ELIZABETH II



1972 CHAPTER 1

An Act to reconstitute the Littlehampton Harbour Board, to transfer functions of the board under the Land Drainage Acts to the Sussex River Authority and to make provision with respect to the finances and accounts of the board; to confer further powers on the West Sussex County Council and on local, highway and other authorities in the administrative county of West Sussex in relation to lands, planning and amenities, highways and the local government, improvement, health and finances of the county and of the boroughs and districts therein; to enable the bridge over the river Arun authorised by the Littlehampton Urban District Council (Arun Bridge) Act 1905 to be removed; and for other purposes.

[26th October 1972]

WHEREAS—

(1) By the Littlehampton Harbour and Arun Drainage Outfall Act 1927 (hereinafter referred to as " the Act of 1927 ") a harbour board under the name of " The Littlehampton Harbour Board " 1927 c. lxvii.

(hereinafter referred to as " the harbour board ") were incorporated for carrying the provisions of the Act of 1927 into effect within the limits of the port of Arundel and the harbour of Littlehampton described in the Act of 1927:

(2) The harbour board now consist of twenty-four members of whom four are ex-officio members, eighteen are members appointed by the West Sussex County Council (hereinafter referred to as " the Council "), the mayor, aldermen and burgesses of the borough of Arundel, the Commissioners of Sewers for the rape of Arundel, the Littlehampton Urban District Council, the Worthing Rural District Council and the British Railways Board and two are members elected by persons or bodies qualified to vote as provided in the Act of 1927:

(3) It is expedient that the harbour board should be reconstituted as in this Act provided:

(4) It is expedient that functions of the harbour board in regard to land drainage should be transferred to the Sussex River Authority:

(5) It is expedient that further powers should be conferred on the harbour board in relation to the borrowing of money for the purposes of their undertaking and that further provision should be made in relation to their finances, the contributions to be made to the harbour board by the Council and the Littlehampton Urban District Council, and the powers of the Council to lend money to the harbour board and to borrow money for those purposes:

(6) It is expedient that further and better provision should be made with reference to lands, planning and amenities, highways and streets and the local government, improvement, health and finances of the administrative county of West Sussex and that the powers of the Council and of local and other authorities therein should be enlarged and extended as by this Act provided:

(7) It is expedient that provision should be made for the removal of the opening bridge over the river Arun authorised by the Littlehampton Urban District Council (Arun Bridge) Act 1905:

1905 c. clxxx.

(8) It is expedient that the other provisions in this Act should be enacted:

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

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

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

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the West Sussex County Council Act 1972.

(2) The West Sussex County Council Acts 1946 and 1970 and this Act may be cited together as the West Sussex County Council Acts 1946 to 1972.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Littlehampton Harbour.
Part III.—Lands.
Part IV.—Planning and amenities.
Part V.—Highways and streets.
Part VI.—Public health.
Part VII.—Fire protection and public safety.
Part VIII.—Finance.
Part IX.—Miscellaneous.
Part X.—General.

Interpretation

3.—(1) In this Act the several words and expressions (other than those defined in subsection (2) of this section) to which meanings are assigned by sections 90 and 110 of the Act of 1936 and sections 294 and 295 of the Act of 1959 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

PART I —*cont.*

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

" the Act of 1905 " means the Littlehampton Urban District Council (Arun Bridge) Act 1905;

1905 c. clxxx.

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

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

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

1957 c. 56. " the Act of 1957 " means the Housing Act 1957;

1959 c. 25. " the Act of 1959 " means the Highways Act 1959;

1960 c. 16. " the Act of 1960 " means the Road Traffic Act 1960;

1967 c. 76. " the Act of 1967 " means the Road Traffic Regulation Act 1967;

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

" the clerk " means the clerk of the Council;

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

" the county " means the administrative county of the county of West Sussex;

" the county fund " means the county fund of the Council;

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

" district " means a borough or an urban or rural district in the county;

" the existing bridge " means the opening bridge over the river Arun authorised by section 19 (Power to make bridge) of the Act of 1905;

" highway authority " means—

(*a*) in the case of a trunk road, the Secretary of State or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that road;

(*b*) in the case of a county road in the county, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and

(*c*) in the case of any other highway, the local authority for the district in which the highway is situate;

" land " includes land covered by water and any interest in land or any easement or right in, to or over land;

PART I —*cont.*

" local authority " means the council of a district;

" the new bridge " means the bridge over the river Arun now being constructed by the Council at a point approximately one-half of a mile north of the existing bridge;

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

" owner " in relation to any premises, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack-rent of the premises or, where the premises are not let at a rack-rent, would be so entitled if the premises were so let;

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

" the police authority " means the Sussex Police Authority or any other police authority of which the Council are a constituent member;

" the railways board " means the British Railways Board;

" the river authority " means the Sussex River Authority;

" statutory undertakers " means any company, body or person authorised by any enactment to supply electricity, gas or water, and includes the Post Office;

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

" tribunal " means the Lands Tribunal;

" verge " includes land situate between two carriageways and any part of a highway which is not a carriageway, footway, cycle track or layby;

" voluntary school " has the same meaning as in subsection (2) of section 9 of the Education Act 1944. 1944 c. 31.

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

The appointed day.

4.—(1) In this Act (except Part II (Littlehampton Harbour)) " the appointed day " means such day as may be fixed by resolution of a local authority subject to and in accordance with the provisions of this section.

PART I —*cont.*

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

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

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

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

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

(4) Either—

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

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

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

PART II

LITTLEHAMPTON HARBOUR

Interpretation for Part II.

5. In this Part of this Act, unless otherwise expressly enacted or the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

" the Act of 1927 " means the Littlehampton Harbour and Arun Drainage Outfall Act 1927; **1927 c. lxvii.**

" the appointed day " means 1st April, 1973;

" the constituent authorities " means the Council, the Littlehampton Council and the river authority;

" the harbour " has the same meaning as in the Act of 1927;

" the harbour board " means the Littlehampton Harbour Board;

" the Littlehampton Council " means the urban district council of Littlehampton;

" the reserve fund " means the reserve fund to be created by the harbour board in pursuance of section 22 (Reserve fund) of this Act;

"the two Councils" means the Council and the Littlehampton Council; PART II —*cont.*

"the undertaking" means the harbour undertaking of the harbour board as defined in the Act of 1927.

Reconstitution of harbour board.

6.—(1) On and after the appointed day the harbour board shall, subject to the provisions of this Part of this Act, consist of eleven members appointed as follows:—

(*a*)	by the Council	four;
	by the Littlehampton Council	four;
	by the river authority	one;
(*b*)	by the members appointed pursuant to the foregoing paragraph (*a*)	two.

(2) One of the members to be appointed pursuant to paragraph (*b*) of the preceding subsection shall be a person appearing to the members by whom he is appointed to be representative of commercial interests in the harbour; and the other member so appointed shall be a person appearing to the members by whom he is appointed to be representative of recreational interests in the harbour.

Present members of harbour board to continue in office until appointed day.

7.—(1) Notwithstanding any repeal or amendment effected by this Part of this Act, each member of the harbour board in office immediately before the passing of this Act shall, unless he shall previously die or resign or become disqualified to be a member of the harbour board, continue to hold office until immediately before the appointed day.

(2) Immediately before the appointed day all the persons then holding office as members of the harbour board shall go out of office:

Provided that nothing in this subsection shall prevent any such person who has been appointed by a constituent authority to be a member of the harbour board pursuant to the provisions of section 8 (Appointment of members of harbour board) of this Act from assuming office as a member of the harbour board on the appointed day.

Appointment of members of harbour board.

8.—(1) On or before 1st March, 1973, each of the constituent authorities shall appoint the respective number of members specified in section 6 (Reconstitution of harbour board) of this Act to be appointed by that authority and each such member shall hold office from the appointed day, and the members so appointed shall, subject to the provisions of this Act, continue in office until 1st April, 1977.

PART II —*cont.*

(2) On or before 1st March, 1977, and in each fourth successive year each of the constituent authorities shall appoint the respective number of members specified in the said section 6 to be appointed by that authority and each member so appointed shall, subject to the provisions of this Part of this Act, continue in office until 1st April in the fourth year after his appointment.

(3) The members of the harbour board appointed in accordance with the provisions of subsections (1) and (2) of this section shall at the first meeting of the harbour board after the appointed day and at the first meeting of the harbour board after 1st April in each successive fourth year appoint the members specified in paragraph (*b*) of subsection (1) of the said section 6 and each member so appointed shall, subject to the provisions of this Part of this Act, hold office until 1st April in the fourth year after his appointment.

(4) Every person retiring from office in accordance with the foregoing provisions of this section shall, if qualified as required by this Part of this Act, be eligible for re-appointment.

Qualification of members of harbour board.

9.—(1) Each member of the harbour board appointed by a constituent authority shall be a member or an official of that constituent authority or be possessed of the requisite qualification to be such a member.

(2) If any member of the harbour board appointed by a constituent authority, who at the date of his appointment is a member or official of that constituent authority, ceases to be a member or official of such authority or ceases to be possessed of the requisite qualification to be such a member, such member shall forthwith vacate his office as a member of the harbour board.

(3) No person being a member of the harbour board by appointment from any of the constituent authorities shall so long as he continues a member by virtue of such appointment be qualified to be also a member of the harbour board by appointment from either of the other constituent authorities and any such subsequent appointment shall be void; and if the same person shall be appointed a member of the harbour board by more than one of the constituent authorities at the same time, he shall choose under which appointment he will serve and the other appointment shall be deemed void.

Vacation of office by failure to attend meetings.

10.—(1) Subject to subsection (2) of this section, if a member of the harbour board fails throughout a period of six consecutive months to attend any meeting of the harbour board, he shall, unless the failure was due to some reason approved by the harbour board, cease to be a member of the harbour board.

PART II —*cont.*

(2) Attendance as a member of any committee or sub-committee of the harbour board and attendance as representative of the harbour board at a meeting of any body of persons shall be deemed for the purposes of subsection (1) of this section to be attendance at a meeting of the harbour board.

Resignation of member of harbour board.

11. Any member of the harbour board may at any time resign his office as such member by notice in writing signed by him and delivered to the clerk of the harbour board and his resignation shall take effect upon the receipt of the notice by the clerk.

Outgoing members eligible for re-election.

12. Every member of the harbour board going out of office shall, if otherwise duly qualified, be eligible immediately or at any future time for re-election and every person re-elected shall be deemed a new member.

Occasional vacancies.

13. If any member of the harbour board dies or resigns or is disqualified or ceases to be a member of the harbour board from any cause the constituent authority whom he represented may if they think fit at any time after the occurrence of such vacancy appoint a member to the harbour board in his place or, if the member so ceasing to be a member of the harbour board was a member specified in paragraph (*b*) of subsection (1) of section 6 (Reconstitution of harbour board) of this Act, the harbour board may if they think fit at any time after the occurrence of such vacancy appoint a member to the harbour board in his place; and every member of the harbour board so appointed shall continue in office subject to the provisions of this Part of this Act but only for so long as the person in whose place he is appointed would have been entitled to continue in office.

Appointment of members to be certified to harbour board.

14. Whenever an appointment of a member or members of the harbour board has been made by a constituent authority, the clerk of the authority by whom the appointment was made shall by writing under his hand certify the appointment and transmit the certificate to the clerk of the harbour board and every such certificate shall be conclusive evidence of the appointment.

Error, omission, etc., not to invalidate any act of harbour board.

15. Any act of the harbour board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the appointment of any member of the harbour board or by reason of any person not qualified or ceasing to be qualified acting as a member of the harbour board or by reason of any failure or omission on any occasion on the part of any of the constituent authorities to appoint a member of the harbour board or by reason of any irregularity, error, failure or omission in or about any appointment or in or about any matter preliminary or incidental thereto.

PART II —*cont.*

Transfer of functions under Land Drainage Acts.

16. Any powers conferred on the harbour board by section 39 (Harbour board to be a drainage authority for part of harbour) of the Act of 1927 being powers which but for the provisions of that section would have been exercisable by the river authority under the Land Drainage Acts 1930 and 1961 shall on and after the appointed day be exercisable by the river authority and shall cease to be exercisable by the harbour board:

Provided that—

(*a*) before carrying out any drainage works within that part of the harbour which is below the new bridge the river authority shall consult with the harbour board; and

(*b*) notwithstanding anything in this section the harbour board shall have power to carry out within the said part of the harbour below the new bridge such drainage works as the harbour board may consider necessary for the purpose of maintaining or improving the harbour, being drainage works which the river authority are not willing to undertake.

Financial arrangements.

17.—(1) All receipts of the harbour board shall be carried to a common fund and all expenses incurred by the harbour board shall be defrayed out of that fund.

(2) The harbour board shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them and those arrangements shall be carried out under the supervision of the treasurer of the harbour board.

Apportionment of deficiency.

18.—(1) Any deficiency (after taking into account any contributions made under section 19 (Contributions to expenses of harbour board) of this Act) in the revenues of the harbour board in any financial year shall be made good in the first instance out of the reserve fund and if the reserve fund shall be insufficient for the purpose of meeting the deficiency the harbour board shall apportion the residue of the deficiency equally between the two Councils:

Provided that no part of any such deficiency shall be made good out of the reserve fund so as to reduce the said fund below thirty-five thousand pounds and in regard to such part the reserve fund for the purposes of this subsection shall be deemed to be insufficient for the purpose of meeting the deficiency.

(2) The harbour board shall issue to each of the two Councils a precept for a sum equal to the sum apportioned to that council in pursuance of this section and each of the two Councils shall within two months after the receipt of the said precept pay to the harbour board the sum stated in the precept.

PART II —*cont.*

(3) Any sum mentioned in a precept issued under this section by the harbour board to each of the two Councils shall be a debt due from that council and may be recovered accordingly.

Contributions to expenses of harbour board.

19.—(1) The harbour board shall not later than the 31st December in each year estimate the amount of money (if any) required by them for expenditure in excess of their income in the next ensuing financial year.

(2) Each of the two Councils shall contribute and pay to the harbour board, if so required by the harbour board, one-half of so much of the amount so estimated as cannot be met out of the reserve fund by virtue of paragraph (*a*) of subsection (2) of section 22 (Reserve fund) of this Act by instalments as may be demanded by the treasurer of the harbour board.

(3) The harbour board shall as soon as practicable after the end of each financial year repay to the two Councils the amount (if any) by which the contributions made under this section in respect of that year exceed the actual deficiency in the income of the harbour board during that year.

Application of revenue.

20. The harbour board shall apply the revenues of the harbour board except borrowed money in manner following:—

first, in payment of the working and establishment expenses and cost of maintenance of the undertaking;

secondly, in payment of the interest on moneys borrowed by the harbour board under any statutory power;

thirdly, in providing the requisite appropriations, instalments or sinking fund payments in respect of moneys borrowed as aforesaid;

fourthly, in payment of all other expenses of the harbour board properly chargeable to revenue;

fifthly, in payment of credit balances on the revenue account into the reserve fund;

sixthly, in the payment to the two Councils in equal shares of any surplus in the revenues which would otherwise cause the prescribed maximum amount of the reserve fund to be exceeded.

As to revenues of harbour board.

21. It shall be the duty of the harbour board so to exercise and perform their functions under the Act of 1927 and this Act as to secure that, taking one year with another, the revenues of the harbour board are, so far as is reasonably practicable, not less than sufficient to meet their outgoings properly chargeable to revenue account (other than expenditure incurred in respect of any such works as are referred to in paragraph (*b*) of the proviso to section 16 (Transfer of functions under Land Drainage Acts) of this Act).

PART II —*cont.*

Reserve fund.

22.—(1) The harbour board shall provide a reserve fund in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same until the fund so provided amounts to the maximum reserve fund for the time being prescribed by the harbour board.

(2) The reserve fund shall be applicable—

(*a*) to answer any deficiency at any time happening in the revenues of the harbour board, but not so as to reduce the reserve fund to an amount less than thirty-five thousand pounds;

(*b*) in or towards the payment of the cost of the construction, renewal, improvement or extension of any works, building, machinery, plant or conveniences forming part of the undertaking or otherwise for the benefit thereof;

(*c*) in repaying any capital moneys borrowed for the purposes of the undertaking (but not in making any annual payment required to be made in respect of loans);

(*d*) in meeting any extraordinary claim or demand at any time arising against the harbour board;

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

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

Division of existing funds.

23.—(1) All moneys and investments comprised immediately before the appointed day in the permanent repair fund and the reconstruction fund created by the harbour board in pursuance of section 82 (Creation of reconstruction and repair funds by Harbour Board) of the Act of 1927 shall on, or as soon as may be after, the appointed day be divided into two equal parts.

(2) The moneys and securities comprised in one of such equal parts shall be transferred by the harbour board to the river authority and shall be held by the river authority as part of their funds available generally for defraying any expenses of the river authority which do not fall to be debited to their water resources account.

(3) The moneys and securities comprised in the other of such equal parts shall be transferred by the harbour board to the reserve fund.

PART II —*cont.*

(4) When the transfers referred to in subsections (2) and (3) of this section have been completed the permanent repair fund, the reconstruction fund and the running repairs fund of the harbour board shall be discontinued.

Investment of moneys in reserve fund.

24.—(1) Pending the application of the reserve fund for the purposes for which that fund is established, the moneys in the reserve fund shall (unless applied in any manner authorised by any enactment) be invested in accordance with the following provisions of this section.

(2) Sections 1, 2, 5, 6 and 12 of the Act of 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the harbour board were the trustees of that trust fund; and section 7 (2) of that Act shall have effect in relation to sections 1, 2, 5 and 6 of that Act as applied by this subsection as it has effect in relation to those sections as applied by section 7 (1) of that Act:

Provided that the provisions of the Act of 1961 as so applied shall have effect in relation to the reserve fund subject to the following modifications:—

(*a*) in subsection (1) of section 2 of that Act for the words " equal in value " there shall be substituted the words " respectively in the proportions of one to three in value (in this Act referred to as ' the prescribed proportion ') ";

(*b*) in paragraph (*b*) of subsection (3) of the said section 2 and sub-paragraph (*b*) of paragraph 3 of Schedule 2 to that Act for the words from " each " to the end there shall be substituted the words " the wider-range part of the fund is increased by an amount which bears the prescribed proportion to the amount by which the value of the narrower-range part of the fund is increased ";

and section 13 of that Act shall not apply in relation to the reserve fund.

(3) The harbour board shall be included among the authorities to which section 11 of the Act of 1961 applies.

(4) Any income arising from any such moneys, investments or property as are mentioned in subsection (2) of this section shall be carried to the common fund of the harbour board.

(5) In this section " the Act of 1961 " means the Trustee Investments Act 1961.

1961 c. 62.

Application of Act of 1933 to borrowing of money by harbour board.

25.—(1) The provisions of Part IX of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent

PART II —*cont.*

with the provisions of this Part of this Act shall extend and apply to the harbour board and to money borrowed by the harbour board as if—

(*a*) the harbour board were a local authority within the meaning of the Act of 1933;

(*b*) the money so borrowed were borrowed under the said Part IX; and

(*c*) the revenues of the harbour board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purposes of this section.

(2) In the application of the provisions of Part IX of the Act of 1933 to the borrowing of moneys for the purposes of this Part of this Act, the Secretary of State shall be the sanctioning authority.

Mode of borrowing by harbour board. 1965 c. 63.

26. The modes by which the harbour board may raise money which they are authorised to borrow shall include borrowing by means of an agreement with the Public Works Loan Commmissioners under section 2 of the Public Works Loans Act 1965.

Power for Council to lend money to harbour board.

27.—(1) The Council may lend to the harbour board and the harbour board may borrow from the Council such money as the Council think fit to lend and as the harbour board are authorised to borrow for the purpose for which such money is proposed to be borrowed and any money so lent shall be repaid to the Council by the harbour board within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.

(2) Any agreement under this section may be made by resolutions passed respectively by the Council and by the harbour board.

(3) The Council may borrow such sums as may be required for the purpose of lending money to the harbour board under this section and the provisions of Part IX of the Act of 1933 shall extend to money borrowed by the Council under this section as if it were borrowed under the said Part IX:

Provided that the consent of the sanctioning authority shall not be required.

(4) Every sum borrowed by the Council under this section shall be repaid within the period to expire not more than one year after that for which the same was lent by them to the harbour board.

(5) The Council shall be entitled to charge such rate of interest n respect of any particular loan under this section as may be greed between the Council and the harbour board. PART II —*cont.*

28.—(1) Any moneys which the Council may pay to the harbour oard under the Act of 1927 or this Act, otherwise than out of oneys borrowed by them, shall be paid out of the county fund. Payment of contributions by the two Councils.

(2) Any moneys which the Littlehampton Council may pay to he harbour board under the Act of 1927 or this Act shall be paid ut of the general rate fund of the Littlehampton Council.

29. The harbour board shall cause the treasurer of the harbour oard to keep proper books of account and other books in elation thereto and to prepare annual accounts. Accounts.

30. The harbour board shall within three months of the close f each financial year or such longer period as the Secretary of tate may allow send to the Secretary of State a copy of the nnual accounts of the undertaking. Annual accounts to be sent to Secretary of State.

31.—(1) The accounts of the harbour board shall at all reason- ble times be open to inspection and transcription without ayment by any member of a constituent authority or by any officer f a constituent authority authorised by that authority for that urpose. Inspection and audit.

(2) (*a*) The accounts of the harbour board shall be audited nnually.

(*b*) The harbour board shall by resolution (in this section eferred to as " the initial resolution ") adopt either the system f district audit or the system of professional audit. The initial esolution shall be passed not later than four months after the ppointed day at a meeting of the harbour board specially con- ened for the purpose with notice of the object of the meeting f which not less than one month's previous notice shall be given every member of the board.

(*c*) The provisions of Part X of the Act of 1933 (which relate accounts and audit) (other than those of sections 237, 238, 39 (1) and (2), 242 and 243) shall with any necessary modification pply to the harbour board as if the harbour board were the ouncil of a borough:

Provided that—

(i) section 224 of the Act of 1933 shall have effect where the system of professional audit is adopted as that section has effect in the case of procedure by district audit;

PART II —*cont.*

(ii) the following paragraph shall be substituted f section 239 (3) (*b*) of the Act of 1933:—

" (*b*) No person shall be qualified to be so appointe unless he is a member or in the case of a firm all t partners therein are members of one or more of t following bodies:—

The Institute of Chartered Accountants England and Wales;

The Institute of Chartered Accountants Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants Ireland;

The Institute of Municipal Treasurers a Accountants;

Any body of accountants established in t United Kingdom which is for the time bei recognised for the purposes of section 161 (1) (of the Companies Act 1948 by the Secretary State "; and

1948 c. 38.

(iii) section 239 (4) of the Act of 1933 shall not apply to t initial resolution.

(3) It shall be lawful for the harbour board subject to t consent of the Secretary of State at any time after the expiratio of a period of five years from the date of the initial resolution a thereafter from time to time by means of a subsequent resoluti passed and confirmed in accordance with the said section 239 (to adopt the other of the two systems which are referred to subsection (2) (*b*) of this section.

(4) As soon as practicable after the completion of the audit every financial year the treasurer of the harbour board sh forward to each of the constituent authorities a copy of the annu accounts of the harbour board for that year and of any report the harbour board made by the auditor.

Winding up of pilots' superannuation fund.

32.—(1) Byelaws 29 to 31 of the byelaws referred to in su section (3) of section 47 (Harbour Board to be pilotage authorit of the Act of 1927 shall on the appointed day be revoked and soon as practicable thereafter the superannuation fund maintain under those byelaws shall be wound up by the harbour board.

(2) All moneys, investments and other property comprised the said superannuation fund shall be applied by the harbour boa for the benefit of the pilots who immediately before the appointe day are entitled to benefit in the said superannuation fund in su manner as may be determined by the harbour board but witho prejudice to the existing rights of any of the said pilots.

PART II —*cont.*

33. As from the appointed day the enactments specified in chedule 1 to this Act are hereby repealed to the extent specified n relation thereto in the third column of that schedule. Repeals.

34. It shall not be lawful to exercise the powers of borrowing onferred by section 27 (Power for Council to lend money to arbour board) of this Act except in compliance with any order or the time being in force under section 1 of the Borrowing Control and Guarantees) Act 1946. Saving for powers of Treasury. 1946 c. 58.

35. This Part of this Act shall be construed as one with the Act of 1927 and this Part of this Act and the Act of 1927 may e cited together as the Littlehampton Harbour Acts 1927 and 972. Citation.

PART III
LANDS

36.—(1) The Council, when they are required by any enactment o make compensation to any person interested in any lands, nay by agreement with such person make such compensation wholly or partly in works, land or money, but in the case of land or the alienation of which the consent of any government department is required, only with such consent. Compensation may be in land.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from hem under this section from any rent, covenants, restrictions, eservations, terms or conditions made payable by or contained n any conveyance, lease or other deed or instrument by which he land or interest has been conveyed or leased to or otherwise cquired by the Council or any persons from or through whom he Council have derived title to it.

37.—(1) The Council may enter into and carry into effect greements with any local authority for the provision by that uthority of houses for the purpose of providing for the re-housing of persons displaced from any land acquired by the Council nder any enactment, notwithstanding that the district of such ocal authority is situate outside the county; and any such agreement may provide for the making of contributions by the Council owards the whole or any part of the expense thereby incurred by he local authority. Power as to re-housing.

(2) In this section " local authority " means the council of any dministrative county, county borough or county district.

38.—(1) The Council by means of an order made by the Council and submitted to and confirmed by the confirming authority may be authorised to create in favour of the Council n, over or under any land which under any enactment the Council may be authorised to acquire compulsorily any easement or Compulsory acquisition of easements.

PART III —*cont.*

other right in, over or under or in relation to such land which in the opinion of the confirming authority, is essential to the ful enjoyment or use of any land or building owned or occupied, o intended to be acquired or occupied, by the Council for th purposes of any of their undertakings, powers or duties:

Provided that the Council may not exercise the powers of thi section where they may be authorised to acquire such rights b

1971 c. 41. virtue of section 47 of the Highways Act 1971.

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

(3) The Acquisition of Land (Authorisation Procedure) Act

1946 c. 49. 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946 and as if—

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

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

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

1965 c. 56. section 8 of the Compulsory Purchase Act 1965.

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

Entry on land for certain purposes.

39.—(1) Whenever it becomes necessary for the Council, or any of their officers, servants, contractors or workmen, to enter, examine or lay open any land for the purpose of making plans, surveying, measuring, taking levels or making trial holes, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid

PART III —*cont.*

or any of them, the Council may, after notice to such owner or occupier, apply to a magistrates' court for an order under this section:

Provided that the Council may not exercise the powers of this section where they may be authorised to enter on any land under section 64 or section 66 of the Highways Act 1971. 1971 c. 41.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Council, or any of their officers, servants, contractors or workmen, may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter, examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-eight days' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) Before making a trial hole in any land in exercise of the powers of this section the Council shall give to the statutory undertakers not less than fourteen days' notice specifying the situation of the land in which it is proposed to make the trial hole.

(4) The Council shall at their own expense make good and restore to their former condition any lands laid open by them, or their officers, servants, contractors or workmen, and shall make good, to the reasonable satisfaction of the owner or occupier of the lands entered, all damage or loss sustained by him in consequence of such entry, examination or laying open, and any dispute as to the amount of damage or loss so sustained as aforesaid shall, in default of agreement, be assessed by the tribunal, and the amount so assessed shall be recoverable in any court of competent jurisdiction.

(5) If any statutory undertakers refuse to permit any of their operational lands, or the railways board or the British Transport Docks Board refuse to permit any lands belonging to them and used for the purposes of their undertaking, or the river authority refuse to permit any lands belonging to them and used for any purpose in connection with the performance of any of their functions, to be entered upon, examined or laid open for any of the purposes mentioned in subsection (1) of this section, application under that subsection shall not be made to a magistrates' court but any question arising as to whether permission for any such lands to be so entered upon, examined or laid open is unreasonably withheld shall be determined by a single arbitrator appointed in default of agreement by the President of the Institution of Civil Engineers, and if the arbitrator shall determine that such permission is unreasonably withheld, the Council shall have

PART III —*cont.*

the like powers of entering, examining and laying open the said lands for the purposes for which permission was refused and be under the same liabilities as under an order of the court made under subsection (2) of this section.

(6) If any person who in compliance with the provisions of this section or an order made thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Disposal of land.

40. In respect of land acquired by the Council for the benefit or improvement of the county under either of the following sections:—

section 157 (Power of local authorities to acquire land by agreement);

section 158 (Acquisition of land in advance of requirements);

of the Act of 1933 (as extended by section 1 of the Local Authorities (Land) Act 1963), section 165 of the Act of 1933 shall have effect with the omission of the words "and which is not required for the purpose for which it was acquired or is being used".

1963 c. 29.

Undertakings and agreements binding successive owners.

41.—(1) Every undertaking given to the Council by the owner of a legal estate in land and every agreement made between the Council and any such owner being an undertaking or agreement—

(*a*) given or made under seal either on the passing of plans or otherwise in connection with the land; and

(*b*) expressed to be given or made in pursuance of this section;

shall, if registered in the local land charges register, be enforceable by the Council against the person or persons who entered into, or joined as a party to, such undertaking or agreement and all deriving title by, through or under him or them.

(2) Any person against whom any such undertaking or agreement is enforceable shall be entitled to require from the Council a copy thereof.

Covenants or restrictions affecting certain land.

1944 c. 31.

1946 c. 50

42. Where land owned by the Council (being land acquired by the Council to provide a site for a voluntary school) is conveyed by the Council to the trustees of a voluntary school in pursuance of the provisions of the Education Act 1944 or the Education Act 1946 any covenants or restrictions affecting the use of such land as aforesaid shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they

were enforceable against the Council prior to the conveyance referred to in this section. PART III —*cont.*

Application to local authorities of provisions of Part III.

43. The provisions of this Part of this Act except section 37 (Power as to re-housing) shall apply to a local authority and for that purpose those provisions shall have effect as if for references therein to the Council and to the county there were substituted references to the local authority and to the respective district, and subject to any other necessary modifications.

PART IV

PLANNING AND AMENITIES

Agreements with developers.

44.—(1) The Council and any person having an estate or interest in any land within the county may enter into an agreement which may provide for all or any of the following:—

(*a*) determining the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;

(*b*) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;

(*c*) providing that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Council shall have first satisfied themselves that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;

(*d*) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;

(*e*) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for or in connection with development of that land;

(*f*) arrangements for the maintenance of open spaces provided in connection with development of that land;

(*g*) any other related or consequential matters.

(2) (*a*) An agreement entered into under the preceding subsection may contain positive and negative covenants and whether they be positive or negative and notwithstanding that they may

PART IV —*cont.*

not enure, and may not be expressed to enure, for the benefit of any other land of the covenantee they shall, if registered in the local land charges register, be enforceable by the Council against the covenantor and all persons deriving title by, through or under the covenantor.

(*b*) In the event of the person who has entered into an agreement under the preceding subsection or any person deriving title by, through or under him failing to perform any of the positive covenants contained in the agreement, the Council may after giving not less than two months' notice of their intention so to do enter on the land and do the work in default and the expenses incurred by the Council in so doing shall be recoverable by them from the person in default.

(*c*) Except as may be expressly provided in the agreement an agreement entered into under the preceding subsection shall be enforceable and be deemed to be intended to be enforceable in perpetuity or for the duration of the estate or interest which the person entering into the agreement has in the land at the time when the agreement is entered into.

(3) In this section "development" has the same meaning as in section 22 of the Act of 1971.

(4) Section 291 of the Act of 1936 shall have effect as if reference therein to that Act included a reference to this section.

(5) The provisions of this section shall apply to a local authority and for that purpose shall have effect as if for references therein to the Council and to the county there were substituted references to the local authority and to the respective district.

Power to require information as to ownership of premises.

45.—(1) The Council may for the purpose of enabling them to perform any of their functions under—

(*a*) any enactment in force at the passing of this Act which authorises the Council to acquire land compulsorily;

(*b*) any enactment mentioned in Schedule 2 to this Act; and

(*c*) this Act;

require—

(i) the occupier and any person having an interest in any premises in the county and any person who either directly or indirectly receives rent in respect of such premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises whether as freeholder, mortgagee, lessee or otherwise or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and

PART IV —*cont.*

(ii) any person who has sold or otherwise disposed of, leased or let any premises in the county to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

(2) Any person who having been required by the Council in pursuance of this section to give to them any information fails to give that information or knowingly makes any misstatement in respect thereof shall be liable to a fine not exceeding twenty pounds.

(3) For the purposes of this section the expression " interest " includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Council in so far as they relate to the same subject-matter as this section.

Verges, etc., of housing estates.

46.—(1) Where any grass verge, garden or space which has been provided by a local authority in pursuance of the Act of 1957, or by a housing association in pursuance of arrangements made with a local authority under that Act, or any enactment repealed by that Act, is maintained in an ornamental condition or mown, the local authority may by notice prohibit any person from—

(*a*) causing or permitting motor vehicles or caravans to enter upon any such grass verge, garden or space; or

(*b*) entering upon any such garden.

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

(3) If any person (except in a case of emergency) contravenes a notice so posted he shall be liable to a fine not exceeding twenty pounds.

(4) Before exercising their powers under subsection (1) of this section in relation to any grass verge, garden or space provided by a housing association, the local authority shall consult the association.

(5) The powers of this section shall not be exercisable in relation to any grass verge, garden or space which forms part of a highway maintainable at the public expense.

PART V

HIGHWAYS AND STREETS

Application of code of 1892 to parts of public streets.

47.—(1) Where in any district it appears to the street works authority that a new street not being a street maintainable at the public expense has been formed by reason of additions made to an existing footpath, bridleway or other highway maintainable at the public expense (not being or comprising a carriageway within the meaning of the Act of 1959), otherwise than by the giving up for the purpose by the street works authority of lands owned by them, the street works authority may, notwithstanding anything in the code of 1892, carry out street works in respect of such street, or any part of such street and apportion the expenses thereof on the premises fronting, adjoining or abutting on such street, or such part thereof as if no part of the said street was so maintainable.

(2) Save in a case falling within the provisions of subsection (1) of this section, for the purposes of any apportionment of the expenses of carrying out street works in part of a street where any other part of that street consists of a highway maintainable at the public expense, premises fronting, adjoining or abutting on the street shall, if the street works authority so resolve, be deemed to front, adjoin or abut on the part of the street which is not so maintainable.

1925 c. 71.

(3) Where, in consequence of any order or orders made under sections 30 or 32 of the Public Health Act 1925, or sections 159 or 166 of the Act of 1959, any lands have been or are added to an existing highway maintainable at the public expense in any district, such lands, if so resolved by the street works authority, shall for the purposes of the code of 1892 be deemed to be a street which is not maintainable at the public expense and the street works authority may apportion the whole or any portion of the expenses of any street works carried out in respect of such street, or any part of such street, on the premises of which such lands formed part immediately before their addition to the highway as aforesaid:

Provided that such expenses shall not include any expenses which under subsection (4) of section 163 of the Act of 1959 are to be borne by the street works authority.

Recovery of street works charges where owner unknown.

48.—(1) Where any street works in the county have been completed by a street works authority but they are unable to recover the amount due from the owner of any premises or otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot, after diligent inquiry, made when the said amount becomes due and at reasonable intervals thereafter, be found, the street works authority may, at any time after the expiration of twelve years from the date when the said

PART V —*cont.*

amount becomes due, apply to the county court and that court may, on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with, make an order vesting the said premises in the street works authority absolutely, and thereupon the street works authority may appropriate the said premises subject to, and in accordance with, the provisions of section 163 of the Act of 1933, as if the said premises were land which was not required for the purpose for which it was acquired.

(2) Where the county court makes an order under subsection (1) of this section the tribunal shall, for the purpose of determining the value of the said premises, nominate one of their members selected in accordance with subsection (6) of section 1 and section 3 of the Lands Tribunal Act 1949, and the member nominated shall determine the value accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof, and the street works authority shall thereupon pay into court a sum equal to the amount of such valuation, after deduction of the amount of the final apportionment in respect of the said premises, with interest thereon for a period of six years at the rate of 5 per cent. per annum, or at such other rate as may have been fixed by order of the Secretary of State under section 212 of the Act of 1959 together with all costs and expenses reasonably incurred by the street works authority.

1949 c. 42.

(3) Any payment into court under subsection (2) of this section shall be made in accordance with section 25 of the Compulsory Purchase Act 1965, and subsection (5) of section 9 of that Act shall apply to any such payment into court.

1965 c. 56.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the street works authority in addition to any existing rights, powers and remedies for the recovery of expenses and shall be exercisable by the street works authority in respect of all street works whether completed before or after the passing of this Act.

(5) In this and the last foregoing section " street works " and " street works authority " have the same respective meanings as in section 213 of the Act of 1959 and " the code of 1892 " has the same meaning as in section 173 of that Act.

Mixing of mortar in streets.

49.—(1) No person shall mix or deposit mortar or any like substance in any street in the county which is a highway maintainable at the public expense except upon a board or in a receptacle which will protect the street from such mortar or substance:

Provided that this section shall not apply to the mixing or deposit in any street of mortar or any like substance for the

PART V —*cont.*

purposes of making up, repairing, reinstating, altering or improving a street or any bridge over or under a street.

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

Restriction on buildings under footways.

50.—(1) After the passing of this Act, no part of any building (including the foundations) shall, except with the consent of the highway authority, be constructed so as to extend under the footway of any street in the county at a less depth than 6 feet below the surface of such footway.

(2) The giving of consent by the highway authority shall not relieve the owner or occupier of the building from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

(3) Any person aggrieved by the withholding of a consent under subsection (1) of this section may appeal to a magistrates' court.

(4) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

(5) Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as offices) by any statutory undertakers or railway, dock, canal or inland navigation undertakers in the exercise of their statutory powers.

Defacing of road surface, etc.

51.—(1) The highway authority may expunge or remove any picture, letter, sign or other mark painted or otherwise inscribed or affixed upon the surface of a highway or upon a tree, structure or works on or in a highway contrary to paragraph (*cc*) of subsection (1) of section 117 of the Act of 1959.

(2) The court by which a person is convicted of an offence under the said section 117 may, whether or not it imposes a fine, by order require him to pay to the highway authority any expenses incurred by them in re-erecting, restoring or reinstating a traffic sign, milestone or direction post pulled down, damaged or obliterated contrary to paragraph (*c*) of subsection (2) of the said section or incurred by them under subsection (1) of this section.

Licence to erect scaffolding.

52.—(1) Any person may in connection with any building operations or work of demolition, or in connection with the alteration, repair, maintenance or cleansing of the exterior of any building, erect or place or cause to be erected or placed any

caffolding obstruction or projection constituting an obstruction each of which is hereafter in this section referred to as " scaffolding "), in, upon or over any street in the county if he has previously obtained a licence from the highway authority and complies with such terms and conditions as may be laid down n the licence granted to him: PART V —*cont.*

Provided that the highway authority shall be entitled to refuse licence only on the grounds that the scaffolding would cause n avoidable or unreasonable obstruction of such street.

(2) Any scaffolding erected under a licence granted under this ection shall be sufficiently lighted during the hours of darkness:

Provided that this subsection shall not apply to a scaffolding projecting over the footway of a street but not over the carriage- way if no part thereof is less than 8 feet above the level of the ootway measured vertically and if the nearest part thereof to he carriageway is at least 1 foot 6 inches from the carriageway neasured horizontally.

(3) Any person offending against the provisions of this section r contravening the terms or conditions of any licence granted o him shall be liable for every such offence to a fine not exceeding wenty pounds and to a daily fine not exceeding two pounds.

(4) Any person aggrieved by the refusal of the highway authority o grant a licence under this section or by the terms and conditions aid down in any such licence may appeal to a magistrates' court.

(5) No licence shall be required under this section in respect of ny scaffolding erected or placed temporarily by a person acting n an emergency, or by the railways board for the purpose of onstructing, reconstructing or maintaining any works in the xercise of their statutory powers.

(6) Before the highway authority grant a licence under this ection in respect of a street along which a service of stage carriages r express carriages is operated or in respect of a street near to uch first-mentioned street, being a street which might be used y that service as a temporary diversion, the authority shall give o the holder of the road service licence under which that service authorised notice of their intention to do so, and before granting he licence shall take into consideration any representations which hat person may, within seven days after the giving of the notice, nake in writing to the authority.

Offences under sections 7 and 8 of Act of 1950.

53.—(1) Where the commission by undertakers of an offence n the county under subsection (2) or (4) of section 7 or sub- ection (3) of section 8 of the Act of 1950 is due to the act or efault of persons executing works for the undertakers as con- actors, those persons shall be guilty of the offence and may be

PART V —*cont.*

charged with and convicted of the offence by virtue of this sectio whether or not proceedings are taken against the undertakers.

(2) In this section " undertakers " has the meaning assigne to it by subsection (1) of section 39 of the Act of 1950.

Sale of food and articles on verges, etc.

54.—(1) No person (other than a person selling, offering o exposing for sale or depositing for sale any food, goods, provision articles or things at any market or fair for which a toll, stallage o rent is payable) shall use any shed, hut, shelter, booth, shop, sta or other erection whether on wheels or not or any vehicle or an container used with or without a stall on the verge or lay-by o any road to which this section applies or on any land adjacen to and within 15 yards of such verge, lay-by or road for th purpose of selling, offering, depositing or exposing for sale an food, goods, provisions, articles or things whatsoever other tha newspapers.

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

(3) (*a*) This section applies to roads in the county of any of th following descriptions:—

(i) all trunk roads and roads which are classified as principa roads by the Secretary of State under the Loca Government Act 1966;

1966 c. 42.

(ii) any other county road, or part of a county road, to whic the highway authority may by order apply this section.

(*b*) An order under this subsection shall not be made excep with the consent of the Secretary of State:

Provided that if no objections are duly made in accordance wit the provisions of this subsection or if any so made are withdraw the consent of the Secretary of State shall not be required an the order shall have effect without modification.

(*c*) Before making application for a consent under this sub section, the highway authority shall publish once at least in eac of two successive weeks in a local newspaper circulating in th locality in which the road is situated a notice stating the genera effect of the intended order, and stating that within a perio specified in the notice (not being less than twenty-eight days fro the first publication of the notice) any person may object to th application by sending notice of his objection and of the ground thereof to the Secretary of State and by sending a copy there to the highway authority.

PART V —*cont.*

(*d*) If, before the expiration of the period specified in the notice, any objection to the application is received by the Secretary of State from any person appearing to him to be affected, the Secretary of State shall, before consenting to the order, cause a local inquiry to be held and consider the report of the person who held the inquiry.

(*e*) The Secretary of State may, in consenting to any order submitted to him for his consent under this subsection, consent to it in the form in which it was submitted to him or with such modifications as he thinks fit, which may include exceptions or other modifications of any description but not additions.

(4) Nothing in this section shall apply to—

(*a*) any shed, hut, shelter, booth, shop, stall or other erection or any vehicle placed on private property by or with the consent of the owner of such property and with the permission of the highway authority;

(*b*) any building erected or work constructed with the consent of the Secretary of State in pursuance of section 194 of the Law of Property Act 1925 or of any other statutory provision or any scheme made pursuant to a statute; 1925 c. 20.

(*c*) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or land referred to in subsection (1) of this section;

(*d*) the sale of food, goods, provisions, articles or things from any premises used as a shop or as a petrol filling station pursuant to a permission granted or deemed to have been granted under the provisions of the Act of 1971, or any order or regulation made thereunder or in respect of which an enforcement notice cannot be served under section 87 of the Act of 1971 by virtue of subsection (3) of that section; or

(*e*) the sale by the occupier of land used for agriculture or horticulture, and from such land, of the produce thereof, unless in relation to any particular location on such land a magistrates' court on the complaint of the highway authority under section 43 of the Magistrates' Courts Act 1952 determines because the use thereof for the purpose of such sale would adversely affect the safety of persons using the adjoining road that the exemption conferred by this paragraph shall not apply to that location or that the said exemption shall not apply until any condition imposed by the court in relation to access to or facilities for the parking of the vehicles of persons likely to frequent the said location in connection with such sale has been complied with. 1952 c. 55.

PART V —*cont.*

(5) (*a*) In giving their permission under paragraph (*a*) of subsection (4) of this section the highway authority may attach thereto such terms and conditions as they think fit.

(*b*) Where an application is made to a highway authority for a permission under paragraph (*a*) of subsection (4) of this section then unless within twenty-eight days from the date of the receipt of the application the highway authority give notice to the applicant of their decision on the application the provisions of paragraph (*c*) of this subsection shall apply in relation to the application as if the highway authority had refused to grant the permission applied for.

(*c*) Any person aggrieved by the refusal of the highway authority to grant permission under paragraph (*a*) of subsection (4) of this section or by the terms and conditions attached thereto may appeal to a magistrates' court and on any such appeal the court may—

(i) if the appeal was against a refusal by order direct the highway authority to withdraw such refusal and to issue the permission for which application was made;

(ii) if the appeal was against the imposition of terms or conditions direct that the permission shall, as specified in the direction, have effect either unconditionally or subject to such modified terms and conditions as may be so specified.

(*d*) Any breach of any terms and conditions imposed by the highway authority under paragraph (*a*) of this subsection shall be deemed as regards liability to a fine equivalent to a contravention of the provisions of this section.

(6) In this section—

(*a*) the expression "container" includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

(*b*) the expression "private property" does not include common land or unenclosed moorland;

(*c*) the expression "vehicle" means a vehicle of any description drawn or propelled along roads whether by animal or mechanical power.

Prohibition of parking or camping on highway verges, etc.

55.—(1) (*a*) The appropriate authority may by order prohibit the placing and leaving of any vehicle, trailer, caravan or tent on the verge of or on unenclosed land adjacent to any part or parts of any trunk road or county road in the county.

(*b*) In this subsection "unenclosed land" means any waste land adjacent to and within 15 yards of the road and any common land or other unenclosed land of whatsoever description within that distance from the road.

PART V —*cont.*

(2) If any person contravenes the provisions of an order under his section, he shall be liable to a fine not exceeding twenty ounds.

(3) Where it is proposed to make an order under this section he appropriate authority shall have regard to the availability f—

(*a*) suitable parking facilities (whether on or off the road and whether provided by the appropriate authority or by some other person) for use as an alternative to those which before the making of the order have been lawfully used for that purpose; and

(*b*) public sanitary conveniences in convenient situations.

(4) (*a*) An order made under this section shall—

(i) take effect from such date as may be specified in that behalf in the order;

(ii) specify the road or roads and the unenclosed land to which it is to apply; and

(iii) specify the particular days and the particular hours between 9 o'clock in the evening and 9 o'clock in the morning during which the prohibition applies.

(*b*) An order made under this section may—

(i) specify exceptions other than those provided in sub-section (10) of this section in respect of which the prohibition is not to apply; and

(ii) at any time be altered or revoked by a subsequent order made in like manner.

(5) Before making any order under this section the appropriate uthority shall publish in one or more local newspapers circulating the area in which is situated the road or roads to which the rder applies a notice—

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

(*b*) specifying the offices of every local authority in whose district any part of the said area is situated where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and

(*c*) stating that, within the said period, any person may by notice to the Secretary of State object to the making of the order.

(6) The appropriate authority shall also publish a notice in e London Gazette stating that they are about to make an order nder this section naming the area in which is situated the road or oads to which the order will apply, specifying the offices of

PART V —*cont.*

every local authority in whose district any part of the said area i situated where a copy of the draft order may be inspected an giving the name and date of issue of a local newspaper in whic the notice explaining the general effect of the order will be found

(7) (*a*) If before the expiration of a period of twenty-eigh days from the first publication of the notice referred to i paragraph (*b*) of subsection (5) of this section or of twenty-fiv days from the publication of the notice in the London Gazette an objection to the making of the order to which the notic relates is duly made to the Secretary of State and the objection i not subsequently withdrawn, the order shall not take effect unt it is confirmed by the Secretary of State.

(*b*) Where the Secretary of State receives any objection to th making of an order he shall send to the appropriate authorit a copy of every such objection and the Secretary of State, afte considering every such objection and causing if he thinks fit local inquiry to be held, may confirm or refuse to confirm th order and, if he confirms it, may do so subject to such mod fications (if any) as he may think desirable.

(8) Where an order has been made and confirmed under thi section, the appropriate authority shall erect or cause to b erected on or near any road or land to which such an orde applies notices indicating the nature and extent of the prohibition imposed by the order.

(9) Notice of the prohibition contained in any order mad under this section shall be indicated by such traffic signs as ma be specified for the purpose in regulations made under sections 5 and 55 of the Act of 1967.

(10) (*a*) No order made under this section shall apply to th placing and leaving on a verge or land of—

(i) any vehicle, trailer, caravan or tent if it is not left for mor than two hours;

(ii) any vehicle, trailer, caravan or tent by or with th consent of the occupier of the land;

(iii) any vehicle, trailer or caravan placed and left because o or in connection with mechanical breakdown;

(iv) any vehicle, trailer, caravan or tent placed and le because of the illness of any person accompanying an such vehicle, trailer, caravan or tent;

(v) any vehicle when in use solely for the purpose of itinerar trading with the occupants of premises adjoining a verg or land;

(vi) any vehicle, trailer, caravan (not used for human habita tion) or tent used by any statutory undertakers i connection with or for the purposes of their under

takings or by the highway authority or the local authority in or in connection with the exercise of their statutory functions; PART V —*cont.*

(vii) any caravan stationed by a gipsy elsewhere than in an area designated under the provisions of section 12 of the Caravan Sites Act 1968; 1968 c. 52.

(viii) any caravan which is occupied by a travelling showman who is a member of the Showmen's Guild of Great Britain and who is travelling for the purpose of his business;

(ix) any vehicle, trailer or caravan resulting from, or to avoid, any accident or emergency.

(*b*) No order made under this section shall apply to any land on which tents or caravans are erected or placed in accordance with the terms of a licence granted under section 269 of the Act of 1936 or in accordance with the terms and conditions on which permission has been given for the development by the local planning authority under the provisions of the Act of 1971 or in respect of which a site licence is for the time being in force under Part I of the Caravan Sites and Control of Development Act 1960. 1960 c. 62.

(11) In this section—

" appropriate authority " means—

(*a*) in the case of a trunk road, with the consent of the Secretary of State, the authority who are for the time being acting as the agent of the Secretary of State, under the Act of 1959, with respect to that trunk road;

(*b*) in the case of a county road in the county, except a claimed county road, the Council;

(*c*) in the case of a claimed county road, the local authority for the district in which the highway is situate;

" gipsy " has the same meaning as in the Caravan Sites Act 1968;

" vehicle " means a vehicle of any description drawn or propelled whether by animal or mechanical power.

56.—(1) The highway authority for any highway maintainable at the public expense may enter into an agreement with the owner of any land which adjoins or lies near to any part of such highway which is no longer required for highway purposes for the disposal to him of that part of the said highway. **Disposal of land surplus to highway requirements.**

PART V —*cont.*

1961 c. 63.

(2) The provisions of subsections (2) to (7) of section 14 of the Highways (Miscellaneous Provisions) Act 1961 shall, with any necessary modifications, extend and apply to an agreement proposed to be entered into under this section and to land disposed of or to be disposed of in pursuance of an agreement under this section in like manner as those provisions apply to an agreement proposed to be entered into under the said section 14 and to land conveyed or to be conveyed in pursuance of an agreement under that section:

Provided that the notice to be published pursuant to subsection (2) (*a*) of the said section 14, as extended and applied by this section, shall state the general effect of the proposed agreement, the right of appeal conferred by subsection (3) of the said section 14 and the effect of subsection (3) of this section.

(3) If, within the period specified in subsection (2) of the said section 14, as extended and applied as aforesaid, notice of an objection to the proposed agreement is given to the highway authority by any person having an interest (other than the public right of way) in the land proposed to be disposed of in pursuance of the agreement or by a district council or a parish council in whose area the said land is situated, and is not withdrawn, the highway authority shall not enter into the agreement.

Extension to county of certain provisions of Act of 1959.

57. Subsection (4) of section 120 and subsection (5) of section 134 of the Act of 1959 shall apply and have effect as if in the said subsection (4) after the word "Somerset," there were inserted the words "West Sussex,".

PART VI

PUBLIC HEALTH

Refuse disposal.

58.—(1) Where plans of a building have been deposited with a local authority in pursuance of building regulations the local authority may, notwithstanding anything in section 64 of the Act of 1936, reject the plans if the local authority are not satisfied that they show that—

(*a*) the method of storage and facilities for the collection of refuse together with the related facilities to be provided are adequate; and

(*b*) adequate means of access from a highway to the place of storage of the refuse so as to facilitate the removal of refuse to the local authority refuse vehicles will be provided:

Provided that this section shall not apply to a private dwelling-house not forming part of a building comprising more than one dwelling-house within the same curtilage.

PART VI —*cont.*

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

(3) Any question arising under this section between the local authority and the person by or on whose behalf plans are deposited as to whether the method of storage and collection of refuse with the related facilities or the means of access shown on the plans are adequate may, on the application of that person, be determined by a magistrates' court.

Restriction on use of dustbins.

59.—(1) As from the 1st April, 1973, no person shall deposit in a dustbin or other receptacle for removal by, or on behalf of, a local authority (whether as house refuse or trade refuse) any corrosive substances or flammable liquids (whether in containers or not) whereby injury to the health of the employees of the local authority or their agents may be caused, unless he takes such steps as may be reasonably necessary to prevent danger from the container.

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

(3) (*a*) The Council shall before 28th February, 1973, cause public notice to be given of the general effect of the foregoing provisions of this section by advertisement in two or more local newspapers circulating in the county and otherwise in such manner as the Council think fit.

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

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

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

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

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

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

PART VI —*cont.*

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

PART VII

FIRE PROTECTION AND PUBLIC SAFETY

Oil-fired boilers.

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

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

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

(*c*) The confirming authority in respect of byelaws made under this section shall be the Secretary of State.

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

(*b*) If the local authority do not, within the prescribed period, notify the person by whom they were submitted of the rejection or passing of the said plans and specifications, they shall be deemed to have passed them.

(*c*) In this subsection the expression "the prescribed period" means five weeks from the submission of plans and specifications of any equipment under this subsection or such extended period (expiring not later than two months from the submission of the plans and specifications) as may before the expiration of the five weeks be agreed in writing between the person submitting the plans and specifications and the local authority.

PART VII —*cont.*

(4) If, in relation to the installation or placing of any oil-burning equipment in any building or on any land, the local authority are satisfied that proper arrangements will be made for preventing or reducing danger from fire, they may, on the application of the person proposing to install or place such equipment, approve the installation or the placing of the equipment notwithstanding that it may not comply with the appropriate specification for such equipment contained in the byelaws.

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

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

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

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

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

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

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

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

(7) In this section—

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

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

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

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

PART VII —*cont.*

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

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

(*b*) the installation of any oil-burning equipment in any building in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or

1968 c. 54.

(*c*) the installation by any statutory undertaker or the railways board, for the purposes of their respective undertakings, of any oil-burning equipment in or on any building or land, other than in houses or in buildings used as offices or showrooms not being, in the case of the railways board, buildings so used which form part of a railway station.

(9) The provisions of any byelaw made under this section shall not apply in relation to any premises constituting or forming part of a factory within the meaning of the Factories Act 1961 or to office premises, shop premises or railway premises within the meaning of the Offices, Shops and Railway Premises Act 1963 or premises which are deemed to be such premises for the purposes of that Act.

1961 c. 34.

1963 c. 41.

Consultation by local authorities with fire authority.

62.—(1) Subject to the provisions of this section, a local authority shall consult with the Council as the fire authority—

(*a*) before issuing a site licence, with or without conditions to which this paragraph applies or altering any such conditions attached to a site licence, or providing a site for caravans under the Caravan Sites and Control of Development Act 1960;

1960 c. 62.

(*b*) before approving under subsection (4) of section 61 (Oil-fired boilers) of this Act the installation or placing of equipment which does not comply with the appropriate specification contained in byelaws made under that section;

(*c*) before rejecting any plan in accordance with subsection (1) or (2) of section 63 (Building plans: access for fire brigade) of this Act;

(*d*) before approving particulars of the matters referred to in paragraphs (*a*) and (*b*) of subsection (1) of section 64 (Fire precautions in certain large buildings) of this Act;

(*e*) before passing any plans of a type referred to in section 66 (Underground parking places) of this Act.

PART VII —*cont.*

(2) Paragraph (*a*) of subsection (1) of this section applies to conditions for securing that proper measures are taken for preventing and detecting the outbreak of fire and that adequate means of fire fighting are provided and maintained, and consultation in respect of the matters specified in that paragraph shall only be required in relation to such measures for preventing and detecting the outbreak of fire and such means of fire fighting.

Building plans: access for fire brigade.

63.—(1) Subject to the provisions of subsection (3) of this section, where plans for the erection of a building are in accordance with building regulations deposited with a local authority, the local authority shall reject the plans if they show—

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

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

(2) Subject as aforesaid, where plans for the extension of a building are in accordance with building regulations deposited with a local authority, the local authority shall reject the plans if they show—

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

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

(3) This section shall not apply in relation to the erection or extension of a building in pursuance of a planning permission given under the Act of 1971 unless notice of the provisions of this section is endorsed on the planning permission so given.

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

PART VII —*cont.*

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

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

(7) This section shall not apply in respect of plans deposited for the erection of a private dwelling-house.

Fire precautions in certain large buildings.

64.—(1) No building of the warehouse class and no building used or intended to be used for the purpose of trade or manufacture shall be erected in the county of a cubic extent exceeding 250,000 cubic feet or extended to exceed that extent unless (in accordance with plans and particulars submitted in accordance with building regulations and approved for the purposes of this section by the local authority of the district in which the building is to be erected or is situate) it is—

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

(*b*) (if the local authority in all the circumstances think it necessary) fitted with automatic fire alarms and a fire extinguishing system or with either such alarms or such system to the satisfaction of the local authority:

Provided that—

(i) nothing in paragraph (*a*) of this subsection shall apply to a factory to which section 40 of the Factories Act 1961 applies, to buildings to which section 59 of the Act of 1936 applies, to premises to which the Offices, Shops and Railway Premises Act 1963 applies, to premises with respect to which a fire certificate is for the time being in force under the Fire Precautions Act 1971 or to premises to which building regulations imposing requirements as to the provision of means of escape in case of fire apply;

1961 c. 34.
1963 c. 41.
1971 c. 40.

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

PART VII —*cont.*

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

(*b*) A local authority at any time within the prescribed period irrespective of any decision under building regulations—

(i) may refuse to approve the particulars; or

(ii) may approve them subject to such conditions (if any) as they think fit.

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

Provided that if within the prescribed period the local authority fail to give such notice they shall be deemed to have approved the said particulars.

(*d*) In this subsection the expression " the prescribed period " means five weeks from the deposit of particulars under this subsection or such extended period (expiring not later than two months from the deposit of the particulars) as may before the expiration of the five weeks be agreed in writing between the person depositing the particulars and the local authority.

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

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

(4) All means of escape provided in any building to which this section applies under the requirements of paragraph (*a*) of subsection (1) of this section or under building regulations imposing requirements as to the provision of means of escape in case of fire, and any fire alarms and fire extinguishing systems provided or fitted, as the case may be, under the requirements of paragraph (*b*) of subsection (1) of this section, shall be properly maintained and kept free from obstruction.

PART VII —*cont.*

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

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

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

(6) Any person aggrieved by—

(*a*) a requirement of a local authority; or

(*b*) a refusal by a local authority to approve particulars; or

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

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

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

(*a*) in respect of which a licence under the Cinematograph Acts 1909 and 1952 or the Theatres Act 1968 is for the time being in force; or

1968 c. 54.

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

(*c*) in Group V (Shop) or Group VIII (Storage and general) in the table to regulation E2 of the Building Regulations 1972, which is divided by compartment walls or compartment floors, constructed in accordance with those regulations in such a manner that no division of the building is of a cubic extent exceeding 7,000 cubic metres.

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

(9) In this section "automatic fire alarm" means a device which, without manual intervention, originates an alarm of fire.

PART VII —*cont.*

Firemen's switches for luminous tube signs.

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

(2) As from the coming into operation of this section apparatus to which this section applies in the county shall be provided with a cut-off switch on the low-voltage side of the transformer, and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the Council may impose to secure that it shall be readily accessible to, and recognisable by, firemen.

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

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

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

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

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

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

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

PART VII —*cont.*

(8) If the owner or the occupier of any premises where apparatu to which this section applies is installed does not comply with subsection (2) of this section he shall be liable to a fine no exceeding twenty pounds and to a daily fine not exceeding two pounds.

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

(10) The provisions of this section shall not affect the require ments of the Electricity Supply Regulations 1937 or any regula tions that may be made under section 60 of the Electricity Act 1947, the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963.

1947 c. 54.
1961 c. 34.
1963 c. 41.

(11) This section shall not apply to apparatus installed on o in premises, or any part of premises, in respect of which a licenc under the Cinematograph Acts 1909 and 1952 or the Theatre Act 1968 is for the time being in force:

1968 c. 54.

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

(12) This section shall come into operation in the county a the expiration of a period of two months beginning with the dat on which this Act is passed.

(13) (*a*) The Council shall, as soon as may be after the passin of this Act, cause public notice to be given of the effect of th foregoing provisions of this section by advertisement in two o more newspapers circulating in the county, and otherwise in suc manner as the Council think fit.

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

(14) This section shall not apply to apparatus forming part o a lifting barrier installation at a railway level crossing.

Underground parking places.

66.—(1) Where plans of any proposed work deposited with local authority in pursuance of building regulations includ proposals for the construction, alteration or extension of a underground parking place or the alteration of a building fo use as an underground parking place the local authority ma notwithstanding anything in section 64 of the Act of 1936 rejec the plans unless there are put before them such proposals a

ppear to them to be satisfactory for preventing or reducing anger from fire being proposals relating to all or any of the llowing matters:—

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

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

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

(*d*) the emergency lighting system in connection with the underground parking place;

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

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

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

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

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

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

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

(*b*) whether the nature and situation of the work is such that, notwithstanding the absence of proposals for compliance with the said subsection, the plans ought not to be rejected; or

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

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

PART VII —*cont.*

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

(5) If any person on whom a notice has been served und subsection (4) of this section uses the underground parking pla or permits it to be used as an underground parking place witho giving effect to or securing the observance of any propos specified in the notice, he shall be liable to a fine not exceedi fifty pounds and to a daily fine not exceeding five pounds.

Further provision as to underground parking places.

67.—(1) Without prejudice to the provisions of section (Underground parking places) of this Act, the local authori may by notice to the owner or occupier of any undergrou parking place in the district which is first brought into use aft the passing of this Act require compliance with such conditio as to the use of the underground parking place as may be specifi in the notice for the purpose of preventing or reducing danger fro fire therein, and in the case of any underground parking place aforesaid in respect of which plans are not deposited with t local authority in pursuance of building regulations the loc authority may by notice to the owner or occupier thereof requi him to comply with such conditions as aforesaid and with su other conditions with regard to the matters specified in par graphs (*b*) to (*h*) of subsection (1) of the said section 66 as t local authority think fit.

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

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

(4) If so required by any such person the local authority sha deliver to him a certificate signed by their clerk stating the groun on which the local authority have made any requirement und this section, and where such person appeals to the Secretary State against such requirement the certificate shall be submitte

PART VII —*cont.*

by him to the Secretary of State at the same time that notice of appeal is given, or as soon as possible after the receipt by such person of the certificate.

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

Interpretation for purposes of last two foregoing sections.
1928 c. 32.

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

Powers of entry for authorised officers of fire brigade.

69.—(1) Any member of the fire brigade of the county who is duly authorised for the purpose shall, on producing some duly authenticated document showing his authority, have a right to enter at all reasonable times any building to which sections 61 (Oil-fired boilers), 64 (Fire precautions in certain large buildings), 66 (Underground parking places) and 67 (Further provision as to underground parking places) of this Act apply—

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

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise the Council or a local authority to take any action under those sections.

(2) Any member of the fire brigade of the county who is duly authorised for the purpose shall, on producing some duly authenticated document showing his authority, have a right to enter at all reasonable times the premises of any club in the county registered under the Licensing Act 1964, for the purpose of inspecting any matter affecting fire risks in the premises.

1964 c. 26.

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

PART VIII

FINANCE

Further power to raise money by bills.
1970 c. xlviii.

70.—(1) (*a*) In addition to the powers conferred upon the Council by section 3 (Power to raise money by bills) of the West Sussex County Council Act 1970, the Council may at the request of a local authority to which this section applies raise money by means of West Sussex County Council bills and shall lend such money to the local authority—

(i) for any purpose for which the local authority are authorised to borrow; or

(ii) in anticipation of the receipt of revenues for any purpose for which the revenues of the local authority may properly be applied:

Provided that the aggregate amount payable on bills issued under this section for the purpose of lending to the local authority current at any one time shall not (except by the amount payable on bills issued shortly before any other such bills fall due in order to pay off the last-mentioned bills) exceed one-fifth of the amount of so much of the gross rate income of that local authority for the then current financial year as is retained by the authority to meet liabilities falling to be discharged by the authority.

(*b*) The provisions of paragraphs (*a*) to (*f*), (*h*) and (*i*) of the said section 3 of the said Act of 1970 shall extend and apply to bills issued under this section in like manner as they apply to bills issued under the said section 3.

(*c*) The aggregate amount payable on bills issued under this section current at any time shall not be taken into account in calculating the aggregate amount referred to in paragraph (*g*) of the said section 3.

(*d*) Any money lent to a local authority by the Council under this section shall be repaid to the Council by the local authority on or before the respective dates on which the bills by which the money was raised fall due for repayment.

(2) This section applies to any local authority whose gross rate income in the financial year current at the date of the proposed exercise of the powers of this section is not less than three million pounds.

(3) In this section " gross rate income " means the gross rate income as used in the determination of the product of a rate of one penny in the pound under rules made pursuant to section 113 of the General Rate Act 1967, and " revenues " has the same meaning as in section 218 of the Act of 1933.

1967 c. 9.

PART IX

MISCELLANEOUS

Parking places in parks, etc.

71.—(1) For the purpose of providing a parking place under section 28 of the Act of 1967, a local authority may, with the consent of the Secretary of State, utilise any part of a park, pleasure ground or open space provided by them or under their management and control:

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

(2) In this section "open space" has the same meaning as in the Open Spaces Act 1906. 1906 c. 25.

Golf courses.

72.—(1) The Crawley Urban District Council (in this section referred to as "the authority") may within or outside their district provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

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

(3) The authority may either—

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

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

(4) The authority may—

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

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

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

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

PART IX —*cont.*

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

Saving for trusts, etc.

73. No power conferred upon a local authority by section 71 (Parking places in parks, etc.) or section 72 (Golf courses) of this Act shall be exercised in such a manner—

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

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

Touting, hawking, etc.

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

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

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

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

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (3) of this section.

(2) The prohibition imposed by paragraph (*b*) (i) of subsection (1) of this section shall not apply to—

(*a*) the sale or offering for sale by any person of newspapers and periodicals; or

(*b*) a sale or offering for sale to persons residing in, or employed or carrying on business at, premises in or adjoining a place to which this section applies.

(3) The prohibition imposed by paragraph (*b*) (ii) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication

PART IX —*cont.*

in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

(4) This section applies to any place—

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

(*b*) in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by a local authority or under their management and control; 1906 c. 25.

(*c*) on the seashore;

(*d*) in any street or part of a street to which this section applies by virtue of byelaws made by a local authority under this section.

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

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

(7) The provisions of this section shall not prevent any landowner, or any person with his consent, exercising any rights which he could have exercised if this section had not been enacted.

(8) In this section "public service vehicle" has the same meaning as in section 117 of the Act of 1960.

(9) The districts to which this section applies are the boroughs of Arundel and Worthing, the urban districts of Bognor Regis, Crawley, Littlehampton, Shoreham-by-Sea and Southwick and the following parishes:—

In the rural district of Chichester—

Climping, Earnley, East Wittering, Middleton-on-Sea, Pagham, Selsey and West Wittering;

In the rural district of Worthing—

East Preston, Ferring, Kingston, Lancing and Rustington.

As to use of computer equipment of Council.

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

PART IX —*cont.*

(2) Information obtained by any employee of the Council in th course of the provision of such services or facilities shall no without the consent of the person from whom it was obtaine be disclosed by that employee except for the purpose of performin his duties in relation to those services and facilities or in suc cases as may be required by law.

Repeal of certain provisions relating to the Norfolk Bridge, Shoreham-by-Sea.
1918 c. xli.
1927 c. lxvii.

76.—(1) Section 46 (Application of bridge revenue) an section 52 (County Council to keep accounts) of the West Susse County Council (Bridges) Act 1918 and section 89 (Amendmen of section 46 of the West Sussex County Council (Bridges) Ac 1918) of the Littlehampton Harbour and Arun Drainage Outfa Act 1927 are hereby repealed.

(2) Any money or investments forming part of any fun established by the Council under the enactments repealed by thi section shall be transferred to and form part of the county fund

As to removal of Arun Bridge, Littlehampton.

77.—(1) As soon as the new bridge has been completed and i opened for public traffic, the Council may, by order made b them and submitted to and confirmed by the Secretary of State extinguish the public right of way over the existing bridge.

(2) Before submitting any order made under this section t the Secretary of State for his confirmation, the Council shal publish a notice in one or more local newspapers circulating i the urban district of Littlehampton in each of two successive weeks stating the general effect of the order, and stating tha within a period specified in the notice (not being less than twenty eight days from the first publication of the notice) any person ma object to the confirmation of the order by sending notice of hi objection and of the grounds thereof to the Secretary of State and by sending a copy thereof to the Council. The Council shal not later than the date on which the notice is first published cause a copy of the notice to be displayed in a prominent position at each end of the existing bridge.

(3) If no objections are duly made, or if all so made are with drawn, the Secretary of State may, if he thinks fit, confirm the order with or without modifications.

(4) If any objection duly made is not withdrawn the Secretary of State shall, before confirming the order, cause a local inquiry to be held or afford to any person by whom any objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose.

(5) After considering the report of the person appointed to hold the inquiry or to hear objections, the Secretary of State may confirm the order with or without modifications:

Provided that if the Secretary of State is satisfied that hardship will be caused to a substantial number of persons by the removal

PART IX —*cont.*

of the existing bridge he shall not confirm the order until he is satisfied that provision has been made by the Council for suitable alternative facilities for pedestrians and cyclists to cross the river Arun between the points connected by the existing bridge.

(6) If the order is confirmed, the Council may, subject to any modification made by the Secretary of State, at any time after the order has come into operation take down and remove to the satisfaction of the Secretary of State for Trade and Industry the existing bridge, including such of the foundations, abutments and protective works in the river Arun as that Secretary of State may direct, and shall ensure so far as practicable that such taking down and removal shall not unnecessarily obstruct the navigable waterway of the said river, or otherwise interfere with or impede navigation.

(7) The Secretary of State shall have power to authorise the Council to carry out any works which may be necessary for the provision of such alternative facilities as are referred to in subsection (5) of this section without the Council being under any obligation to obtain any further consent, permission or authority from any other person or body which might otherwise be necessary under any enactment whether public general or local, or regulation having effect by virtue of any such enactment:

Provided that the provisions of section 303 of the Act of 1959 and of subsection (2) of section 3 of the Highways (Miscellaneous Provisions) Act 1961 shall apply to any works carried out by the Council under the provisions of this subsection as if such works were a bridge the construction of which is authorised by a scheme made and confirmed under the said section 3. 1961 c. 63.

(8) The provisions of section 28 (Lights on works during construction) of the Act of 1905 shall apply to the taking down and removal of the existing bridge as if such taking down and removal were referred to in the said section 28 in addition to the constructing, altering or extending of the existing bridge.

(9) On the taking down and removal of the existing bridge, the Council may sell the structure and materials thereof and apply the proceeds for any purpose for which capital money may properly be applied.

Prohibition on solicitation of children to sell or exchange articles at schools.

78.—(1) While any child is entering or leaving any school in the county, or is entering or leaving any yard or playground appurtenant to any such school, or is in any such yard or playground, no person shall solicit such child—

(*a*) to sell to such person any article or thing;

(*b*) to exchange with such person any article or thing for any other article or thing.

PART IX —*cont.*

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

(3) In this section—

"child" has the same meaning as in section 114 of the Education Act 1944;

1944 c. 31.

"article or thing" includes any animal, fish, bird or other living thing.

Disposal of lost property.

79.—(1) In this section the expression "lost property" means any property coming into the custody of the Council after being left on or in any premises occupied by the Council.

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

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

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

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

Council to be a trust corporation.

80.—(1) Where property is to be held on trust for the sole benefit of a person or persons to whom this section applies, the Council shall have power to act as a trust corporation as respects that trust for the purposes of the Law of Property Act 1925, the Settled Land Act 1925, the Trustee Act 1925, the Administration of Estates Act 1925, and the Supreme Court of Judicature (Consolidation) Act 1925.

1925 c. 20.
1925 c. 18.
1925 c. 19.
1925 c. 23.
1925 c. 49.

(2) This section applies to any child for the time being in the care of the Council under the provisions of any enactment and any person to whom paragraph (*a*) of subsection (1) of section 21

of the National Assistance Act 1948 applies and for whom the Council are responsible for providing accommodation in accordance with that section or would be responsible if care and attention were not otherwise provided by the Secretary of State or by an organisation referred to in section 30 of the said Act of 1948. PART IX —*cont.* 1948 c. 29.

PART X

GENERAL

Local inquiries.

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

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

(3) In this section "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946. 1946 c. 31.

Restriction on right to prosecute.

82. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Council or a local authority, or, in the case of an offence created by or under section 54 (Sale of food and articles on verges, etc.) or section 55 (Prohibition of parking or camping on highway verges, etc.) of this Act, a constable, as the case may be.

Liability of directors, etc.

83.—(1) Where an offence under any of the provisions of this Act mentioned in subsection (2) of this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence, and be liable to be proceeded against and punished accordingly.

(2) The provisions hereinbefore referred to are the following:—

Part IV	(Planning and amenities);
Part V	(Highways and streets);
Section 60	(Reduction of noise from the use of air-powered tools and compressors); and
Part VII	(Fire protection and public safety).

PART X —*cont.*

(3) In subsection (1) of this section " director " in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Appeals.

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

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

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

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

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

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

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

Application of general provisions of Act of 1936.

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

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part IV (Planning and amenities), Part V (Highways and streets) and Part VII (Fire protection and public safety) of this Act.

Protection of members and officers from personal liability.

1875 c. 55.

86. Section 265 of the Public Health Act 1875 (which affords protection to local authorities and their members and officers from personal liability) shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act, and as if references in that section to a member of a local authority included reference to a member of a committee or a sub-committee of the Council or of a local authority.

PART X —*cont.*

For protection of certain statutory undertakers.

87. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the appropriate authority and the undertakers concerned, apply and have effect:—

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

" apparatus " means mains, pipes or other apparatus and electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the undertakers and any telegraphic line belonging to or used by the Post Office and includes any works for the lodging therein of apparatus;

1882 c. 56.

" appropriate authority " means the Council, a local authority, parish council, a highway authority or any person acting with their consent, as the case may require;

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

" the undertakers " means the Central Electricity Generating Board, the Southern Electricity Board, the South Eastern Electricity Board, the Gas Council, the Southern Gas Board, the South Eastern Gas Board, the water undertakers and the Post Office or any of them as the case may be;

" the water undertakers " means any statutory water undertakers (within the meaning of that expression in the provisions of the Water Act 1945, other than those contained in Part II of that Act) whose limits of supply include any part of the county:

1945 c. 42.

(2) Nothing in any agreement entered into under subsection (1) of section 44 (Agreements with developers) of this Act shall prejudice or affect any powers exercisable by the undertakers, whether by agreement or otherwise, for the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus in any land or building to which the agreement relates or any obligations or rights of the undertakers in relation to the exercise of such powers:

(3) Nothing in section 46 (Verges, etc., of housing estates) of this Act shall affect the rights of the undertakers with respect to apparatus (including the placing of apparatus) in any grass verge, garden or space:

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

PART X —*cont.*

(4) (*a*) Before the appropriate authority determine to give any consent pursuant to section 50 (Restriction on buildings under footways) of this Act they shall give at least fourteen days' notice to any of the undertakers who appear to them to be concerned of the application therefor and any such consent, if granted, shall contain such reasonable conditions as may be required to secure that the owner or occupier of the building or the person to whom such consent is given shall comply with the reasonable requirements of any such undertakers for the protection of their apparatus or for securing access thereto;

(*b*) As soon as may be after the appropriate authority give consent under the said section 50 they shall give notice thereof to any such undertakers:

(5) Before the appropriate authority grant any licence under section 52 (Licence to erect scaffolding) of this Act they shall, except in case of emergency, give at least seven days' notice to any of the undertakers who appear to them to be concerned of their intention to do so and on granting any such licence shall attach thereto such conditions as any such undertakers may within the said period of seven days require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers for the protection of any apparatus or for securing access to such apparatus or operational land:

(6) Nothing in the following sections of this Act shall relieve the appropriate authority from liability for damage caused by the authority to any apparatus in the exercise of the powers of the said sections, and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any apparatus or operational land:—

Section 46 (Verges, etc., of housing estates);
Section 71 (Parking places in parks, etc.);
Section 72 (Golf courses):

(7) (*a*) Any difference which may arise between the appropriate authority and the undertakers under this section (other than a difference as to meaning or construction of this section) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other party;

(*b*) In determining any difference under this section the arbitrator shall have regard to any duty or obligation

PART X —*cont.*

which the undertakers may be under, in respect of any apparatus, and may, if he thinks fit, require the appropriate authority to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which apparatus is used.

Powers of Act to be cumulative.

88. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any enactment, law or custom, and, subject to any express provision in this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

Costs of Act.

89. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Council out of their county fund.

SCHEDULES

Section 33.

SCHEDULE 1

ENACTMENTS REPEALED

Act (1)	Section (2)	Extent of repeal (3)
The Act of 1927	3 (Interpretation)	The definitions of the following words and expressions:— "The elected representatives". "Trader". "The Arundel Corporation". "The East Preston Council". "The Commissioners of Sewers". "The constituent authorities".
	11 (Incorporation of Harbour Board)	The words "and elected".
	12 (Constitution of Harbour Board)	The whole section.
	13 (Appointment election and retirement of members)	The whole section.
	14 (Qualification of appointed members)	The whole section.
	15 (Nomination of candidates for election)	The whole section.
	16 (Provision for casual vacancies)	The whole section.
	17 (Evidence of appointment of appointed member)	The whole section.
	18 (Harbour Board may act notwithstanding vacancy)	The whole section.
	19 (As to persons appointed and elected as members)	The whole section.
	21 (Qualification of electors)	The whole section.
	22 (List of persons entitled to vote)	The whole section.
	23 (List to be published) ...	The whole section.
	24 (Revision of list)	The whole section.
	25 (Claims and objections on revision)	The whole section.
	26 (Clerk to correct list) ...	The whole section.
	27 (Clerk to sign list)	The whole section.
	28 (Production of books etc.)	The whole section.
	29 (Evidence of revised list) ...	The whole section.
	30 (Continuance of revised list)	The whole section.
	31 (Revised list to be copied and published)	The whole section.
	32 (Election of members)	The whole section.

SCH. 1 —*cont.*

Act (1)	Section (2)	Extent of repeal (3)
The Act of 1927 (*continued*).	Part VIII (Accounts and Audit)	The whole Part.
	Part IX (Financial)	The whole Part.
The West Sussex County Council Act 1946	14 (As to working balance of Littlehampton Harbour Board)	The whole section.

1946 c. xliii.

SCHEDULE 2

Section 45.

ENACTMENTS REFERRED TO IN SECTION 45 OF THIS ACT

Land Drainage Act 1930.	1930 c. 44.
Act of 1936.	
Shops Act 1950.	1950 c. 28.
Caravan Sites and Control of Development Act 1960.	1960 c. 62.
Land Drainage Act 1961.	1961 c. 48.

SCHEDULE 3

Section 85.

SECTIONS OF ACT OF 1936 APPLIED

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283	Notices to be in writing; forms of notices &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.

SCH. 3
—cont.

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SECTIONS APPLIED TO Parts IV, V AND VII

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

1925 c. 22.

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West Sussex County Council Act 1972

CHAPTER 1

ARRANGEMENT OF SECTIONS

PART I

Section

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6. Reconstitution of harbour board.
7. Present members of harbour board to continue in office until appointed day.
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10. Vacation of office by failure to attend meetings.
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12. Outgoing members eligible for re-election.

Section

13. Occasional vacancies.
14. Appointment of members to be certified to harbour board.
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23. Division of existing funds.
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25. Application of Act of 1933 to borrowing of money by harbour board.
26. Mode of borrowing by harbour board.
27. Power for Council to lend money to harbour board.
28. Payment of contributions by the two Councils.
29. Accounts.
30. Annual accounts to be sent to Secretary of State.
31. Inspection and audit.
32. Winding up of pilots' superannuation fund.
33. Repeals.
34. Saving for powers of Treasury.
35. Citation.

PART III

LANDS

36. Compensation may be in land.
37. Power as to re-housing.
38. Compulsory acquisition of easements.
39. Entry on land for certain purposes.
40. Disposal of land.
41. Undertakings and agreements binding successive owners.
42. Covenants or restrictions affecting certain land.
43. Application to local authorities of provisions of Part III.

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45. Power to require information as to ownership of premises.
46. Verges, etc., of housing estates.

PART V

HIGHWAYS AND STREETS

47. Application of code of 1892 to parts of public streets.
48. Recovery of street works charges where owner unknown.
49. Mixing of mortar in streets.
50. Restriction on buildings under footways.
51. Defacing of road surface, etc.
52. Licence to erect scaffolding.
53. Offences under sections 7 and 8 of Act of 1950.
54. Sale of food and articles on verges, etc.
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57. Extension to county of certain provisions of Act of 1959.

PART VI

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58. Refuse disposal.
59. Restriction on use of dustbins.
60. Reduction of noise from the use of air-powered tools and compressors.

PART VII

FIRE PROTECTION AND PUBLIC SAFETY

61. Oil-fired boilers.
62. Consultation by local authorities with fire authority.
63. Building plans: access for fire brigade.
64. Fire precautions in certain large buildings.
65. Firemen's switches for luminous tube signs.
66. Underground parking places.
67. Further provision as to underground parking places.
68. Interpretation for purposes of last two foregoing sections.
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70. Further power to raise money by bills.

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Section
71. Parking places in parks, etc.
72. Golf courses.
73. Saving for trusts, etc.
74. Touting, hawking, etc.
75. As to use of computer equipment of Council.
76. Repeal of certain provisions relating to the Norfolk Bridge, Shoreham-by-Sea.
77. As to removal of Arun Bridge, Littlehampton.
78. Prohibition on solicitation of children to sell or exchange articles at schools.
79. Disposal of lost property.
80. Council to be a trust corporation.

PART X

GENERAL

81. Local inquiries.
82. Restriction on right to prosecute.
83. Liability of directors, etc.
84. Appeals.
85. Application of general provisions of Act of 1936.
86. Protection of members and officers from personal liability.
87. For protection of certain statutory undertakers.
88. Powers of Act to be cumulative.
89. Costs of Act.

SCHEDULES:

Schedule 1—Enactments repealed.
Schedule 2—Enactments referred to in section 45 of this Act.
Schedule 3—Sections of Act of 1936 applied—
Part I—Sections applied generally.
Part II—Sections applied to Parts IV, V and VII.