This Act may be cited as the Staffordshire Act 1983.

(2) This Act shall come into operation on the expiration of three months after its passing, except that section 37 (Division of county superannuation fund) of this Act and section 2 (Interpretation) of this Act, so far as material for the purposes of that section, shall come into operation upon the passing of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

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

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

"the Act of 1971" means the Town and Country Planning Act 1971; 1971 c. 78.

"the Act of 1972" means the Local Government Act 1972; 1972 c. 70.

"the Act of 1976" means the Local Government (Miscellaneous Provisions) Act 1976; 1976 c. 57.

PART I —*cont.*

"the Act of 1980" means the Highways Act 1980;

1980 c. 66.

"the appointed day" has the meaning given by section 3 of this Act;

"building operations" has the meaning given by section 168 (5) of the Act of 1980;

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

"the county" means the county of Staffordshire;

"the county council" means the council of the county;

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

"district" means a district in the county;

"district council" means the council of a district;

"enactment" means an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the county;

"footway" has the meaning given by section 329 of the Act of 1980;

"local authority" means the county council or a district council;

"the Newcastle Council" means the Newcastle-under-Lyme Borough Council;

"owner" has the meaning given by section 343 of the Act of 1936;

"parish council" means the parish or town council of a parish in the county or, where there is no such council, the parish meeting of such a parish;

"premises" includes messuages, buildings, lands, easements and hereditaments of any tenure;

"public service vehicle" has the meaning given by section 1 of the Public Passenger Vehicles Act 1981;

1981 c. 14.

"statutory undertakers" means the British Gas Corporation, British Telecommunications, the Central Electricity Generating Board, the East Midlands Electricity Board, the Midlands Electricity Board, the North West Water Authority, the Severn-Trent Water Authority (in each case in respect of any of the Authority's functions) and the South Staffordshire Waterworks Company, or any of them, as the case may be;

"street" has the meaning given by section 329 of the Act of 1980.

PART I —*cont.*

Appointed day.

3.—(1) In this Act "the appointed day", in relation to any provision, means such day (not earlier than three months after the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council or, as the case may be, a district council.

(2) The local authority shall publish in a newspaper circulating in their area notice—

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

(*b*) of the general effect of the provision for the purposes of which the day has been fixed;

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

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page, or part of a page, of any newspaper being a page or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice, and of the date of publication.

PART II

HIGHWAYS AND STREETS

Street numbers.

4.—(1) A district council may allocate to the buildings in a street in their district such numbers as they think fit.

1847 c. 34.

(2) Where a number has, or numbers have, been allocated to a building under this section or under section 64 of the Towns Improvement Clauses Act 1847, the district council may serve on the owner or occupier of the building a notice requiring him within such period, not being less than three weeks, as may be specified in the notice, to mark the building with that number, or those numbers, in such a way as to make the mark legible from the street.

(3) The person on whom notice has been served under subsection (2) above shall—

(*a*) maintain the mark in such a way that it remains legible from the street; and

(*b*) keep the view of the mark from the street unobstructed to such extent as is practicable.

(4) A district council may alter the number or numbers allocated to a building, and where they do so subsections (2) and (3) above shall apply to the altered number or numbers.

PART II —*cont.*

(5) A district council may, instead of requiring a building to be marked with a number or numbers under this section, require it to be marked with such other means of identification as they may, at the request of the owner or occupier, allow; and subsections (2) and (3) above shall have effect accordingly.

(6) A person who without reasonable excuse—

(*a*) fails to comply with a notice served on him under subsection (2) above; or

(*b*) contravenes subsection (3) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) The following provisions of the Towns Improvement Clauses Act 1847 shall cease to have effect in the county:— 1847 c. 34.

(*a*) in the words introducing sections 64 and 65, the words "and numbering the houses";

(*b*) in section 64 the words from "shall from time to time" to "think fit, and" and the words "number or" wherever occurring;

(*c*) section 65.

Affixing of traffic signs to walls.

5.—(1) The appropriate authority shall have power to affix to any building or structure in, or having a frontage to, or constructed over, any road in the county in accordance with this section—

(*a*) any traffic sign which they have power to place on or near any road in pursuance of section 55 (functions of highway authorities as to placing of traffic signs) or, as the case may be, section 56A (functions of certain traffic authorities in respect of traffic signs) of the Road Traffic Regulation Act 1967; or 1967 c. 76.

(*b*) any apparatus required for illumination forming part of any such sign.

(2) In their application in the county subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing of apparatus to buildings for street lighting) shall have effect, with the necessary modifications, as if the attachments therein specified included any such sign or apparatus and the street lighting authority therein referred to included the appropriate authority. 1961 c. 64.

(3) Nothing in this section shall derogate from the power of the appropriate authority to enter on land for the placing of

PART II —*cont.*

traffic signs in pursuance of section 63 of the Road Traffic Regulation Act 1967, or to carry out any work for the improvement of a highway in pursuance of section 62 of the Act of 1980. 1967 c. 76.

(4) In exercising their powers under this section the appropriate authority shall be bound by the duties imposed on them by section 84 (1) (general duties with respect to road traffic) of the Road Traffic Regulation Act 1967 as if this section were included in that Act.

(5) The appropriate authorities for the purposes of this section are, in relation to a road in a district, the highway authority and the district council.

Damage to footways, etc.

6. The highway authority may recover from any person carrying on building operations, whether on his own account or as a contractor, or delivering goods to premises in the course of trade, the cost of making good damage caused in the course of those operations or deliveries, to the grass verge or footway of a highway maintainable at the public expense by vehicles being taken across, or machinery being on, or the loading or unloading or stacking of goods or materials on, the grass verge or footway.

Plans, etc., of new streets.

7.—(1) No work shall be done in or for the purpose of the construction of any new street in the county—

(*a*) unless the owner of the land on which the street is to be constructed or, if he is a different person, the person to whom or on whose behalf planning permission has been granted for the carrying out of development including the construction of the street, has submitted to the street works authority plans, sections and all reasonable particulars with respect to the level and width of, and specifications for, the proposed street, including the sewers and drains therein, and that authority have approved those plans, sections and particulars under this section in respect of the works of constructing the street therein described;

(*b*) otherwise than in accordance with those plans, sections and particulars as so approved and subject to such reasonable conditions as, in giving their approval, the street works authority may impose as to—

(i) the giving of notices and the deposit of plans;

(ii) the inspection of work, the testing of sewers and the taking by the authority of samples of the materials used in the execution of the work of constructing the street, including the sewers and drains therein.

PART II —*cont.*

(2) (*a*) Before the expiration of one month from the receipt of plans, sections and particulars under subsection (1) above the street works authority may give to the person by whom or on whose behalf they were submitted notice that they require as a prerequisite to their approval—

(i) such modifications of any plan, section and particulars; and

(ii) compliance with such conditions mentioned in subsection (1) (*b*) (i) and (ii) above;

as may be specified in the notice.

(*b*) In default of giving any notice under paragraph (*a*) above, the street works authority shall be deemed to have approved the plans, sections and particulars as submitted free of conditions other than such rights of inspection, of carrying out tests and taking samples by the street works authority as are described in subsection (1) (*b*) (ii) above and as may be reasonable.

(3) (*a*) If work is done in contravention of subsection (1) above, the owner of the land on which the street is to be constructed and, if he is a different person, the person undertaking the construction of the street shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £50.

(*b*) Where the person undertaking the construction of the street, not being the owner of the land on which it is to be constructed, is charged with an offence under this subsection in respect of the contravention of subsection (1) (*a*) above, it shall be a defence for him to prove that he had reasonable grounds for believing that the plans, sections and particulars had been submitted by the owner of the land and approved in accordance with the said subsection (1) (*a*).

(*c*) Proceedings under this subsection shall not be taken by any person other than the street works authority.

(4) Nothing in this section shall apply with respect to—

(*a*) any new street the subject of an agreement made under section 38 of the Act of 1980 (agreements by highway authorities to adopt) or a new street as respects which a sum has been paid to the street works authority or secured in compliance with section 219 of that Act (payments to be made in respect of street works);

(*b*) any new street constructed by the British Railways Board in pursuance of their statutory functions.

Vesting of former highway land.

8.—(1) Where under or by virtue of any enactment a highway has been stopped up or diverted and it appears to the highway authority that no person can establish a title to the site of such former highway or any part thereof, the highway authority may

PART II —*cont.*

apply to the county court for an order vesting the land forming the site of such former highway or part thereof for an estate in fee simple absolute free from incumbrances in the highway authority or, with his consent, in such other person as the court may determine.

(2) The county court shall not make an order under subsection (1) above unless it is satisfied that not less than 21 days before hearing the application for the order a notice of their intention to apply for the order—

(*a*) has been served by the highway authority on every owner, lessee and occupier of lands adjoining, on the district council concerned and on all statutory undertakers having apparatus under, in, upon, over, along or across the former highway; and

(*b*) has been displayed in a prominent position at each end of the former highway.

(3) Where the county court makes an order under subsection (1) above, the land forming the site of the former highway or part thereof shall vest in the highway authority or other person named in the order for an estate in fee simple absolute free from incumbrances as if circumstances in which under Part I of the Compulsory Purchase Act 1965 an authority authorised to purchase land compulsorily have power to execute a deed poll had arisen in respect of the land and all interests therein, and as if the acquiring authority had duly exercised that power accordingly on the date of the court order. 1965 c. 56.

(4) (*a*) Where the county court makes an order vesting the site of a former highway or part thereof under subsection (1) above and within a period of 12 years from the date of such order a person establishes a title to such site or part thereof, the highway authority or other person in whom the former highway or part thereof is vested or their successors in title, as the case may be, shall pay compensation to such person, and the Land Compensation Act 1961 shall apply to the assessment of such compensation. 1961 c. 33.

(*b*) Compensation under paragraph (*a*) above shall be assessed as at the date of the order vesting the land in question and shall carry interest from that date to the date of payment at the rate from time to time prescribed under section 32 (rate of interest after entry on land) of the said Act of 1961.

(5) Nothing in any order made by the county court under subsection (1) above shall prejudice or affect any rights of statutory undertakers with respect to any apparatus of theirs under, in, upon, over, along or across the land forming the site of the former highway.

(6) In this section—

"highway" does not include a footpath, bridleway,

PART II —*cont.*

cartway, a road used as a public path or a byway open to all traffic; and

"road used as a public path" and "byway open to all traffic" have the same meanings as in the Wildlife and Countryside Act 1981. 1981 c. 69.

PART III

OPEN SPACES AND MUNICIPAL PROPERTY

Provision of parking places in parks, etc.

9.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and control a local authority may set apart an area (not exceeding the prescribed area) of the park, pleasure ground or open space for use for the parking of vehicles and provide parking places and facilities in connection therewith.

(2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.

(3) A local authority shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.

(4) In this section "the prescribed area" means—

(*a*) where the total area of the park, pleasure ground or open space does not exceed four hectares, one-eighth of that area;

(*b*) where such area exceeds four hectares but does not exceed six hectares, one-half hectare;

(*c*) in any other case, one-twelfth of such area.

(5) A local authority shall consult the British Railways Board before exercising the powers of subsection (1) above in relation to an area of any park, pleasure ground or open space which is situated over or within a distance of 15 metres (measured in any direction) from any railway of that board.

Protection of ornamental or mown land.

10.—(1) A local authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, any of the following things:—

(*a*) allowing horses or cattle to enter land to which this section applies;

(*b*) driving or riding a vehicle on such land;

(*c*) using any play or other equipment provided by a local authority or other person on such land:

PART III —*cont.*

Provided that in the case of any such prohibition as is mentioned in paragraph (*c*) above the local authority may exempt a child under such age as may be specified in the notice in respect of that paragraph and may similarly exempt any other person who is in charge of such a child while the child is on the land.

(2) The land to which this section applies is—

(*a*) land managed by the local authority and mown or otherwise maintained in an ornamental condition; or

(*b*) land accessible from a highway being land vested in a person other than the highway authority and laid out, used, mown or maintained as aforesaid.

(3) A prohibition under subsection (1) (*b*) above shall not extend to driving or riding a vehicle—

(*a*) in the course of building operations; or

(*b*) by statutory undertakers or the British Railways Board where reasonably necessary for the exercise of their statutory powers:

Provided that the exemption afforded by paragraph (*a*) above shall be conditional upon means being taken to the satisfaction of the local authority to minimise injury to the land and to protect persons on the land.

(4) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(5) Notice of a prohibition contained in subsection (1) (*b*) above, if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 99 of the Road Traffic Regulation Act 1967), shall be indicated by a traffic sign within the meaning of section 54 of the said Act of 1967 and subsection (1) of section 55 of that Act shall have effect as respects the erection and display of the notice by the local authority. 1967 c. 76.

(6) A person who without reasonable excuse contravenes the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) Where land to which a prohibition contained in subsection (1) (*a*) or (*b*) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

(*a*) limit any right of way, public or private, over land;

(*b*) restrict the exercise by any person of any statutory right to enter upon land;

(*c*) derogate from or diminish the obligation of any person under section 4 of the Chronically Sick and Disabled

PART III —*cont.*

Persons Act 1970 (access to, and facilities at, premises open to the public);

1970 c. 44.

(*d*) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 71 of the Act of 1980 (provision of margins for horses and livestock).

PART IV

PUBLIC HEALTH AND AMENITIES

Hairdressers and barbers.

11.—(1) As from the appointed day in any district a person shall not in that district carry on the business of a hairdresser or barber unless he is registered by the district council under this section and, except as provided in subsection (2) below, he shall not carry on that business on premises occupied by him unless the premises are so registered.

(2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those premises.

(3) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the premises and of any byelaws made by the district council under section 77 of the Public Health Act 1961 displayed in the premises, and if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

1961 c. 64.

Dust, etc., from building operations.

12.—(1) This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such circumstances that dust from the operation is emitted into the open air, except any work of demolition in respect of which a notice may be served under section 29A of the Public Health Act 1961.

(2) Except as provided in subsection (6) below, a district council may give notice to any person carrying out, or controlling the carrying out of, an operation to which this

PART IV —*cont.*

section applies in their district requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from the operation.

(3) In considering what steps are reasonably practicable for the purposes of subsection (2) above, the district council shall have regard, amongst other matters, to the requirements of safety and safe working conditions, any relevant provisions of any code of practice approved under section 16 of the Health and Safety at Work etc. Act 1974 and to the financial implications. 1974 c. 37.

(4) Any person aggrieved by a notice under subsection (2) above may appeal to the county court and the judge may make such order, either confirming or quashing or varying the notice, as he thinks fit but shall not so vary the notice that it is more onerous than the notice given by the district council.

(5) (*a*) Subject to any order made on appeal under subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £50.

(*b*) In any proceedings under this subsection it shall be a defence to show that the quantity of dust emitted into the open air was not materially greater than would have been emitted if the notice had been complied with.

(6) (*a*) If, before the carrying out of any operation to which this section applies, the person who intends to carry it out applies to the district council for their consent to the operation giving particulars of—

(i) the operation and the method by which it is to be carried out; and

(ii) the steps proposed to be taken to reduce the emission of dust from the operation;

and the district council consider that, on the carrying out of the operation in accordance with the application, they would not serve a notice under subsection (2) above in respect of that operation, the district council may give their consent to the operation for the purposes of this section, either unconditionally or subject to such conditions as may be specified in the consent.

(*b*) In acting under this subsection the district council shall have regard to the matters specified in subsection (3) above.

PART IV —*cont.*

(*c*) If the district council do not, within 21 days from the receipt of an application under this subsection, give to the applicant a consent, with or without conditions, which is acceptable to the applicant, he may appeal to the county court.

(*d*) On any appeal under this subsection the judge may make such order either confirming the refusal of the consent or varying any conditions subject to which the consent has been given or ordering the giving of the consent with or without conditions, as he thinks fit, but shall not so vary any conditions that they are more onerous than those specified by the district council.

(7) In this section "dust" includes chemicals in solution and grit.

Transport of waste materials.

13.—(1) No person shall in any street or public place in a district transport animal or food waste material in or on a vehicle unless the material is suitably contained and covered so as to preclude its escape and the exterior of the vehicle is free of the material:

Provided that, where the animal or food waste material transported consists solely of whole dead animals, nothing in this section shall require the covering of the material if it is suitably contained so as to preclude its escape.

(2) No person shall deliver by way of trade to any premises in a district knowing it is to be used for the storage of animal or food waste material any skip, trailer, bin or other receptacle which is in an offensive condition or the exterior of which is not free of the material or not proof against escape of the material.

(3) Any person who contravenes a provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In this section "animal or food waste material" means—

(*a*) any dead animal or its bones or any other part of a dead animal (except the hide or skin) removed from its body in the process of dressing it; or

(*b*) any substance not intended for human consumption which has been, or has been part of, food used or intended for human consumption;

whether or not, in either case, mixed with other refuse.

Power to order alteration of chimneys.

14.—(1) If, upon a complaint by a district council under this section, a magistrates' court is satisfied that any gas, vapour or fumes from a chimney of a building in the district is injurious or likely to be injurious to health or a nuisance, the court may

PART IV —*cont.*

make an order requiring the owner of the chimney within such time as may be specified in the order—

(*a*) to cause it to be raised to a height so specified; or

(*b*) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit.

(2) The court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding—

(*a*) in the case of a single private dwelling-house £600; and

(*b*) in any other case £1,800;

or, in any case, such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Any person who without reasonable excuse fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £20.

(4) Unless the Secretary of State has granted scheduled monument consent under section 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed building consent under section 55 of the Act of 1971 for the alteration of any chimney in a scheduled monument or listed building, no complaint shall be made to a magistrates' court under this section in respect of any chimney in such monument or building. 1979 c. 46.

(5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, &c. Works Regulation Act 1906 or to such class of premises as may be prescribed for the purposes of section 1 (1) (*d*) of the Health and Safety at Work etc. Act 1974. 1961 c. 34. 1906 c. 14. 1974 c. 37.

(6) In this section "chimney" includes structures, openings and ducts of any kind from which any gas, vapour or fumes may be emitted, whether or not as the product of combustion, and reference to a chimney of a building includes reference to a chimney of a building which serves the whole or a part of a building but is structurally separate therefrom.

Control of rats and mice.

15.—(1) A district council may with the consent of the owner or occupier of land take any steps for the destruction of rats or mice on the land, or otherwise for keeping it free from rats or mice, and recover from him any expenses reasonably incurred by them in doing so.

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(2) Expressions used in subsection (1) above and in the Prevention of Damage by Pests Act 1949 have the same meanings as in that Act.

1949 c. 55.

(3) Section 294 of the Act of 1936 (limitation of liability of owners receiving rent as agent or trustee) shall apply to expenses incurred under this section as if they were expenses incurred under section 5 of the said Act of 1949.

Powers of entry for Prevention of Damage by Pests Act 1949.

16. Section 22 of the Prevention of Damage by Pests Act 1949 (powers of entry) shall have effect in a district as if after subsection (1) there were inserted—

"(1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(*a*) that admission to any land has been refused or that refusal is apprehended; or

(*b*) that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry;

and, in either case, that there is reasonable ground for entry upon the land for any such purpose as is mentioned in subsection (1) of this section, the justice may by warrant under his hand authorise the local authority by any person duly authorised by them in writing to enter upon the land, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the circumstances are as mentioned in paragraph (*b*) of this subsection.

(1B) A person entering upon any land by virtue of the foregoing provisions of this section or of a warrant issued under this section may take with him such other persons as may be necessary, and on leaving any unoccupied land upon which he has so entered shall leave it as effectually secured against trespassers as he found it.

(1C) Every warrant issued under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.".

Control of stray dogs.

1906 c. 32.

17.—(1) As from the appointed day in any district, a duly authorised officer of a district council may exercise the powers in section 3 of the Dogs Act 1906 with respect to the seizure,

PART IV —*cont.*

detention and disposal of stray dogs in their district and for the purposes of that section, as it applies to a district, a dog shall be treated as a stray if it appears not to be in the charge of any person.

(2) Subject to subsection (1) above, section 3 of the Dogs Act 1906 shall have effect in a district subject to the following modifications:— 1906 c. 32.

(*a*) The substitution for subsection (1) of the following:—

"(1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its seizure or detention.";

(*b*) in both subsections (2) and (4), the substitution for "the chief officer of police, or any person authorised by him in that behalf" of the words "the chief officer of police or, as the case may be, the district council, or any person authorised by him or them in that behalf,";

(*c*) in subsection (6) the substitution for "of a police area" of the words "and the district council" and for "in that area" of the words "by him or them respectively" and the deletion of the words "on payment of a fee of one shilling"; and

(*d*) in subsection (7), the substitution for "The police shall not dispose of any dog seized under this section" of the words "A dog seized under this section shall not be disposed of" and the insertion after "inspection" of the words "at all reasonable times" and the deletion of the words "on payment of a fee not exceeding one shilling".

(3) Section 3 of the Dogs Act 1906, as that section has effect in accordance with this section, is set out in Schedule 1 to this Act.

Separate drains for foul water and surface water.

18.—(1) In this section the expression "separate system of drainage" means a separate system of drains for the conveyance of—

(*a*) soil water and waste water; and

(*b*) rainwater;

respectively.

PART IV —*cont.*

(2) (*a*) Where plans—

(i) of a building; or

(ii) of an extension of a building; or

(iii) of an alteration of a building which show that it is intended to provide in the building five or more additional water closets;

are in accordance with building regulations deposited with the district council, the district council may, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless they show that the building or the extension or the building as proposed to be altered (as the case may be) will be provided with a separate system of drainage; and where plans of an alteration of a building already provided with a separate system of drainage are so deposited, the district council may reject the plans unless they show that such a system will continue to be provided.

(*b*) Section 64 (2), (2A), (2B), and (3) and section 65 (2) to (5) of the Act of 1936 shall have effect as if this section were a section of that Act; and for this purpose the reference to section 64 (3) includes a reference to that subsection as it will stand amended upon the coming into operation of paragraph (1) (*a*) of Part I of Schedule 6 to the Health and Safety at Work etc. Act 1974.

1974 c. 37.

Artificial lighting in habitable rooms, etc.

19.—(1) In this section—

"adequate means of lighting" in reference to a room, stairway or passage means adequate means of lighting the same by electricity, and includes the provision in the room, stairway or passage of adequate electric lines connected with an electricity main, but does not include—

(*a*) the supply of electricity; or

(*b*) the provision of lamps;

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

"habitable room" includes a room used, or intended to be used, as a living room, sleeping room, bathroom, kitchen, scullery or for a sanitary convenience, and includes any cellar or room comprised in a dwelling and used as a fuel store.

(2) Except as provided in subsection (5) below, in every dwelling in a district which is let for human habitation, and to which a supply of electricity has been made available, adequate means of lighting shall be provided and maintained in every habitable room, stairway or passage.

PART IV —*cont.*

(3) If adequate means of lighting are not so provided and maintained the district council may serve on the owner a notice requiring him, within such time (not less than 21 days) as may be specified in the notice, to execute such works as may be necessary to comply with subsection (2) above.

(4) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (3) above as if—

(*a*) this section were contained in that Act;

(*b*) among the grounds on which an appeal may be brought under subsection (3) of section 290 of the Act of 1936 there were added that, having regard to the period during which the dwelling is likely to continue to be used for human habitation, it is unreasonable to require the execution of the works; and

(*c*) in subsection (6) of the said section 290 the words from "and without prejudice" to the end of the subsection were omitted.

(5) This section shall not apply to a dwelling—

(*a*) in an area declared by the district council to be a clearance area; or

(*b*) as respects which the proper officer has made an official representation under section 157 of the Housing Act 1957 either that it is unfit for human habitation or that it is in an area which should be dealt with as a clearance area, and the representation is under consideration; or 1957 c. 56.

(*c*) as respects which notice has been served under subsection (1) or (1A) of section 9 of the said Act of 1957 on the person having control of the dwelling and the works required pursuant to the notice have not been executed; or

(*d*) as respects which notice has been served under section 16 of the said Act of 1957 and works required to render the dwelling fit for human habitation have not been carried out to the satisfaction of the district council.

PART V

MARKETS

Part III of Act of 1955 to apply to markets undertakings.

20. Any market carried on by a district council within their district which was not established or acquired under section 49 of the Act of 1955 or any of the enactments mentioned in

PART V —*cont.*

subsection (2) of that section shall be deemed to have been acquired by the district council under the said section 49.

Power to compound for payment of tolls.

21. A district council may enter into a composition with any person with respect to the payment of any stallages, tolls or charges which they may demand under the Act of 1955.

Power of district council to require information.

22.—(1) Subject to the provisions of this section a district council may, by notice served on any person who, whether as principal or as agent, sells in any market carried on by the district council, require him to furnish to them such information, including information as to the quantity and value of articles, commodities or produce dealt in by him and as to the places of origin of such articles, commodities or produce, as may be necessary for or incidental to the discharge or exercise by the district council of their duties or powers as a market authority:

Provided that nothing in this section shall enable the district council to require any person to furnish information except such information as he may possess relating to articles, commodities or produce dealt in by him in the market.

(2) Section 105 (3) of the Act of 1955 shall apply for the purposes of this section as it applies for the purposes of that Act.

As to public meetings, etc.

23. A district council may permit any market place or any lands used for the purposes of any market, and any open land belonging to them adjoining thereto, to be used for public meetings, public services and speaking and public lectures, or for exhibitions, entertainments or amusements or for dancing, and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto, and may make such charges for such use as they may from time to time determine:

Provided that—

(*a*) nothing in this section shall operate to prevent the holding of any market;

(*b*) the powers of this section shall not be exercised in relation to any land forming part of a highway without the consent of the highway authority.

Market byelaws.

24.—(1) In addition to and without prejudice to any other powers conferred on a district council by section 61 of the Act of 1955, the district council may make and enforce byelaws with respect to the market for the purpose of preventing the outbreak

and spread of fire in the market and, in particular, for that purpose— PART V —*cont.*

(*a*) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;

(*b*) imposing such prohibitions, restrictions or requirements as appear to the district council requisite for securing that no articles, commodities or produce of any description are stored in such manner as to obstruct the use of fire-fighting equipment.

(2) A person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and a daily fine not exceeding £5.

PART VI

FIRE PRECAUTIONS

Parking places: safety requirements.

25.—(1) This section applies to a parking place comprising or within a building which provides—

(*a*) parking space for more than three motor vehicles, being a space of which any part of the floor is situated more than 1·2 metres below the surface of the ground adjoining any wall of the building; or

(*b*) parking space for more than 20 motor vehicles;

not being in either case a parking place for motor vehicles for the use only of the occupants of a single private dwelling-house.

(2) Where—

(*a*) plans of any proposed work are deposited with a district council in accordance with building regulations; and

(*b*) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

the district council shall reject the plans unless they are satisfied, after consultation with the fire authority, and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act (if not the fire authority), that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life. 1928 c. 32.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—

PART VI —*cont.*

(*a*) construction of the vehicular approaches;

(*b*) means of access for fire brigade appliances and personnel;

(*c*) means of ingress and egress, including the provision of appropriate signs;

(*d*) means of ventilation;

(*e*) safety of electrical, mechanical and heating equipment;

(*f*) provision of an emergency lighting system;

(*g*) fire protection, fire alarms and fire-fighting equipment and appliances; and

(*h*) prevention of the admission to drains of flammable substances.

(4) Section 64 (2), (2A) and (2B) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.

(5) Any person aggrieved by the action of the district council under subsection (2) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State.

(6) If any conditions, subject to compliance with which plans have been passed under subsection (2) above have not been or are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit or, as the case may be, require the cessation of its use for the parking of vehicles until those conditions are complied with.

(7) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district—

(*a*) has been first brought into use after the commencement of this Act as a parking place to which this section applies;

(*b*) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and

(*c*) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the district council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (*b*) to (*h*) of subsection (3) above;

PART VI —*cont.*

they may, for the purpose of preventing or reducing danger from fire or other danger to life, by notice to the owner or occupier of the parking place, require compliance with—

(i) such conditions with respect to any of those matters as may be specified in the notice; and

(ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(8) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (7) above as if—

(*a*) references in those provisions to that Act included reference to this subsection;

(*b*) for the reference in section 290 of the Act of 1936 to the court there were substituted reference to the Secretary of State; and

(*c*) in section 290 (6) the words from "and without prejudice" to the end were omitted.

(9) Any person on whom notice is served under subsection (6) above in respect of any parking place owned or occupied by him, who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) For the purposes of section 287 (1) (*a*) of the Act of 1936 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the district council to enforce.

(12) (*a*) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above, no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence.

1928 c. 32.

PART VI —*cont.*

(*b*) Subject to paragraph (*a*) above, where plans in respect of any building have been passed subject to compliance with conditions specified under this section, no conditions shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which conflict with the conditions so specified.

Access for fire brigade.

26.—(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show—

(*a*) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(*b*) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 64 (2A) and (2B) and section 65 (2) to (5) of the Act of 1936 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

Oil-burning equipment.

27.—(1) In this section—

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

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

PART VI —*cont.*

"oil-burning equipment" means a boiler designed or adapted for the combustion of oil and includes the burners, 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, but does not include—

(*a*) any such equipment if the tank storage to supply oil to the boiler has a total capacity not exceeding 3,500 litres; or

(*b*) any such equipment for generating electricity forming part of a generating station of the Central Electricity Generating Board or equipment provided in accordance with proposals approved under section 6 of the Electricity Act 1957; 1957 c. 48.

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

and references 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.

(2) (*a*) The county council may make byelaws applicable to any district or part thereof for securing that arrangements are made for preventing or reducing danger from fire arising in connection with oil-burning equipment installed or placed in any building, or on any land, in the area to which the byelaws apply.

(*b*) Without prejudice to the generality of paragraph (*a*) above, byelaws made under this subsection may include provisions prescribing the works, apparatus and fittings and fire-fighting appliances to be provided in connection with the installation or placing of oil-burning equipment, and the mode of arrangement of any such works, apparatus, fittings and appliances.

(*c*) In relation to byelaws made under this subsection section 236 of the Act of 1972 (procedure for making and confirming byelaws) shall have effect as if in subsection (7), after the word "confirm" where it secondly occurs, there were inserted the words "or confirm with modifications".

(*d*) If the Secretary of State, on considering byelaws submitted under section 236 of the Act of 1972 as having effect in accordance with paragraph (*c*) above, proposes to make a modification which appears to him to be substantial he shall inform the county council and require them to take any steps he thinks necessary for informing persons likely to be concerned

PART VI —*cont.*

with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the county council and by other persons who have been informed of it.

(3) As from the appointed day in any district, being a day not earlier than the day on which byelaws made under subsection (2) above come into operation in the district, any person intending to install or place oil-burning equipment in any building or on any land, in the area of the district to which the byelaws apply, shall give to the district council not less than 14 days' notice of his intention to do so.

(4) (*a*) Any oil-burning equipment installed or placed in accordance with plans and specifications submitted to, and approved by, the district council shall be deemed to comply with the appropriate specification for such equipment prescribed in the byelaws in respect of all matters shown in the plans and specifications so passed.

(*b*) If the district council do not, within 8 weeks after the submission of plans and specifications of any oil-burning equipment under this subsection, notify the person who submitted the plans and specifications of their disapproval of the said plans and specifications stating the reasons for their disapproval, they shall be deemed to have approved them.

(5) (*a*) If, on an application made by a person proposing to install or place oil-burning equipment in any building, or on any land, in their district for waiver of the specification for such equipment prescribed in the byelaws, the district council, after consultation with the fire authority, are satisfied that proper arrangements will be made for preventing or reducing danger from fire arising in connection with the equipment, they may dispense with, or relax, the requirements of the byelaws and approve the installation or the placing of the equipment notwithstanding that it does not comply with the specification for such equipment prescribed in the byelaws.

(*b*) If the district council do not, within 8 weeks after the making of an application under this subsection or such longer period as the applicant may in writing allow, notify him of their approval of the application, they shall be deemed to have disapproved it.

(6) (*a*) Any person aggrieved by the disapproval by the district council of—

(i) the installation or placing of oil-burning equipment under subsection (4) above; or

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(ii) an application made under subsection (5) above;

may, within 21 days after the receipt of notification of the disapproval or, as the case may be, after the expiration of the period of 8 weeks specified in subsection (5) (*b*) above, appeal to the Secretary of State stating the grounds of his appeal; and the appellant shall at the same time serve on the district council and the fire authority a copy of that statement.

(*b*) Where an appeal is brought under this subsection the Secretary of State shall take into account any representations made by the appellant, the district council and fire authority within 21 days after the date of the notice of appeal, and may dismiss or allow the appeal or may vary the decision of the district council against which the appeal is made.

(*c*) Except for the purposes of this subsection the decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the district council given under subsection (4) (*a*), or, as the case may be, subsection (5) (*a*) above.

(7) Any person who installs or places oil-burning equipment in any building or on any land in the area to which byelaws made under subsection (2) above apply without giving such notice as may be required under subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Subject to subsections (4) and (5) above, any person who contravenes any byelaw made under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £20.

(9) Nothing in this section shall apply to the installation of oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 to 1982 or the Theatres Act 1968 is for the time being in force. 1968 c. 54.

Byelaws with regard to certain temporary structures.

28.—(1) A district council may, after consultation with the fire authority, make byelaws with regard to structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—

(*a*) the provision of safe and adequate means of ingress to and egress from the structure;

PART VI —*cont.*

(*b*) the provision of first-aid fire-fighting equipment;

(*c*) the provision of proper and sufficient passages or gangways in the structure and between the structure and another structure or any building;

(*d*) the stability of the structure; and

(*e*) the proper arrangement of any seating accommodation to be provided in the structure.

(2) A person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £20.

(3) (*a*) An authorised officer of the district council or any officer of the fire authority, in either case on producing, if so required, a duly authenticated document showing his authority, or any police constable may at all reasonable times enter upon, inspect and examine any structure to which this section applies and any land giving access thereto for the purpose of ascertaining whether there is, or has been, in or in connection with the structure, a contravention of the provisions of any byelaw made under this section.

(*b*) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to a structure and any land giving access thereto for the purposes of this subsection as they apply to entry to premises for the purpose of subsection (1) of that section.

(4) This section applies to any tent, marquee or other similar structure which is erected in a district and to which the public are admitted, whether with or without any charge for admission, for the purposes of or in connection with any fair, show, exhibition, game, sport or athletic or other contest or public entertainment or any political, religious or other public meeting:

Provided that this section shall not apply to any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Public Health Act 1961.

1961 c. 64.

PART VII

STORAGE OF FLAMMABLE MATERIAL

Interpretation of Part VII.

29.—(1) For the purposes of this Part—

(*a*) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;

(*b*) two or more stacks shall be treated as one stack if—

(i) the space between them does not allow free passage between them or is at any point less than one metre wide; or

(ii) they are both within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.

(2) For the purposes of this Part access for the fire brigade is inadequate unless—

(*a*) it is unobstructed; and

(*b*) it is 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

Stacks to which this Part applies.

30.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if—

(*a*) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and

(*b*) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

(2) The materials referred to in subsection (1) (*a*) above are—

(*a*) paper or cardboard;

(*b*) plastics;

(*c*) rags;

(*d*) rubber, whether natural or synthetic, including rubber tyres; and

(*e*) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

(3) The measurements referred to in subsection (1) (*b*) above are—

(*a*) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—

(i) 3 metres in height;

(ii) 50 cubic metres in capacity;

PART VII —*cont.*

(*b*) for stacks of any materials not being stacks specified in paragraph (*c*) or (*d*) below if the conditions specified in subsection (4) below are fulfilled—

(i) 5 metres in height;

(ii) 450 cubic metres in capacity;

(iii) 20 metres in any horizontal dimension;

(iv) 235 square metres in any horizontal section;

(*c*) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—

(i) 5 metres in height;

(ii) 750 cubic metres in capacity;

(iii) 20 metres in any horizontal dimension;

(iv) 235 square metres in any horizontal section;

(*d*) for stacks consisting wholly of wood if the conditions specified in subsection (4) below are fulfilled—

(i) 10 metres in height;

(ii) 1,370 cubic metres in capacity;

(iii) 20 metres in any horizontal dimension;

(iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) (*b*) to (*d*) above are—

(*a*) there is no other stack to which this Part applies within 4 metres;

(*b*) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;

(*c*) no street is within 5 metres;

(*d*) none of the following is on the same premises and within 6 metres, namely:—

(i) a furnace or incinerator;

(ii) a building;

(iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;

(iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

PART VII —*cont.*

(5) A stack is not one to which this Part applies if—

(*a*) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and it is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or

(*b*) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit of cargoes, has been unloaded from, or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock, or quay; or

(*c*) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for purposes of or in connection with their undertaking; or

(*d*) it forms the load or part of the load of a railway wagon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle or is in a container to be carried on such a wagon, vehicle or trailer.

Unlawful stacks.

31.—(1) Subject to subsection (2) of section 35 (Transitional provisions for Part VII) of this Act, as from the appointed day in the county it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.

(2) A person making application to the county council for a consent under this section shall provide such information for that purpose (including information about the materials to be stacked, the premises and the undertaking, trade or business conducted on the premises) as the county council may, within 28 days from the date on which the application is made, reasonably require.

(3) Where an application has been made to the county council for their consent under this section and the council have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made to give notice to the applicant that they give or refuse their consent, or give it subject

PART VII —*cont.*

to conditions, the county council shall be deemed to have given their consent without conditions except any that have been accepted in the application.

(4) Where the county council have given a consent under this section to the stacking of materials on any premises—

(*a*) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;

give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and

(*b*) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.

(5) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the county council to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire fighting including the provision of water for fire-fighting purposes:

Provided that where, on an application for consent under this section to the stacking of materials the county council are satisfied that, by reason of those materials the stack does not create fire risks, the county council shall give their consent unconditionally.

Part VII appeals.

32. A person aggrieved by the county council's refusal of consent, or by any condition imposed on such a consent under section 31 (Unlawful stacks) of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

PART VII —*cont.*

Powers of entry for Part VII.

33. The power to enter premises conferred upon duly authorised officers of the county council for the purposes of this Part by section 287 (1) (*a*) of the Act of 1936 as applied by this Act shall include power to take samples for analysis from any stack on the premises.

Offences under Part VII.

34. Where a stack is on any premises in contravention of subsection (1) of section 31 (Unlawful stacks) of this Act the owner of the stack and the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Transitional provisions for Part VII.

35.—(1) Where under subsection (4) of section 31 (Unlawful stacks) of this Act the county council impose or vary conditions the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 31 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the county council may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

(3) A person aggrieved by a decision under subsection (2) above may appeal to the Secretary of State.

PART VIII

FINANCE AND MISCELLANEOUS

Expenses of executing demolition orders, etc. 1957 c. 56.

36. Any expenses of demolition adjudged to be payable to a district council consequent upon the exercise of their powers under section 23 (1) of the Housing Act 1957, shall until recovered be a charge on all estates and interests in the land whereon the premises the subject of demolition were erected.

Division of county superannuation fund. S.I. 1974/520.

37.—(1) In this section expressions to which meanings are assigned by the Local Government Superannuation Regulations 1974 as for the time being amended shall have the same respective meanings and references to regulations are to those regulations.

PART VIII —*cont.*

(2) (*a*) In its application to the county council regulation B1 shall have effect so as to require the county council to establish and administer not later than the relevant date, a further superannuation fund to be known as "the Admission Agreement, etc. Superannuation Fund" (hereinafter in this section referred to as "the second fund").

(*b*) The regulations shall with necessary modifications apply to the second fund as they apply to the Staffordshire County Council Superannuation Fund (hereinafter in this section referred to as "the main fund").

In paragraph (*a*) above "the relevant date" means the first day after the next actuarial valuation under regulation B7 of the main fund following the coming into operation of this section.

(3) (*a*) Upon the establishment under subsection (2) above of the second fund that fund shall be the appropriate superannuation fund for all such pensionable employees and other persons who prior to such establishment have been entitled to participate in the benefits of the main fund by virtue of the operation of regulations B4, B4A or J8 (admission agreements for employees of other bodies) or who thereafter are admitted by virtue of the operation of any of the said regulations.

(*b*) Following the establishment and during currency of the second fund, any employee admitted by the county council under an agreement to which regulation B4 or B4A applies shall be admitted to participate in that fund and not in the main fund.

(4) (*a*) Upon the establishment of the second fund the main fund shall be apportioned and the provisions of Schedule 24 of the regulations shall apply for such apportionment and for the transfer of assets from the main fund to the second fund as those provisions apply where such a change of employment occurs as is mentioned in regulation P2 (6); and the provisions of Schedule 24 shall apply as if—

(i) the fund to be apportioned under that schedule were the main fund and the fund of the new fund authority were the second fund;

(ii) the relevant date under that schedule were the relevant date as defined in subsection (2) above;

(iii) paragraph 7 and, in paragraph 8, the words "Subject to paragraph 7" were omitted; and

(iv) under paragraph 14, it had been agreed that the assets to be transferred should be solely money.

(*b*) The county council shall bear the costs of the apportionment required by this subsection.

(5) The county council may in connection with the second fund and out of the moneys of that fund, insure pensionable

PART VIII —*cont.*

employees in the second fund against death in service to an amount not exceeding pensionable remuneration for one year payable by way of death gratuity under regulation E11.

(6) The county council may if they think fit wind up the second fund and transfer the assets thereof to the main fund, and thereupon—

(*a*) the pension rights in the second fund of all pensionable employees and persons entitled to participate in that fund shall be transferred to and become rights in and entitlements to participate in the main fund;

(*b*) the main fund shall become the appropriate superannuation fund for those employees and persons; and

(*c*) the foregoing provisions of this section shall cease to have effect.

Pedal cycles.

38.—(1) In this section—

"cycle" has the meaning given by section 196 (1) of the Road Traffic Act 1972; 1972 c. 20.

"pedestrian area" means any place, other than a footway, over which the public have a right of way on foot only or, in the case of land not dedicated to public use, to which the public are permitted to have access on foot only; and includes any such place in, under or over any building.

(2) A district council may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the riding of cycles in any pedestrian area in the district.

(3) A prohibition shall not be imposed under this section except with the consent of—

(*a*) the highway authority, as respects any place over which the public have a right of way; or

(*b*) the owner of the land, as respects any other place.

(4) For the purpose of subsection (2) above notice shall be given by displaying it in a conspicuous position on or near the pedestrian area to which it relates.

(5) Any person who without reasonable excuse contravenes a notice given under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) In any case in which proceedings can be taken either under this section or under a byelaw made under section 35 (6) of the Act of 1980 (creation of walkways by agreement) those proceedings shall be taken under that byelaw and not under this section.

PART VIII —*cont.*

Byelaws as to leisure centres.

39.—(1) A local authority may make byelaws for all or any of the following purposes:—

(*a*) the good and orderly conduct of persons resorting to any leisure centre;

(*b*) regulating the movement and parking of vehicles at any leisure centre;

(*c*) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a highway or any other road to which the public has access, including any bridge over which a road passes.

(2) Byelaws made under paragraph (*a*) of subsection (1) above may provide for the removal from the leisure centre of any person infringing any such byelaw by any proper officer of the local authority.

(3) A person who contravenes a byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) In this section "leisure centre" means any place owned or managed by a local authority (whether alone or in conjunction with any other local authority or body) at which recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Act of 1976 are provided.

(5) In this section and section 68 (Restriction on right to prosecute) of this Act in its application to this section "local authority" includes a parish council.

PART IX
PROVISIONS APPLICABLE ONLY TO PARTS OF STAFFORDSHIRE

Stoke-on-Trent

Power to stop up highways where unnecessary.

40.—(1) (*a*) The county council may from time to time by order stop up wholly or partially any highway in the city of Stoke-on-Trent which in their opinion is unnecessary on such terms as to the vesting of the soil and other matters as may be agreed between the county council and the owners, lessees and occupiers of buildings and lands abutting on the highway; and on any highway being so stopped up all public and other rights of way in, over or upon the same shall be extinguished.

(*b*) Not less than 28 days before making any order under this subsection the county council shall give notice to—

(i) the Secretary of State for Transport;

(ii) any statutory undertakers having apparatus under, in, upon, over, along or across the highway; PART IX —*cont.*

(iii) the traffic commissioners constituted under the Public Passenger Vehicles Act 1981 for the area in which the highway is situated; and 1981 c. 14.

(iv) the operator over that highway of any stage carriage within the meaning of that Act;

of their intention to make such order and of the proposals to be contained therein.

(2) Throughout the period of 28 days following the making of each such order the county council shall post and keep posted a copy of such order in conspicuous places in the highway or the part or parts of the highway ordered to be stopped up and shall also during the first 10 days of that period publish a notice containing a concise summary of the purposes of the order twice at least in a newspaper or newspapers circulating in the city of Stoke-on-Trent.

(3) Following such posting and publication and expiry of the period of 28 days mentioned in subsection (2) above, the order shall become absolute except that if any person thinking himself aggrieved shall before the expiry of that period have given notice of objection thereto in writing to the county council and the objection is not thereafter withdrawn, the order shall not have effect.

(4) Notice of the right of objection shall be endorsed on the copy of every order posted and published under this section.

(5) The exercise of the powers of this section shall not prevent any statutory undertakers from obtaining access to any apparatus belonging to or maintained or used by them nor prejudice or affect the right of such undertakers to do all such works and things as may be necessary for laying, placing, inspecting, repairing, maintaining, removing or renewing any such apparatus.

(6) Not less than three months nor more than six months before stopping up the whole or any part of a highway in pursuance of subsection (1) above, the county council shall send by post to British Telecommunications a notice informing it of the proposed date of such stopping up and, unless otherwise agreed in writing between the county council and British Telecommunications, the following provisions shall have effect in relation to so much of any telegraphic line belonging to or used by British Telecommunications as is under, in, upon, over, along or acrosss the land which by reason of the stopping up will

PART IX —*cont.*

cease to be a highway (in this subsection referred to as "the affected line"):—

(*a*) the power of British Telecommunications to remove the affected line shall be exercisable notwithstanding the stopping up so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of one month from the actual date of the stopping up;

(*b*) British Telecommunications may by notice to the county council abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of one month unless before the expiration of that period British Telecommunications has removed it;

(*c*) British Telecommunications shall be entitled to recover from the county council the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as is reasonable;

(*d*) where under sub-paragraph (*b*) above British Telecommunications has abandoned the whole or any part of the affected line it shall vest in the county council and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(7) In this section—

"highway" does not include a trunk road, special road, footpath, bridleway, cartway, a road used as a public path or a byway open to all traffic;

"road used as a public path" and "byway open to all traffic" have the same meanings as in the Wildlife and Countryside Act 1981; and

1981 c. 69.

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

1878 c. 76.

Ice-cream and preserved meat manufacturers.

41.—(1) Section 262 (9) of the Act of 1972 shall not apply to section 68 (Registration of ice-cream and preserved meat manufacturers and premises) of the Stoke-on-Trent Corporation Act 1935 but the said section 68 is hereby amended as follows:—

1935 c. cxi.

(*a*) for the words "the Corporation" wherever they occur there shall be substituted the words "the city council" and at the end of subsection (5) there shall be added " and the expressions ' city ' and ' city council ' mean respectively the city of Stoke-on-Trent and the council of that city.";

PART IX —*cont.*

(*b*) for subsection (3) there shall be substituted the following subsection:—

"(3) Any person who without reasonable excuse contravenes subsection (1) or (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a fine not exceeding £20 for each day on which an offence is continued after conviction thereof.";

(*c*) in subsection (4) (*a*), after the words "used for the purposes aforesaid" there shall be inserted the words "having regard to considerations of hygiene and in particular to the situation, construction or condition of the premises, or to any activities carried on therein.";

(*d*) in the proviso to subsection (4)(*a*) for the word "seven" there shall be substituted the words "twenty-one";

(*e*) after subsection (4) (*a*) there shall be inserted the following paragraph:—

"(*b*) A person so appearing before the city council may appear in person or by counsel or a solicitor or any other representative and with any witnesses whom he desires to call, or may be accompanied by any person whom he may wish to assist him in the proceedings.";

and the remaining paragraphs of subsection (4) shall be redesignated as paragraphs (*c*), (*d*), (*e*) and (*f*);

(*f*) in subsection (4) (*c*) as so redesignated, after the word "shall" where it first occurs there shall be inserted the words "within forty-eight hours after such refusal";

(*g*) in subsection (4) (*d*) as so redesignated, for the words "court of summary jurisdiction" there shall be substituted the words "magistrates' court", for the words "fourteen days" there shall be substituted the words "twenty-one days" and in subsection (4) (*e*) as so redesignated for the words "town clerk" there shall be substituted the words "city council";

(*h*) in subsection (5) after the word "food" there shall be inserted the words "intended for human consumption";

(*i*) at the end of subsection (6) there shall be inserted—

"or

(iii) premises described and used only as specified in section 16 (3A) of the Food and Drugs Act 1955; 1955 c. 16 (4 & 5 Eliz. 2).

PART IX —*cont.*

nor to any person in respect of the use of those premises.";

(*j*) at the end of subsection (7) there shall be inserted the words "nor to any person in respect of the use of those premises.";

(*k*) for subsection (8) there shall be substituted the following subsection:—

"(8) Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (powers of entry) shall have effect with respect to the foregoing provisions of this section as that section has effect with respect to section 16 of the said Act of 1982."

1982 c. 30.

(2) The said section 68 is set out in Schedule 2 to this Act as that section has effect in accordance with subsection (1) above.

Newcastle-under-Lyme

A. Silverdale land

Definitions for Head.

42. In this Head of this Part—

1816 c. *39*.

"the Act of 1816" means the Act passed in the fifty-sixth year of the reign of His late Majesty King George 3 intituled "An Act for Inclosing Lands in the Parishes of Newcastle-under-Lyme, Trentham, Woolstanton, and Stoke-upon-Trent, in the County of Stafford";

"the plan" means the plan marked "Silverdale Trust Lands" of which five copies have been signed by the Right Honourable the Lord Aberdare the chairman of the committee of the House of Lords to whom the unopposed provisions of the Bill for this Act were referred and deposited respectively at—

(*a*) the office of the Clerk of the Parliaments, House of Lords;

(*b*) the Private Bill Office of the House of Commons;

(*c*) the Department of the Environment;

(*d*) the office of the proper officer of the county council; and

(*e*) the office of the proper officer of the Newcastle Council;

"the Silverdale land" means the land delineated on the plan.

Silverdale land to continue vested in Newcastle Council.

43. Subject only to the interest of the tenants of the allotment gardens situate thereon or on some part thereof and to such easements as may be subsisting thereover, and subject

PART IX —*cont.*

to the provisions of section 46 (Saving for National Coal Board) of this Act, the Silverdale land shall continue vested in the Newcastle Council in fee simple and the Newcastle Council may exercise in reference thereto the powers which they may exercise with reference to land acquired by them for housing purposes:

Provided that the Newcastle Council may from time to time appropriate and use the whole or any part thereof for other purposes.

As to use of part of Silverdale land for allotments.

44.—(1) Subject to the provisions of this section, the Newcastle Council may let the part of the Silverdale land numbered 6 on the plan (being land not immediately required by the Newcastle Council for housing or other purposes) for use as allotment gardens.

(2) Any tenancy of any part of the Silverdale land for use as an allotment garden under this section shall be a tenancy to which section 1 of the Allotments Act 1922 applies and shall be terminable in accordance with the provisions of that section as if any contract of tenancy relating to the part or parts so let contained the powers of re-entry referred to in subsection (1) of that section; and at the termination of any such tenancy section 2 of that Act shall apply. 1922 c. 51.

(3) The net rents received by the Newcastle Council in respect of any such tenancies shall be applied—

(*a*) subject as aforesaid, in effecting such repairs and improvements to the Silverdale land or any part thereof as the Newcastle Council shall from time to time think fit;

(*b*) subject as aforesaid, as the primary fund for the payment of any compensation lawfully payable to the tenants of allotment gardens on the termination of such tenancies.

(4) So often as the Newcastle Council shall require to enter for housing or other purposes on any part of the Silverdale land which is for the time being let as an allotment garden the Newcastle Council may take all such steps as may be necessary to terminate any tenancy affecting such land.

Extinction of private rights of way.

45.—(1) Any private right of way or other easement subsisting over the Silverdale land or any part thereof shall, if the Newcastle Council so resolve and give notice of their resolution to the owner of the right, be extinguished as from the expiration of one month from the service of the notice.

PART IX —*cont.*

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Newcastle Council compensation to be assessed and determined in case of dispute in accordance with the Land Compensation Act 1961.

1961 c. 33.

Saving for National Coal Board.

46. Nothing in this Head of this Part shall prejudice or affect the rights, powers and immunities preserved or conferred by the sections of the Act of 1816 of which the marginal notes are "Saving of Mines to His Majesty within the Copyhold parts of the Common Fields" and "Saving of Mines and Manorial Rights in and over Knutton Wastes" so far as the same are now vested in the National Coal Board and relate to the working of any mines and minerals by underground methods including the power in so working to let down the surface of the Silverdale land.

B. Miscellaneous

Registration of meat traders and their premises.

47.—(1) As from the appointed day, a person shall not in the borough of Newcastle-under-Lyme carry on the business of a meat trader unless he is registered by the Newcastle Council under this section and he shall not carry on that business on premises occupied by him unless the premises are so registered.

(2) On application for registration under this section the Newcastle Council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

(3) An application for registration under this section shall be accompanied by such particulars as the Newcastle Council may reasonably require.

(4) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) This section shall not apply so as to require the registration of—

(*a*) any person or premises registered under section 16 (1) (*b*) of the Act of 1955 (ice-cream, sausages, etc.) or section 19 of the Local Government (Miscellaneous Provisions) Act 1982 (hawkers of food and premises); or

1982 c. 30.

(*b*) any premises registered under section 2 of the Slaughter of Poultry Act 1967 or being a slaughter-house as defined in section 34 of the Slaughterhouses Act 1974 or any person in respect of the business at those premises; or

1967 c. 24.

1974 c. 3.

(*c*) any person or premises as respects a cold store or refrigerator provided by a district council under

PART IX —*cont.*

section 80 of the Act of 1955 or section 18 of the Slaughterhouses Act 1974 (cold stores incident to any market or slaughterhouse of a district council). 1974 c. 3.

(6) In this section "the business of a meat trader" means dealing in or storage for the purposes of dealing in uncooked meat, including offal and poultry but excluding—

(*a*) meat which has been cured or smoked or which is not intended for human consumption; or

(*b*) natural sausage casings.

Foundations of buildings liable to subsidence.

48.—(1) Where plans are deposited with the Newcastle Council in accordance with building regulations in respect of the erection or extension of a building on land where subsidence by reason of future mining operations may reasonably be anticipated, the Newcastle Council may reject the plans unless they show that the foundations are to be so constructed or specially reinforced as to safeguard the building or extension against damage likely to arise from those operations.

(2) Section 64(2), (2A), (2B) and (3) and section 65(2) to (5) of the Act of 1936 shall have effect as if this section were a section of that Act; and for this purpose the reference to section 64(3) includes a reference to that subsection as it will stand amended upon the coming into operation of paragraph (1)(*a*) of Part I of Schedule 6 to the Health and Safety at Work etc. Act 1974. 1974 c. 37.

Saving for Wolstanton Marsh Common. 1898 c. xxxvi.

49. The Commons Regulation (Wolstanton Marsh) Provisional Order Confirmation Act 1898 shall continue to have effect and section 262(9) of the Act of 1972 shall not apply to that Act.

Newcastle-under-Lyme Burgesses' Lands Acts 1859 and 1967, amendments, repeals, etc. 1859 c. ciii.

50.—(1) In this section "the Act of 1859" means the Newcastle-under-Lyme Burgesses Lands Act 1859, "burgesses" and "trustees" have the meanings given by section II of the Act of 1859 and "the Burgesses' Capital Account" and "the Burgesses' Income Account" mean the accounts having those names established under the Act of 1859.

(2) Section XIX (Clerk to make a list of burgesses) of the Act of 1859 is hereby amended by the addition at the end of the section of the following definition:—

"In this section 'the borough' means the whole area of the borough of Newcastle-under-Lyme as from time to time subsisting."

PART IX —*cont.*

(3) (*a*) As from the commencement of this section the provisions of the Newcastle-under-Lyme Burgesses' Lands Acts 1859 and 1967 specified in Part I of Schedule 5 to this Act are hereby repealed to the extent specified in that Schedule and accordingly, on the application of the trustees, the High Court may make such order as the court thinks fit for transferring all moneys standing in the name of the Accountant General of the Supreme Court to the credit of an account entitled "Ex parte the Newcastle-under-Lyme Burgesses Lands" or other the securities in which those moneys or any part thereof, or the dividends or interest thereon, have been invested together with all dividends and interest accrued due in respect thereof to the trustees, subject to the payment of the costs incident to the application; and the receipt of any three trustees or of their treasurer shall be a good discharge for the moneys thereby expressed to have been received.

(*b*) The said moneys, or so much thereof as shall remain after payment of any costs which the High Court may direct to be paid thereout, shall when received by the trustees be carried to the Burgesses' Capital Account and all dividends and interest transferred to the trustees under paragraph (*a*) above shall when received be carried to the Burgesses' Income Account.

(*c*) The purchase money for any lands or hereditaments sold by the trustees under the Act of 1859 shall be paid to the trustees and shall be carried to the Burgesses' Capital Account.

(*d*) In section LVIII (Application of capital) of the Act of 1859 the reference to the passing of that Act shall be deemed to include a reference to the enactment of this section.

Stoke-on-Trent and Newcastle-under-Lyme

Hackney carriage fares.

51.—(1) In this section—

"the relevant district" means the city of Stoke-on-Trent or, as the case may be, the borough of Newcastle-under-Lyme, "the relevant districts" means both of them and "the relevant district council" shall be construed accordingly;

"the other relevant district"—

(*a*) in relation to the city of Stoke-on-Trent, means the borough of Newcastle-under-Lyme; and

(*b*) in relation to the borough of Newcastle-under-Lyme, means the city of Stoke-on-Trent.

(2) The following provisions of this section shall have effect as from the appointed day in the relevant district.

PART IX —*cont.*

(3) The rates or fares fixed by the relevant district council under section 65 of the Act of 1976 shall include rates or fares for any journey commencing within the relevant district and ending at any point within the other relevant district less than 4 miles from the boundary between the two districts (in this section referred to as " the regulated distance ").

(4) In its application to the relevant district, section 66 of the Act of 1976 (demanding of fares for long journeys in excess of authorised fares) shall have effect as if for the reference in that section to a journey ending outside the district, there were substituted reference to a journey ending beyond the regulated distance.

(5) Section 53 of the Town Police Clauses Act 1847 (penalty for refusal to drive to any place within the district), and so much of section 68 of that Act as authorises the making of byelaws for prescribing the distance to which a driver may be compelled to take passengers and for fixing the rates and fares payable, shall have effect in relation to a hiring within the relevant district as if for the references in those sections to the prescribed distance there were substituted references to the regulated distance. 1847 c. 89.

(6) For the purposes of the provisions of the Town Police Clauses Act 1847 relating to hackney carriages, " street " shall include any air terminus, and the approaches thereto, any car park, any hotel forecourt and any unenclosed land within six metres of a street but section 53 of that Act shall not apply to a hackney carriage standing in a parking place in which it is unlawful, by virtue of section 31 (5) of the Road Traffic Regulation Act 1967, for the driver to ply for hire or to accept passengers for hire. 1967 c. 76.

Stafford

A. Coton Field Estate

Stafford Corporation Act 1880 in part saved from repeal. 1880 c. lxxiii.

52.—(1) Section 262 (9) of the Act of 1972 shall not apply to the following provisions of the Stafford Corporation Act 1880, namely, sections 1, 3, 9, 14 to 26, 28 to 34, 40 to 44, 85, 86 and 89; but those provisions are hereby amended as prescribed in Part I of Schedule 3 to this Act.

(2) The said provisions of the Stafford Corporation Act 1880 are set out in Part II of the said Schedule 3 as those provisions have effect in accordance with subsection (1) above.

Maintenance of allotment gardens' fencing.

53. The Stafford Borough Council shall continue to maintain adequate fencing of the allotment gardens (as defined in the Stafford Corporation Act 1880).

PART IX —*cont.*

Qualifications for freemen.

54.—(1) The inhabitants of the whole of the borough of Stafford as from time to time subsisting shall be qualified for admission as freemen of the borough as it existed before 1st April 1974 (being the existing borough for the purposes of section 248 of the Act of 1972).

(2) The term of service of apprenticeship for qualification as a freeman of the borough of Stafford shall (notwithstanding any custom or procedure hitherto observed) continue to be five years or such other shorter term (not being less than three years) as the Stafford Borough Council may from time to time by resolution determine.

B. Miscellaneous

Maintenance of and access to bulk refuse containers.

55.—(1) Where the owner or occupier of any premises within the borough provides a bulk refuse container for the collection of refuse which it is the duty of the borough council to collect or where the borough council at the request of the owner or occupier provide a bulk refuse container for the purpose of such collection the borough council may by notice require him to provide and maintain to the satisfaction of the borough council a good and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the borough council such means of access from a highway to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the borough council constructed to convey bulk refuse containers to and from refuse vehicles.

In this subsection " the borough " means the borough of Stafford and " the borough council " means the council of the borough.

(2) A notice under subsection (1) above may require the owner or occupier of the premises to execute such work and to make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices mentioned in subsection (1) of that section, and subsection (3) (*f*) of that section as so applied shall have effect as if—

(*a*) references to premises included references to parts of premises;

(*b*) the reference to work for the common benefit of the premises in question and other premises included a reference to work for the sole benefit of those other premises; and

PART IX —*cont.*

(*c*) the reference to contribution towards the cost of the works included a reference to undertaking the whole of that cost.

Stafford Market. 1853 c. lxxii.

56.—(1) Section XXIX of the Stafford Shire Hall Act 1853 shall cease to have effect and accordingly there shall cease to be any restraint (whether under that section or by virtue of anything in section XXVIII of that Act) on alienating, or mortgaging or otherwise encumbering, the land and buildings there referred to (market house, market ground and the building now known as the Guildhall) or any obligation to preserve any part of the land or buildings for the use of the market now held thereon or for the use of the Stafford Borough Council.

(2) Notwithstanding anything in subsection (1) above, the market shall not be moved from its present site—

(*a*) except to an adjacent (but not necessarily adjoining) site; and

(*b*) without full consultation with the market traders on all aspects of the move.

East Staffordshire

A. Uttoxeter Racecourse

Definitions for Head.

57. In this Head of this Part—

" the East Staffordshire Council " means the East Staffordshire District Council;

" the racecourse lands " means the lands shown edged pink on the plan marked " Uttoxeter Racecourse "of which five copies have been signed by the Right Honourable the Lord Aberdare, the chairman of the committee of the House of Lords to whom the unopposed provisions of the Bill for this Act were referred and deposited respectively at—

(*a*) the office of the Clerk of the Parliaments, House of Lords;

(*b*) the Private Bill Office of the House of Commons;

(*c*) the Department of the Environment;

(*d*) the office of the proper officer of the county council; and

(*e*) the office of the proper officer of the East Staffordshire Council;

" the racecourse " means so much of the racecourse lands as is for the time being used for or in connection with a horse racecourse;

PART IX —*cont.*

" the remaining racecourse lands " means so much of the racecourse lands as is not for the time being used for or in connection with a horse racecourse.

Use of racecourse.

58.—(1) The East Staffordshire Council may continue to operate the racecourse for horseracing and may provide on the racecourse lands all such works, buildings or facilities therefor as they think fit.

(2) The East Staffordshire Council may as respects the whole or any part of the racecourse—

(*a*) by themselves or by any other person authorised by them, levy charges for admission (including charges for admission to enclosures or stands, and so as to permit different charges in different circumstances), provide and sell refreshments and programmes and advertise the facilities offered;

(*b*) use or permit the use thereof and the works, buildings and facilities incidental thereto for such other purposes as they think fit.

Letting, etc., of racecourse and lands.

59. The East Staffordshire Council may from time to time—

(*a*) let the racecourse and the buildings and facilities incidental thereto for any term not exceeding 21 years;

(*b*) let any portion of the racecourse lands for the provision of appliances, and conveniences, enclosures, stands and other buildings, booths, tents and stalls in connection with race meetings, for such term as they think fit;

(*c*) erect and maintain on any part of the racecourse lands keepers' and caretakers' houses;

(*d*) set apart, fence or enclose and let or allow the use of part of the remaining racecourse lands for the purposes of—

(i) circuses and other public entertainments for periods not exceeding 6 weeks in any year and as respects an area not exceeding 5 acres;

(ii) fairs, agricultural, horticultural and other shows for periods not exceeding 3 months in any year;

(iii) camping grounds, camp sites, holiday camps, athletic sports, cricket, football, lawn tennis or other like purposes;

(iv) grazing cattle, horses or sheep;

PART IX —*cont.*

(*e*) as respects any part of the remaining racecourse lands exercise the powers of section 145 of the Act of 1972 (provision of entertainments) and section 19 of the Act of 1976 (recreational facilities).

Byelaws as to racecourse.

60.—(1) The East Staffordshire Council may make byelaws as respects the whole or part of the racecourse lands for preserving order, preventing damage, prohibiting or regulating the doing of anything which will or may interfere with the use or enjoyment of the racecourse lands by other persons and (without prejudice to the generality of the foregoing) for all or any of the following purposes:—

(*a*) for preventing fires and nuisances;

(*b*) for preventing persons other than persons entitled from turning out or permitting horses, cattle, sheep or other animals to graze upon the racecourse lands, for removing the same therefrom and for regulating such grazing as is permitted;

(*c*) for preventing or regulating the use of model aircraft;

(*d*) for preventing the digging or taking of turf, loam, stone, sand, gravel or other substances;

(*e*) for preventing the injuring, cutting or felling of trees, shrubs, brushwood or plants;

(*f*) for preventing the posting or painting of bills, placards or notices;

(*g*) for prohibiting or regulating the use of the racecourse for exercise by persons, horses or dogs or for the playing of games, for athletic sports, the holding of meetings or for shows.

(2) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

Appropriation or disposal of racecourse lands.

61. Nothing in this Head of this Part shall prejudice or affect the exercise by the East Staffordshire Council with reference to the whole or part of the racecourse lands of the powers of sections 122 and 123 of the Act of 1972 (appropriation or disposal of land).

PART IX —*cont.*

B. Miscellaneous

Power to run public service vehicles.

1916 c. xxvii.

1930 c. 43.

62. Notwithstanding the repeal by this Act of Article 1 (Authorising Corporation to provide and run motor omnibuses) of the Burton-upon-Trent Order 1916 (scheduled to the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1916) the East Staffordshire District Council shall continue to be a local authority authorised to run public service vehicles under Part V of the Road Traffic Act 1930 (which authorises the running of public service vehicles by local authorities).

PART X

GENERAL

Local inquiries.

63. A 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, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Saving for conduct of business or use of premises.

64. Where under any provision of this Act the carrying on of a specified business or the use of premises for a specified purpose is subject to a requirement for registration with, or the issue of a consent by a local authority, it shall be lawful for any person who—

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

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

to continue to carry on that business or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 67 (Suspension of proceedings pending appeal) of this Act.

Appeals to magistrates' court.

65. Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act.

Appeals to Secretary of State.

66.—(1) On an appeal to the Secretary of State under any provisions of this Act mentioned in subsection (2) below, the Secretary of State may at his discretion afford to the appellant and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(2) The provisions referred to in subsection (1) above are the following:—

In section 18 (Separate drains for foul water and surface water), subsection (2) in its application of section 64(3) of the Act of 1936 as it will stand amended;

PART X —*cont.*

In section 25 (Parking places: safety requirements), subsection (6);

In section 27 (Oil burning equipment), subsection (6);

Section 32 (Part VII appeals);

In section 35 (Transitional provisions for Part VII), subsection (3);

In section 48 (Foundations of buildings liable to subsidence), subsection (2) in its application of section 64(3) of the Act of 1936 as it will stand amended.

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and, in the case of an appeal under the said section 32, may give directions for the granting of a consent subject to such conditions as the county council may impose under section 31 (Unlawful stacks) of this Act.

(4) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the local authority may appeal to the High Court against the decision on a point of law.

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court). 1981 c. 54.

(6) In this section "decision" includes a direction, and references to the giving of a decision shall be construed accordingly.

Suspension of proceedings pending appeal.

67. Where a requirement, refusal or other decision of a local authority 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 a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

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

PART X —*cont.*

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

(ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

Restriction on right to prosecute.

68. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, or a constable.

Liability of directors, etc.

69.—(1) Where an offence under this Act, or against any bye-law made 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, a 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 the offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Penalty for obstruction.

70. Any person who intentionally obstructs any officer of a local authority acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Defence of due diligence.

71.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below or under any bye-laws made thereunder it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The provisions referred to in subsection (1) above are the following:—

Section 4	(Street numbers);
Section 7	(Plans, etc., of new streets);
Section 11	(Hairdressers and barbers);
Section 12	(Dust, etc., from building operations);
Section 13	(Transport of waste materials);
Section 25	(Parking places: safety requirements);
Section 27	(Oil-burning equipment);
Section 34	(Offences under Part VII);
Section 47	(Registration of meat traders and their premises).

PART X —*cont.*

(3) If in any case the defence provided under subsection (1) above 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 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

Application of general provisions of Act of 1936.

72.—(1) The sections of the Act of 1936 mentioned in Schedule 4 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

Section 7 (Plans, etc., of new streets);

Section 12 (Dust, etc., from building operations);

Part VI (Fire precautions), except section 28 (Byelaws with regard to certain temporary structures);

Part VII (Storage of flammable material):

Provided that, before entry on any operational railway line of the British Railways Board in pursuance of any of those provisions of this Act and of the said section 287 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of that board for the protection of their undertaking.

Application of section 17 of Local Government (Miscellaneous Provisions) Act 1982.
1982 c. 30.

73. Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (powers of entry) shall have effect with respect to the following provisions of this Act as that section has effect with respect to section 16 of the said Act of 1982:—

Section 11 (Hairdressers and barbers);

Subsection (2) of section 13 (Transport of waste materials);

Section 14 (Power to order alteration of chimneys);

Section 47 (Registration of meat traders and their premises):

Provided that—

(*a*) in its application to the said section 13 (2) of this Act, the said section 17 shall have effect as if in subsection (1) thereof after the word "being" there were inserted the words "or has been";

PART X —*cont.*

(*b*) before entry on any operational railway line of the British Railways Board in pursuance of any of those provisions of this Act and of the said section 17 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of that board for the protection of their undertaking.

Saving for Control of Pollution Act 1974. 1974 c. 40.

74. Section 108 (3) of the Control of Pollution Act 1974 (which authorises the Secretary of State to repeal or amend local Acts) shall apply to section 55 (Maintenance of and access to bulk refuse containers) of this Act as if this Act had been passed before the Control of Pollution Act 1974.

Saving for Health and Safety at Work etc. Act 1974. 1974 c. 37.

75.—(1) In the Health and Safety at Work etc. Act 1974—

(*a*) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw made under it as that subsection applies to any enactment mentioned therein;

(*b*) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

(2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—

Section 12 (Dust, etc., from building operations);
Section 14 (Power to order alteration of chimneys);
Section 27 (Oil-burning equipment).

Saving for Fire Precautions Act 1971. 1971 c. 40.

76. Subsection (2) of section 30 of the Fire Precautions Act 1971 (avoidance of duplication by local Act provisions) shall apply to this Act as if passed before the coming into operation of that subsection.

Crown rights.

77.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises a local authority to take, use, enter upon or in any manner interfere with, any land

PART X —*cont.*

or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or

(*b*) belonging to Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy; or

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

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

(3) Nothing in this section shall prejudice or affect any statutory powers of a local authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State. 1950 c. 39.

Repeals.

78.—(1) The Acts specified in Part II of Schedule 5 to this Act are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions contained in Schedule 6 to this Act shall have effect.

SCHEDULES

Section 17.

SCHEDULE 1

1906 c. 32.

SECTION 3 OF THE DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 17 (CONTROL OF STRAY DOGS) OF THIS ACT

3.—(1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its seizure or detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or

(*c*) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dog so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police and the district council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them respectively which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public.

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such

SCH. 1 —*cont.*

particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection at all reasonable times by the public.

(8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.

(9) All expenses incurred by the police under this section shall be defrayed out of the police fund, and any money received by the police under this section shall be paid to the account of the police fund.

SCHEDULE 2

Section 41.

SECTION 68 OF THE STOKE-ON-TRENT CORPORATION ACT 1935 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 41 (ICE-CREAM AND PRESERVED MEAT MANUFACTURERS) OF THIS ACT

1935 c. cxi.

Registration of ice-cream and preserved meat manufacturers and premises.

68.—(1) (*a*) Any person being a manufacturer or vendor of or dealer in ice-cream or a manufacturer of preserved meat within the city; and

(*b*) Any premises within the city used or proposed to be used for the manufacture for sale or sale of ice-cream or for the preparation manufacture or storage of preserved meat intended for sale;

shall be registered with the city council, in the case of any such person, by himself, and, in the case of any such premises, by the owner or occupier or intending owner or occupier thereof.

(2) (*a*) No person shall carry on the business of a manufacturer or vendor of or dealer in ice-cream or of a manufacturer of preserved meat within the city unless he is so registered as aforesaid.

(*b*) No premises within the city shall be used for the manufacture for sale or sale of ice-cream or for the preparation manufacture or storage of preserved meat intended for sale unless such premises are so registered as aforesaid.

(3) Any person who without reasonable excuse contravenes subsection (1) or (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a fine not exceeding £20 for each day on which an offence is continued after conviction thereof.

(4) (*a*) The city council may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) revoke the registration of any such person or premises, on the ground (as regards any person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality, storage or distribution of the ice-cream or preserved meat and (as regards any premises) that such premises are not suitable to be used for the purposes aforesaid

SCH. 2 —*cont.*

having regard to considerations of hygiene and in particular the situation, construction or condition of the premises, or to any activities carried on therein:

Provided that before refusing or revoking such registration the city council shall serve upon the applicant for registration, or upon the person registered or in whose name such premises are registered, a notice to appear before them not less than twenty-one days after the date of the notice to show cause why the city council should not, for reasons to be specified in the notice, refuse to register or revoke the registration of the person or premises.

(*b*) A person so appearing before the city council may appear in person or by counsel or a solicitor or any other representative and with any witnesses whom he desires to call, or may be accompanied by any person whom he may wish to assist him in the proceedings.

(*c*) If the city council refuse to register or revoke the registration of any such person or premises, they shall within forty-eight hours after such refusal, deliver to the person applying for such registration, or to the person registered or in whose name the premises are registered, a statement in writing of the ground or grounds upon which such refusal or revocation is based. Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such notice.

(*d*) Any person aggrieved by any such refusal or revocation may appeal to a magistrates' court, provided that such appeal be made within twenty-one days from the date of the refusal to register or of the notice of revocation.

(*e*) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the city council before lodging his appeal and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(*f*) On any such appeal the court may by order confirm the refusal or revocation, or direct the city council to register the person or premises or to retain him or them upon the register, and the city council shall comply with any such direction.

(5) In this section the expression "ice-cream" includes any other similar commodity, the expression "preserved meat" includes sausages and any potted, pressed, pickled or preserved meat, fish or other food intended for human consumption and, in the case of meat or fish, the word "preserved" includes preparation by any process of cooking; and the expressions "city" and "city council" mean respectively the city of Stoke-on-Trent and the council of that city.

(6) This section shall not apply to—

(i) premises in which the boiling of hams and bacon or of either of such articles is the only process of preparation of food carried on; or

(ii) any premises used as a club or hotel or railway refreshment rooms; or

(iii) premises described and used only as specified in section 16 (3A) of the Food and Drugs Act 1955;

1955 c. 16 (4 & 5 Eliz. 2).

nor to any person in respect of the use of those premises.

SCH. 2 —*cont.*

(7) This section shall not apply to or affect any premises used as a theatre, music hall, cinema or other similar place of entertainment if and so long as such premises are not used for any of the purposes referred to in paragraph (*b*) of subsection (1) of this section other than the sale of ice-cream, nor to any person in respect of the use of those premises.

(8) Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (powers of entry) shall have effect with respect to the foregoing provisions of this section as that section has effect with respect to section 16 of the said Act of 1982. 1982 c. 30.

SCHEDULE 3

Section 52.

ENACTMENTS REFERRED TO IN SECTION 52 (STAFFORD CORPORATION ACT 1880 IN PART SAVED FROM REPEAL) OF THIS ACT 1880 c. lxxiii.

PART I

AMENDMENTS

In section 3, the definitions of the expressions "the borough fund", "the borough rate", "the Municipal Corporations Acts", "the Public Health Acts", "Coton field" and "person" shall be deleted; and the following definitions shall be inserted:—

" 'the allotment gardens' means the lands in the borough for the time being owned by the Trustees provided as allotments situate between Prospect Road, Smallman Street, Cambridge Street and Corporation Street; and 'allotment garden' shall be construed accordingly;

'the borough' means the borough of Stafford;

'the borough council' means the council of the borough;".

For section 9, there shall be substituted the following section:—

"Allotment gardens to continue vested in Trustees.

9. The allotment gardens shall continue (all mines and rights of working or getting minerals excepted and being hereby reserved to the borough council) to be vested in the Trustees and shall be held and dealt with by them in accordance with the provisions of this Act."

In section 15, paragraph (B) shall be deleted.

In section 17, for the words "the Guildhall of the borough" there shall be substituted the words "the offices of the borough council"; for the words "the Town Clerk" there shall be substituted the words "the proper officer of the borough council within the meaning of the Local Government Act 1972"; and for the words "the Council of the borough" there shall be substituted the words "the borough council". 1972 c. 70.

In section 18, for the words "in the year eighteen hundred and eighty one and in every subsequent year" there shall be substituted the words "in every year"; and for the words "the Council of the borough shall grant the use of the Council Chamber or other fit room" there shall be substituted the words "the borough council shall grant the use of a fit room".

SCH. 3 —*cont.*

For section 20 there shall be substituted the following section:—

"Rotation of Trustees.

20. On the third Monday in January in every year one-third of the Trustees being those who have been longest in office shall go out of office.".

In section 28, in subsection (1) the words from "the borough" to the end of the subsection and in subsection (2) the words "Subject as aforesaid" shall be deleted.

In section 29, for the words "not being less than one shilling and not more than five shillings per annum" there shall be substituted the words "being such reasonable sum"; and the third paragraph shall be deleted.

In section 31, paragraph (E) shall be deleted; and in paragraph (G) after the words "sentenced to" there shall be inserted the words "not less than".

In section 33, for the word "Guildhall" there shall be substituted the words "offices of the borough council".

In section 34, in paragraph (v) after the words "putting up" there shall be inserted the words "of fences and hedges and".

In section 40, for the words from the beginning to "shall be applied" there shall be substituted the words "The Trustees shall continue to keep the separate account called 'The Freemen's Capital Account' and the moneys thereof".

For section 43 there shall be substituted the following section:—

"Accounts and audit.

43.—(1) The Trustees shall cause to be kept proper accounts of all sums received or paid by them and proper records in relation to those accounts; and the accounts of each year shall be audited by an auditor or auditors appointed under this section.

(2) No person shall be qualified to be appointed auditor under this section unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland;

Any body of accountants established in the United Kingdom and recognised for the purpose of section 161 (1) (*a*) of the Companies Act 1948 by the Secretary of State;

1948 c. 38.

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(3) The Trustees shall cause to be made out annually a balance sheet and a statement of income and expenditure made up to the end of the year.

SCH. 3 —*cont.*

(4) A copy of the audited accounts shall be—

(*a*) sent to every Trustee and to the Mayor for the time of the borough;

(*b*) supplied to any freeman of the borough at such reasonable charge as the Trustees may determine.

(5) The remuneration of the Auditor shall be fixed and paid by the Trustees.".

For section 85 there shall be substituted the following section:—

"As to byelaws. 1972 c. 70.

85.—(1) Sections 236 (3) to (8) and 238 of the Local Government Act 1972 shall apply to byelaws made under section 34 (Power of Trustees to manage allotments and to make byelaws) of this Act as if the Trustees were a local authority and the clerk of the Trustees were the proper officer of the authority.

(2) A person who contravenes a byelaw made under this section shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and, in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after conviction.

(3) Where an Act passed after the Staffordshire Act 1983 increases the maximum fine imposed, or that may be imposed, by byelaws to which section 236 of the Local Government Act 1972 applies, that maximum so increased shall be substituted for the maximum imposed by subsection (2) above. In this subsection references to the maximum fine are references to the maximum fine for an offence or for a continuation of an offence or both.

(4) The fact that an increase referred to in subsection (3) above is limited to fines under byelaws made under a public general Act shall not prevent the operation of that subsection for the purposes of this section.".

In section 86, for the word "Corporation" in each place where it occurs there shall be substituted the words "borough council" and for the words from "such damage" to the end of the section there shall be substituted the words "and the amount of such compensation in case of difference shall be determined under and in accordance with the Land Compensation Act 1961.". 1961 c. 33.

In section 89, for the words from "enjoy under" to the end of the section there shall be substituted the words "any other enactment".

In the Second Schedule:—

for paragraphs 1 and 2, there shall be substituted the following paragraphs:—

"1. Elections to fill the places of retiring Trustees shall be held on the third Monday in January in every year.

SCH. 3 —*cont.*

2. For the purposes of elections the clerk of the Trustees shall be the returning officer";

in paragraphs 5 and 7, for the words "of the Guildhall" there shall be substituted the words "at the offices of the borough council";

in paragraph 15, the words from "appointed" to "by the Trustees" shall be deleted.

In the Third Schedule—

paragraph 1 shall be deleted; and

in paragraph 8, for the words from "charge" to the end of the paragraph there shall be substituted the words "a suitable room of the borough council and that council shall from time to time prescribe the room to be so used."

PART II

THE PROVISIONS AS HAVING EFFECT

Preliminary

Short Title.

1. This Act may be cited as "The Stafford Corporation Act 1880."

* * * * *

Interpretation of terms.

3. In this Act unless the context otherwise requires—

"the allotment gardens" means the lands in the borough for the time being owned by the Trustees provided as allotments situate between Prospect Road, Smallman Street, Cambridge Street and Corporation Street; and "allotment garden" shall be construed accordingly;

"the borough" means the borough of Stafford;

"the borough council" means the council of the borough;

"Trustees" means the Trustees of the Freemen's allotments by this Act constituted;

"Freemen of the borough" means all persons for the time being enrolled on the Freemen's Roll of the borough.

* * * * *

* * * * *

Allotment gardens to continue vested in Trustees.

9. The allotment gardens shall continue (all mines and rights of working or getting minerals excepted and being hereby reserved to the borough council) to be vested in the Trustees and shall be held and dealt with by them in accordance with the provisions of this Act.

* * * * *

SCH. 3 —*cont.*

Trustees of Freemen's Allotments

Incorporation of Trustees of Freemen's Allotments.

14. For the purpose of the execution of the provisions of this Act with respect to the allotment to freemen of the borough of allotment gardens and the management of such allotment gardens there shall be a body of twelve Trustees qualified and elected as in this Act mentioned and such Trustees shall be a body corporate by the name of "The Trustees of the Stafford Freemen's Allotments" with perpetual succession and a common seal and power to hold lands and other property.

Qualification of Trustees.

15. A person shall not be qualified to be elected a Trustee under this Act unless at the time of his election:—

(A) his name is enrolled on the freemen's roll of the borough; and

* * * * *

(C) he is resident and has for the two years immediately preceding the date of the election been resident in the borough.

Qualification of electors of Trustees.

16. All persons whose names are enrolled on the freemen's roll of the borough and who are resident in the borough (and no other persons) are entitled to vote at elections of Trustees under this Act.

Freemen's roll may be inspected.

17. The freemen's roll shall be open to the inspection of any freeman at the offices of the borough council at all reasonable hours free of cost and the said roll shall be produced by the proper officer of the borough council within the meaning of the Local Government Act 1972 (or by some person appointed by him in that behalf) at any meeting of the Trustees held in a place granted by the borough council for that purpose.

1972 c. 70.

Annual meeting of freemen.

18. An annual meeting of the freemen entitled to vote at elections of Trustees shall be held on the third Monday in January in every year and such meeting is herein referred to as the annual meeting and an extraordinary meeting of such freemen may be summoned at any time by the Trustees and the borough council shall grant the use of a fit room or buildings for the purpose of such meetings.

Regulations as to election of Trustees.

19. The regulations contained in the Second Schedule to this Act as to the election of Trustees under this Act and other matters shall be of the same force as if they were enacted in the body of this Act.

Rotation of Trustees.

20. On the third Monday in January in every year one-third of the Trustees being those who have been longest in office shall go out of office.

Retiring Trustees re-eligible.

21. A Trustee on going out of office shall if he retains his qualification be re-eligible.

Resignation and disqualification of Trustees.

22. A Trustee may resign his office by notifying in writing his intention so to do addressed to the Chairman or clerk for the time being of the Trustees.

SCH. 3 —*cont.*

A Trustee who becomes bankrupt or compounds with his creditors or submits his affairs to liquidation or who ceases for six consecutive months to reside in the borough shall cease to be a Trustee.

Casual vacancies among Trustees and provision and failure to elect.

23. Any casual vacancy occurring by death resignation or otherwise shall be filled up by the Trustees within six weeks of the vacancy so occurring or as soon thereafter as practicable but the member so chosen shall be qualified as the vacating member was qualified and shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred. In the event of a failure duly to supply the places of the Trustees retiring in any year one or more (as may be required) of the retiring Trustees shall if willing so to do continue in office until the next election.

Appointment of Clerk &c.

24. The Trustees may from time to time appoint and remove a clerk and any other officers and servants who may be required and may assign to them their duties and remuneration.

Meetings and proceedings of Trustees.

25. Meetings of the Trustees shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Third Schedule to this Act.

Validity of proceedings of Trustees and minutes.

26.—(1) Any act or proceeding of the Trustees shall not be questioned on account of any vacancy or vacancies in their body.

(2) A defect in the qualification or election of any person acting as a Trustee shall not be deemed to vitiate any proceedings of the Trustees in which any such person or persons may have taken part in cases where the majority of Trustees parties to such proceedings are duly entitled to act.

(3) Any minute made of proceedings at meetings of the Trustees at which such proceedings took place or at the ensuing meeting of the Trustees by any person purporting for the time being to be the Chairman of the Trustees shall be receivable in evidence of such proceedings in all legal proceedings without further proof and until the contrary is proved every meeting of the Trustees where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

Formation and Management of Allotments

* * * * *

Letting of allotments.

28.—(1) The Trustees shall from time to time let the allotment gardens to freemen of the borough.

(2) When there are two or more applications for an allotment garden preference shall be given to the application of the freeman whose name stands first on the freemen's roll.

(3) A freeman shall be entitled to retain his allotment garden during his life or until forfeiture under the provisions of this Act but shall not be deemed to acquire any estate of freehold therein and the widow of a freeman shall be entitled to retain her husband's allotment during widowhood or until forfeiture under the provisions of this Act.

SCH. 3 —*cont.*

Rent of allotments and payment of rates.

29. The rent of every allotment garden shall be of the same amount being such reasonable sum as may be from time to time determined by the Trustees and shall be paid in advance by every holder of an allotment garden on the second Monday in August in every year or on such other day as the Trustees may fix:

Provided that a person entering on an allotment garden on any other day than the appointed day for payment of rent shall pay in advance the proportion of rent accruing due between the day of his entry and the then next appointed day for payment of rent.

The Trustees shall have all such powers and remedies for obtaining payment of rent in arrear by distress or otherwise as landlords have in the case of lessees at rack-rent and shall also have power to re-enter and if need be by force to take possession of any allotment garden which has been forfeited under the provisions of this Act.

Prohibition of building on allotments.

30. Buildings of brick stone or cement shall not be erected on any allotment garden nor shall any other building be erected thereon except by the permission of the Trustees and any building erected in contravention of this enactment may be pulled down and the materials removed and sold by the Trustees who may retain out of the proceeds the expenses of such removal and sale.

Forfeiture of allotments.

31. A holder of an allotment garden shall absolutely forfeit the same and the possession thereof if any one or more of the events next hereinafter mentioned shall happen that is to say:—

(A) If such holder for six consecutive months resides outside the borough;

(B) If such holder fails or neglects for twelve months to keep in cultivation his or her allotment garden;

(C) If such holder refuses or neglects to observe any bye-law made by the Trustees under this Act;

(D) If such holder fails duly to pay all rent due or payable in respect of his or her allotment garden within three months after the same have become due or payable (although no formal or legal demand shall have been made for payment);

* * * * *

(F) If such holder become bankrupt or make any liquidation by arrangement or any assignment for the benefit of his creditors;

(G) If such holder shall be convicted of any offence for which he or she is sentenced to not less than six months' imprisonment:

Provided that the Trustees may if in their discretion they think proper allow any person so forfeiting his or her allotment garden such sum for improvements or crops in or on the forfeited allotment garden as to the Trustees may seem just:

Provided further that the Trustees may if in their discretion they think proper remit any forfeiture incurred under this section other than a forfeiture incurred by reason of residence outside the borough for six consecutive months.

SCH. 3 —*cont.*

As to re-admission of holder of forfeited allotment.

32. A holder who has forfeited his or her allotment garden shall be incapable of being again admitted to hold an allotment garden for a period of two years from the date of the forfeiture or in the case of imprisonment for a period of two years from the date of the termination of the imprisonment. Moreover the Trustees may if they think right even after the expiration of such period decline again to admit such holder.

Notice to be given of vacant allotments.

33. Whenever an allotment garden becomes vacant the Trustees shall give notice of the fact of the vacancy by affixing a placard on the notice board of the offices of the borough council or on or near the allotment.

Power of Trustees to manage allotments and to make bye-laws.

34. The Trustees shall have the sole control and management of the allotment gardens and are hereby empowered (subject to the provisions of this Act) from time to time to make alter and repeal bye-laws for all or any of the following purposes (that is to say):—

(i) For regulating applications for the allotment gardens and the manner in which they are to be occupied and cultivated;

(ii) For preventing injury to the allotment gardens or the growing produce thereof or to any fences or other property under the control of the Trustees;

(iii) For preventing the removal defacement or injury of any notice boards or notices put up by the Trustees;

(iv) For regulating the putting up of fences and hedges and of summer-houses or similar erections on the allotment gardens.

* * * * *

Application of said one hundred pounds.

40. The Trustees shall continue to keep the separate account called "The Freemen's Capital Account" and the moneys thereof shall be applied from time to time for the preservation and protection of the allotment gardens and until so applied or so far as the same shall not be so applied shall be accumulated at compound interest by investment in or upon any security in or upon which trustees are for the time being authorised by law to invest trust moneys.

Accounts of income to be kept by Trustees.

41. All moneys received by the Trustees in respect of the yearly rents and profits of the allotment gardens shall be carried to an account to be called "The Freemen's Income Account" and the Trustees shall make in such account entries of all their receipts, credits, payments and liabilities.

Application of income.

42. The moneys from time to time carried to the Freemen's Income Account shall be applied in paying the salaries of the clerk and any other officers or servants of the Trustees and the current yearly expenditure incurred by them in managing the freemen's allotments and in carrying the powers and provisions of this Act into execution and if there should be any surplus income the Trustees shall accumulate the same in the way of compound interest by investing the same in such securities as trustees are by law for the time being

SCH. 3 —*cont.*

authorised to invest trust moneys in and shall thereby form a capital fund which may be from time to time employed for the benefit, protection or improvement of the Freemen's allotments.

Accounts and audit.

43.—(1) The Trustees shall cause to be kept proper accounts of all sums received or paid by them and proper records in relation to those accounts; and the accounts of each year shall be audited by an auditor or auditors appointed under this section.

(2) No person shall be qualified to be appointed auditor under this section unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland;

Any body of accountants established in the United Kingdom and recognised for the purpose of section 161 (1) (*a*) of the Companies Act 1948 by the Secretary of State; 1948 c. 38.

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(3) The Trustees shall cause to be made out annually a balance sheet and a statement of income and expenditure made up to the end of the year.

(4) A copy of the audited accounts shall be—

(*a*) sent to every Trustee and to the Mayor for the time being of the borough;

(*b*) supplied to any freeman of the borough at such reasonable charge as the Trustees may determine.

(5) The remuneration of the auditor shall be fixed and paid by the Trustees.

Receipts of clerk or collector of Trustees to be a discharge.

44. The receipt of the clerk or treasurer or of any collector of the Trustees for any rent or other payment made to the Trustees shall be an effectual discharge for the same.

* * * * *

As to byelaws. 1972 c. 70.

85.—(1) Sections 236 (3) to (8) and 238 of the Local Government Act 1972 shall apply to byelaws made under section 34 (Power of Trustees to manage allotments and to make byelaws) of this Act as if the Trustees were a local authority and the clerk of the Trustees were the proper officer of the authority.

(2) A person who contravenes a byelaw made under this section shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and, in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after conviction.

(3) Where an Act passed after the Staffordshire Act 1983 increases the maximum fine imposed, or that may be imposed, by byelaws to which section 236 of the Local Government Act 1972 applies, that

SCH. 3 —*cont.*

maximum so increased shall be substituted for the maximum imposed by subsection (2) above.

In this subsection references to the maximum fine are references to the maximum fine for an offence or for a continuation of an offence or both.

(4) The fact that an increase referred to in subsection (3) above is limited to fines under byelaws made under a public general Act shall not prevent the operation of that subsection for the purposes of this section.

Responsibility of borough council for damage to allotment gardens.

86. If at any time damage is caused to the allotment gardens by reason of the borough council working mines or getting minerals under the allotment gardens compensation shall be paid by the borough council to the Trustees in respect of such damage and the amount of such compensation in case of difference shall be determined under and in accordance with the Land Compensation Act 1961.

1961 c. 33.

If the damage caused as aforesaid is such as in the opinion of the Trustees to render any allotment gardens or garden permanently unfit for cultivation as such the compensation received by Trustees under this section may be applied by them in the acquisition of other lands to be laid out, cultivated and managed as other allotment gardens by the Trustees under the powers of this Act.

* * * * *

Saving for general rights and remedies of Corporation.

89. Nothing in this Act shall take away, abridge or prejudicially affect any right, power, privilege, exemption or benefit which the Corporation have or may enjoy under any other enactment.

* * * * *

THE SECOND SCHEDULE

REGULATIONS AS TO ELECTIONS OF TRUSTEES OF FREEMEN'S ALLOTMENTS

Triennial Election.

1. Elections to fill the places of retiring Trustees shall be held on the third Monday in January in every year.

Returning Officer.

2. For the purposes of elections the clerk of the Trustees shall be the returning officer.

Nomination.

3. A candidate for election as a Trustee shall be nominated in writing subscribed by two freemen as proposer and seconder.

Each candidate shall be nominated by a separate nomination paper but the same freemen may subscribe two or more nomination papers not exceeding the number of Trustees to be elected.

Every nomination paper shall state the surname and other names of the person nominated with his place of abode and description.

Nomination papers shall be supplied by the returning officer to any freeman applying for the same.

SCH. 3 —*cont.*

4. Every nomination paper subscribed as aforesaid shall be sent to the returning officer at least ten days before the day of election.

Transmission to returning Officer.

5. The returning officer shall as soon as may be send to each candidate nominated notice of his nomination and shall also give public notice on the notice board at the offices of the borough council and in such other manner (if any) as he may see fit of the names of the candidates nominated.

Notices by returning Officer.

6. A candidate may withdraw from his candidature by notice signed by him and sent to the returning officer and the returning officer shall forthwith give public notice in manner aforesaid of such withdrawal.

Withdrawal of Candidates.

7. The returning officer shall on the morning of the day of election give public notice on the notice board at the offices of the borough council of the names of the persons duly nominated and not withdrawn.

8. When the number of persons who so stand nominated exceeds the number of persons to be elected the returning officer shall at the annual meeting cause to be delivered to every person present entitled to vote thereat a voting paper in the following form or to the like effect.

Transmission of list of persons nominated and of voting papers.

BOROUGH OF STAFFORD

ELECTION OF TRUSTEES OF FREEMEN'S ALLOTMENTS IN THE YEAR 19

Voting Paper

Surname of Candidates	Other Names	Abode	Name or Initials of Voter against Name or Names of Person or Persons for whom he Votes
Allen ..	William ..	1 High Street ..	
Browne ..	Samuel John	100 High Street ..	
Smith ..	Daniel ..	3 Market Place ..	
Storey ..	Henry ..	The Lodge New Street	
Vesey ..	Robert James	10 South Street ..	

I vote for the person [or persons] in the above List against whom my name or initials are placed.

Signed (*or* the mark of) .....

Of.....

Witness to the mark .....

Dated the day of 19 .

SCH. 3 —*cont.*

INSTRUCTIONS

The Voter can only Vote for Four Candidates and must write his name or initials against the name of the candidate [or candidates] for whom he votes and must subscribe his name and address.

If the Voter cannot write he must make his mark but such mark must be attested by a witness and such witness must write the name or initials of the Voter against the name of the candidate or candidates for whom he votes.

A wife cannot sign for her husband but she can be a witness to his mark.

This paper must be delivered or returned by post to the Returning Officer at before the day of

Mode of voting.

9. Each freeman shall write his name or initials in the voting paper delivered to him against the name or names of the candidate or candidates (not exceeding the number of four) for whom he intends to vote and shall sign such voting paper and deliver it to the returning officer at such meeting:

Provided that any freeman unable to write may affix his mark to the voting paper in the presence of a witness who shall attest the name of the voter against the mark as well as the initial of the voter against the names of the candidate or candidates for whom he votes.

Casting up of votes.

10. The returning officer shall at the meeting ascertain the validity of the votes so far as may be necessary by examining such persons and generally in such manner as he may see fit and shall cast up such of the votes as he finds to be valid and shall ascertain the number of such votes for each candidate.

Decision of returning Officer final.

11. The decision of the returning officer as to the validity of nomination papers or of votes and generally on all questions arising at the examination and casting up of votes shall be final and without appeal.

Declaration of result.

12. The candidates who being duly qualified have obtained the greatest number of votes or where there is no contest the candidates nominated if duly qualified shall be deemed and shall be certified by the returning officer under his hand to be elected and to each person so elected the returning officer shall forthwith send notice of his election.

Where an equality of votes is found to exist between any candidates the candidate or candidates to be elected shall in default of agreement between them be determined by such candidates drawing lots.

List of members elected and appointed.

13. The returning officer shall cause to be made a list containing the names of the candidates together with (in case of a contest) the number of votes given for each and the names of the persons elected and shall sign and certify such list and shall deliver the same together with the nomination and voting papers which he has received to the Trustees at their first meeting after the election.

14. If sufficient persons be not duly nominated to fill the vacancies caused by retiring Trustees the deficiency shall be supplied from among the retiring Trustees who are willing to serve the selection being made in the alphabetical order of their names and if any of such

SCH. 3 —*cont.*

retiring Trustees are unwilling to serve any vacancies unfilled may be filled by the continuing Trustees.

Provision for inability of returning Officer to act.

15. If at any election the returning officer is unable from illness or other sufficient cause to exercise or perform his powers and duties some other person shall be appointed by the Trustees to exercise or perform such powers and duties.

Expenses.

16. The necessary expenses attendant on any election and such reasonable remuneration to the returning officer and other persons for services performed or expenses incurred by them in relation thereto as may be allowed by the Trustees shall be paid by the Trustees.

Nomination papers &c. may be sent by post.

17. A nomination paper, voting paper, notice or other document required to be sent to any person by this schedule may be delivered at or sent by post to the residence or place of business of the person to whom it is addressed and if sent by post shall be deemed to have been received at the time at which it would have been delivered in the ordinary course of post.

THE THIRD SCHEDULE

MEETINGS AND PROCEEDINGS OF TRUSTEES

* * * * *

2. The Trustees shall hold a meeting to be called the annual meeting in the month of July in every year or in such other month as they may from time to time fix and subject as aforesaid they may meet and adjourn as they think proper.

3. The quorum of the Trustees shall consist of five members or of such number not being less than three as may be from time to time fixed by the Trustees.

4. The Trustees shall at their annual meeting in each year appoint a Chairman and if they think fit a Vice-Chairman of their meetings for the ensuing year.

5. If a Chairman or Vice-Chairman is not present at the time appointed for holding any meeting or within fifteen minutes afterwards the members present shall choose one of their number to be Chairman of such meeting.

6. Every question at a meeting shall unless otherwise expressly provided by any enactment for the time being in force be determined by a majority of votes of the members present and voting on that question.

7. In case of an equal division of votes the acting Chairman shall have a second or casting vote except in the case of the appointment of Chairman before mentioned on which occasion the Chairman shall only vote in case of an equality of votes.

8. The Trustees shall be entitled for the purpose of their meetings to use free of charge a suitable room of the borough council and that council shall from time to time prescribe the room to be so used.

Section 72.

SCHEDULE 4

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
275	Power of local authority to execute certain works on behalf of owners or occupiers.
276	Powers of local authority to sell certain materials.
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
289	Power to require occupier to permit work to be done.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
293	Recovery of expenses, &c.
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.

Sections 50 and 78.

SCHEDULE 5

ENACTMENTS REPEALED

PART I

PROVISIONS REFERRED TO IN SECTION 50 (NEWCASTLE-UNDER-LYME BURGESSES' LANDS ACTS 1859 AND 1967, AMENDMENTS, REPEALS, ETC.) OF THIS ACT

Chapter	Short title	Extent of repeal
22 & 23 Vict. c. ciii.	Newcastle-under-Lyme Burgesses Lands Act 1859.	Section LIII (Purchase moneys amounting to two hundred pounds to be paid into the bank until invested in other lands); Section LIV (In the meantime the money may be invested); Section LV (Sums under two hundred pounds to be paid to trustees to capital account); Section LVI (Certificate of the Accountant-General, with the receipt of one of the cashiers of the bank to discharge purchasers);

SCH. 5 —*cont.*

Chapter	Short title	Extent of repeal
22 & 23 Vict. c. ciii.—*cont.*	Newcastle-under-Lyme Burgesses Lands Act 1859.—*cont.*	In section LVII (Moneys to be carried to capital and income accounts), the words "for a sum in gross not amounting to the sum of two hundred pounds and by this Act directed to be paid to the trustees" and the words "and also the interest or dividends arising from any purchase moneys paid into the Bank of England under the direction of this Act".
1967 c. ix.	Newcastle-under-Lyme Burgesses' Lands Act 1967.	In section 4 (Amendment of Act of 1859), subsections (2) and (3).

PART II

PROVISIONS REFERRED TO IN SECTION 78 (REPEALS) OF THIS ACT

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
22 Geo. 3. c. xxix. (1782).	An Act for inclosing and leasing a Piece of Waste Land, called The Marsh, within the Parish and Borough of Newcastle under Lyme, in the County of Stafford, and applying the Profits thereof in Aid of the Poors Rates of the said Parish and Borough.	The whole Act.
23 Geo. 3. c. x. (1783).	An Act to amend an Act passed in the Twenty second Year of his present Majesty's Reign, intituled, An Act for inclosing and leasing a Piece of Waste Land called The Marsh, within the Parish and Borough of Newcastle under Lyme, in the County of Stafford; and applying the Profits thereof in Aid of the Poor's Rates of the said Parish and Borough.	The whole Act.
46 Geo. 3. c. xlii. (1806).	An Act for paving, cleansing, lighting, watching, and regulating the Streets, Lanes, and other public Passages and Places within the City of Lichfield, and the Suburbs thereof.	The whole Act except sections XXXII to XXXIX.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
52 Geo. 3. c. ii. (1812).	An Act for vesting in the Clerk of the Peace of the County of Stafford, a House for the Accommodation of His Majesty's Judges at the Assizes, for maintaining and supporting the same; and for amending an Act of His present Majesty for building a new Shire Hall for the said County.	The whole Act.
55 Geo. 3. c. xxix. (1815).	An Act to rebuild the Bridge in Bird Street, otherwise Bridge Street, in the City of Lichfield.	The whole Act.
2 & 3 Vict. c. xliv. (1839).	An Act for establishing an effective Police in Places within or adjoining to the District called the Staffordshire Potteries, and for improving and cleansing the same, and better lighting Parts thereof.	The whole Act except sections LXIX to LXXVII.
10 & 11 Vict. c. *32*. (1847).	An Act for enabling the Tunstall Market Company to sell their Estate and wind up their Concerns, and for dissolving the Company.	The whole Act.
16 & 17 Vict. c. lxxii.	The Stafford Shire Hall Act 1853.	The whole Act.
16 & 17 Vict. c. cxviii.	The Town of Burton-upon-Trent Act 1853.	The whole Act except sections XXV to XXIX.
18 & 19 Vict. c. cxxxii.	The Leek Improvement Act 1855.	The whole Act except sections IV, XLIV to LXVIII and CXLVII.
24 & 25 Vict. c. xliii.	The Newcastle-under-Lyme Marsh Lands Act 1861.	The whole Act.
28 & 29 Vict. c. cccxiv.	Stapenhill Bridge Act 1865.	The whole Act.
29 & 30 Vict. c. 24.	The Local Government Supplemental Act 1866.	Burton-upon-Trent Order 1866.
30 & 31 Vict. c. 65.	The Local Government Supplemental Act 1867 (No. 2).	Burton-upon-Trent Order 1867.
31 & 32 Vict. c. cliii.	The Local Government Act 1868 (No. 6).	Section 6 and the Burton-upon-Trent Order 1868.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
32 & 33 Vict. c. cxxiv.	The Local Government Supplemental Act 1869.	Section 2 and the Hanley Order 1869.
33 & 34 Vict. c. lxvii.	The Stapenhill Bridge Act 1870.	The whole Act.
34 & 35 Vict. c. i.	The Local Government Supplemental Act 1871.	Burton-upon-Trent Order 1870.
36 & 37 Vict. c. ccxvi.	The Local Government Board's Provisional Orders Confirmation Act 1873 (No. 6).	Section 3 and the District of Stoke Order 1873.
38 & 39 Vict. c. liv.	The Stapenhill Bridge Act 1875.	The whole Act.
38 & 39 Vict. c. clxviii.	The Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) Act 1875.	Parish of Stoke-upon-Trent Order 1875.
39 & 40 Vict. c. xcvii.	Local Government Board's Provisional Orders Confirmation (Bristol, &c.) Act 1876.	District of Burslem Order 1876.
39 & 40 Vict. c. cxcvi.	The Stafford Corporation Act 1876.	The whole Act except Part II, Part III, Part VI, The Second Schedule and The Third Schedule.
39 & 40 Vict. c. cxcviii.	Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act 1876.	Section 3 and the two Orders relating to the Borough of Stoke-upon-Trent.
39 & 40 Vict. c. cci.	Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act 1876.	Borough of Hanley Order 1876.
39 & 40 Vict. c. ccii.	Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) Act 1876.	Rural Sanitary District of the Leek Union Order 1876.
40 & 41 Vict. c. clxxii.	The Newcastle-under-Lyme Corporation Act 1877.	The whole Act except sections 19 to 42 and 54, The Second Schedule and The Third Schedule.
41 & 42 Vict. c. lxi.	The Burton-upon-Trent Improvement Act 1878.	The whole Act, except Part VI, Part VII and The Fourth Schedule.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
41 & 42 Vict. c. clxiv.	Local Goverment Board's Provisional Orders Confirmation (Abergavenny Union, &c.) Act 1878.	Leek Order 1878.
42 & 43 Vict. c. xliii.	Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne, &c.) Act 1879.	Burton-upon-Trent Union Order 1879.
42 & 43 Vict. c. lxxviii.	Local Government Board's Provisional Orders Confirmation (Aysgarth Union, &c.) Act 1879.	Tunstall Order 1879.
42 &43 Vict. c. ciii.	Local Government Board's Provisional Orders (Abergavenny Union, &c.) Act 1879.	Stone Order 1879.
42 & 43 Vict. c. cv.	Local Government Board's Provisional Orders Confirmation (Aspull, &c.) Act 1879.	Section 3 and the Lichfield Order 1879.
43 & 44 Vict. c. liii.	Stapenhill Bridge Act 1880.	The whole Act.
43 & 44 Vict. c. lxxiii.	Stafford Corporation Act 1880.	The whole Act except sections 1, 3, 9, 14 to 26, 28 to 34, 40 to 44, Part IV, sections 85, 86 and 89, The Second Schedule and The Third Schedule.
43 & 44 Vict. c. lxxxiii.	Local Government Board's Provisional Orders Confirmation (Alnwick Union, &c.) Act 1880.	Newcastle-under-Lyme Order 1880.
43 & 44 Vict. c. cxxxix.	The Burton - upon - Trent Corporation Act 1880.	The whole Act except section 24, Part IV, Part V and The Schedule.
45 & 46 Vict. c. lx.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1882.	Burton-upon-Trent Order 1882.
45 & 46 Vict. c. lxi.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1882.	The Stafford Order 1882.
46 & 47 Vict. c. lxii.	Longton Improvement Act 1883.	The whole Act.
47 & 48 Vict. c. xxvii.	Longton Extension Act 1884.	The whole Act.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
48 & 49 Vict. c. viii.	Local Government Board's Provisional Orders Confirmation (Poor Law) (No. 6) Act 1885.	Barton-under-Needwood, &c. Order 1884.
48 & 49 Vict. c. xi.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1885.	Leek Order 1885.
48 & 49 Vict. c. cvi.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1885.	The Leek Order (2) 1885.
48 & 49 Vict. c. cviii.	Local Government Board's Provisional Orders Confirmation (Poor Law) (No. 9) Act 1885.	The Hopton and Coton, &c. Order 1884.
49 & 50 Vict. c. cxv.	Stapenhill Bridge Act 1886.	The whole Act except section 13.
50 & 51 Vict. c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1887.	Section 2 and the Leek Order 1887.
50 & 51 Vict. c. cxii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1887.	Stafford Order 1887.
51 & 52 Vict. c. lxi.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1888.	The Burton upon Trent Order 1888.
52 & 53 Vict. c. cxvii.	Local Government Board's Provisional Orders Confirmation (No. 16) Act 1889.	Stafford Order 1889.
53 & 54 Vict. c. ccxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1890.	Borough of Tamworth Order 1890.
54 & 55 Vict. c. lxix.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891.	Newcastle-under-Lyme Order 1891.
54 & 55 Vict. c. ccxi.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1891.	Stafford Order (No. 2) 1891.
54 & 55 Vict. c. ccxxiii.	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1891.	Borough of Burslem Order 1891.
57 & 58 Vict. c. xxii.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1894.	Burton-upon-Trent Order 1894.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
—	The County of Stafford (Leek, &c.) Confirmation Order 1894.	The whole Order.
58 & 59 Vict. c. lxxxvi.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1895.	County of Stafford (Drayton Bassett and Croxall) Order 1895.
59 Vict. (Sess. 2). c.viii.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1895 Session 2.	County of Stafford (Bobbington) Order 1895.
59 & 60 Vict. c. lxiii.	Stafford Corporation Act 1896.	The whole Act.
59 & 60 Vict. c. cxlviii.	Burton-upon-Trent Corporation Act 1896.	The whole Act except sections 50 and 52.
59 & 60 Vict. c. clxxii.	Local Government Board's Provisional Order Confirmation (No. 24) Act 1896.	The whole Act.
61 & 62 Vict. c. lxxix.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1898.	Rugeley Order 1898.
62 & 63 Vict. c. xxviii.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1899.	Stafford Order 1899.
62 & 63 Vict. c. cix.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1899.	Lichfield Rural Order 1899.
63 & 64 Vict. c. clxxvi.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1900.	Stafford Order 1900.
63 & 64 Vict. c. clxxviii.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1900.	Borough of Burton-upon-Trent Order 1900.
1 Edw. 7. c. cxxix.	Burton-upon-Trent Corporation Act 1901.	The whole Act except section 47 and sections 53 and 54 so far as those sections relate to the Flood Walls and Sewer Works (Works Nos. 8 to 13), Part VI and, of The Fourth Schedule, Part III.
1 Edw. 7. c. cxlvi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1901.	Tamworth Order 1901.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
1 Edw. 7. c. clxxi.	Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) (No. 2) Act 1901.	Section 2 and the Lichfield Order 1901.
3 Edw. 7. c. lix.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1903.	Burton upon Trent Order 1903.
3 Edw. 7. c. lxxvii.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1903.	Fenton Order 1903.
3 Edw. 7. c. cxlv.	Tramways Orders Confirmation (No. 1) Act 1903.	Burton-upon-Trent Corporation Tramways Order 1903.
5 Edw. 7. c. lxix.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1905.	County of Stafford Order 1905.
5 Edw. 7. c. lxxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905.	Leek Order 1905.
5 Edw. 7. c. cvii.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1905.	Hanley (Extension) Order 1905.
6 Edw. 7. c. c.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1906.	Tamworth Rural Order 1906.
8 Edw. 7. c. cli.	Local Government Board's Provisional Order Confirmation (No. 11) Act 1908.	The whole Act.
8 Edw. 7. c. clxiv.	Local Government Board's Provisional Order Confirmation (No. 3) Act 1908.	The whole Act except article XVIII of the Borough of Stoke-on-Trent Order 1908.
10 Edw. 7 & 1 Geo. 5. c. lxxxiv.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1910.	Leek Rural Order 1910.
2 & 3 Geo. 5. c. cxxxv.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1912.	Section 2 and the Newcastle-under-Lyme Order 1912.
S.R. & O. 1913/606.	Leek Urban District Order 1913.	The whole Order.
4 & 5 Geo. 5. c. xlviii.	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1914.	Leek Order 1914.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
—	Leek Urban District Order 1915.	The whole Order.
6 & 7 Geo. 5. c. xxvii.	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1916.	The Burton-upon-Trent Order 1916.
6 & 7 Geo. 5. c. xxxiv.	Local Government Board's Provisional Order Confirmation (No. 3) Act 1916.	The whole Act.
9 & 10 Geo. 5. c. cxvii.	Cannock Urban District Council Act 1919.	The whole Act.
10&11 Geo. 5. c. cxiii.	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1920.	The Leek Order 1920.
11&12 Geo. 5. c. lxviii.	Ministry of Health Provisional Order Confirmation (Newcastle-under-Lyme Extension) Act 1921.	The whole Act.
11&12 Geo. 5. c. ciii.	Ministry of Health Provisional Order Confirmation (Stoke-on-Trent Extension) Act 1921.	The whole Act except articles 22 and 23 of the Stoke-on-Trent (Extension) Order 1921.
12&13 Geo. 5. c. xcvii.	Ministry of Health Provisonal Orders Confirmation (No. 9) Act 1922.	The Leek Order 1922.
S.R. & O. 1923/246.	The Stafford (Public Health) Order 1923.	The whole Order.
13&14 Geo. 5. c. xxxv.	Ministry of Health Provisional Orders Confirmation (No.2) Act 1923.	The Stoke-on-Trent Order 1923.
13&14 Geo. 5. c. cvii.	Stoke-on-Trent Corporation Act 1923.	The whole Act except Part II, Part IV, and the First, Second, Third, Fourth and Fifth Schedules.
14&15 Geo. 5. c. xv.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1924.	The Stoke-on-Trent Order 1924.
15&16 Geo. 5. c. xxxvii.	Ministry of Health Provisional Orders Confirmation (No. 2) Act 1925.	The Leek Order 1925.
15&16 Geo. 5. c. lxxviii.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1925.	The Stoke-on-Trent Special Rates Order 1925.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
—	Leek (Novi Lane, &c.) Housing Confirmation Order 1926.	The whole Order.
16&17 Geo. 5. c. liii.	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1926.	The Lichfield Order 1926.
S.R. & O. 1926/699.	Leek Urban (Public Health) Order 1926.	The whole Order.
16&17 Geo. 5. c. liv.	Ministry of Health Provisional Orders Confirmation (No. 5) Act 1926.	The Stoke-on-Trent Order 1926.
17&18 Geo. 5. c. xlvii.	Ministry of Health Provisional Order Confirmation (Newcastle-under-Lyme Extension) Act 1927.	The whole Act.
18&19 Geo. 5. c. lviii.	Ministry of Health Provisional Orders Confirmation (No. 11) Act 1928.	Stafford Order 1928 except Part I and the Second Schedule.
18&19 Geo. 5. c. c.	Stoke-on-Trent Corporation Act 1928.	The whole Act except Part III and sections 86 to 89.
20&21 Geo. 5. c. xxvii.	Stoke-on-Trent Extension Act 1929.	The whole Act except section 18.
20&21 Geo. 5. c. clvi.	Ministry of Health Provisional Orders Confirmation (Cardiff Stoke-on-Trent and Worthing) Act 1930.	The Stoke-on-Trent Order 1930.
S.R. & O. 1930/1071.	City of Stoke-on-Trent (Local Act) Order 1930.	The whole Order.
21&22 Geo. 5. c. xlv.	Tamworth Corporation Act 1931.	The whole Act.
—	Borough of Newcastle-under-Lyme (Extension) Order 1931.	The whole Order.
S.R. & O. 1934/191.	Staffordshire Review Order 1934.	The whole Order.
24&25 Geo. 5. c. lxiii.	Ministry of Health Provisional Order Confirmation (Stoke-on-Trent) Act 1934.	The whole Act.
25&26 Geo. 5. c. cxi.	Stoke-on-Trent Corporation Act 1935.	The whole Act except Part III and sections 68, 79 to 84, 104, 110 and 111.

SCH. 5 —*cont.*

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
1 Edw. 8 & 1 Geo. 6. c. xliv.	Staffordshire County Council Act 1937.	The whole Act.
1 Edw. 8 & 1 Geo. 6. c. lxxv.	Newcastle-under-Lyme Corporation Act 1937.	The whole Act except Part III, Part IV, Part VI and sections 129 to 134 and 145.
14&15 Geo. 6. c. xx.	Uttoxeter Urban District Council Act 1951.	The whole Act except Part IV.
S.I. 1952/ 2140.	Leek Urban District (Amendment of Local Enactment) Order 1952.	The whole Order.
1964 c. xi.	Newcastle-under-Lyme Corporation Act 1964.	The whole Act.
1964 c. xii.	Stafford Corporation Act 1964.	The whole Act.
S.I. 1964/1113.	Stoke-on-Trent Order 1964.	The whole Order.
1970 c. xxix.	Stoke-on-Trent Corporation Act 1970.	The whole Act.
1970 c. xlix.	Staffordshire County Council Act 1970.	The whole Act except sections 11, 13 and 14.

SCHEDULE 6

Section 78.

SAVING PROVISIONS

1. In so far as anything done under an enactment in force in any area which is repealed by this Act could have been done under any enactment in this Act relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned enactment.

2. Where an instrument or document refers, either expressly or by implication, to an enactment in force in any area which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any enactment in this Act relating to the same matter in the same area.

3.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of such repeal, any provision of this Act relating to the same matter shall have effect as if that period began to run under that provision.

4. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment in force in any area which is repealed by this Act and any enactment in this Act relating to the same matter in the same area, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

5. Nothing in this Act shall prejudice or affect any market franchise existing immediately before the commencement of this Act and conferred or enjoyed wholly or partly by, or by any combination of, any enactment, royal licence, royal charter, letters patent, or by custom.

6. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

7. Where an Act or Order is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from repeal, the repeal shall not affect the interpretation of the excepted provision.

8. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978. 1978 c. 30.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR W. J. SHARP
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

Staffordshire Act 1983

CHAPTER xviii

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