

York Corporation Act 1969

CHAPTER xxxviii

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ELIZABETH II



1969 CHAPTER xxxviii

An Act to confer further powers upon the lord mayor, aldermen and citizens of the city and county of the city of York in relation to lands and streets; to make further provision in reference to the improvement, health, local government and finances of the city; and for other purposes. [25th July 1969]

WHEREAS—

(1) The city of York and county of the same city (hereinafter called "the city") is a county borough under the management of the local government of the lord mayor, aldermen and citizens of the city (hereinafter called "the Corporation"):

(2) It is expedient to make further provision in relation to the improvement, local government and improvement of the city:

(3) It is expedient to make further provision in regard to the finances of the city:

1957 c. 56.

(4) By virtue of subsection (3) of section [illegible] Act 1957, the Corporation are empowered [illegible] their tenants such rebates from rent, [illegible] conditions, as they may think fit and it [illegible] Corporation should be empowered to make [illegible] behalf of certain other tenants in respect of [illegible] this Act:

(5) It is expedient that the other provisions [illegible] Act be enacted:

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

1933 c. 51.

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

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the York Corporation Act 1961.

Division of Act into Parts.

2. This Act is divided into Parts as follows:

Part I.—Preliminary.
Part II.—Ouse and Foss.
Part III.—Streets.
Part IV.—Lands and buildings.
Part V.—Cultural activities.
Part VI.—Public order.
Part VII.—Finance.
Part VIII.—Rent rebates.
Part IX.—Miscellaneous.
Part X.—General.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Act of 1933 have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

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

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

1936 c. 49.

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

PART I —*cont.*

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

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

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

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

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

"the council" means the council of the city;

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

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

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

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

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

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

"the railways board" means the British Railways Board;

"the river" means the river Ouse;

"statutory undertakers" means any company, body or person authorised by an Act of Parliament or order having the force of an Act to supply electricity, gas or water;

"the town clerk", "the medical officer", "the treasurer" and "the public health inspector" mean respectively the town clerk, the medical officer, the treasurer and any public health inspector of the city.

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

PART II
OUSE AND FOSS

Interpretation of Part II of Act.

3. In this Part of this Act, unless the subject or the context otherwise requires—

"the bridge" means the bridge authorised by section 26 (Council may construct works according to deposited plans) of the York (Skeldergate Bridge) Improvement Act 1875; 1875 c. lxii.

PART II —*cont.*

"the Foss navigation" means that part of the river Foss in the city which lies between the junction of the river with the river and a point on the river about 200 yards above the York Union Workhouse referred to in section VII (Corporation may discontinue navigation above York Union Workhouse) of the York Improvement (Foss Abandonment) Act 1859,

1859 c. xix.

"the Ouse navigation" means that part of the river in the county of York which lies between a point on the river 2 miles below Linton-on-Ouse and a straight line drawn across the river at a distance 100 yards below and parallel to the south side of the bridge known as "Skelton" or "Hook" Railway Bridge being a bridge constructed under the authority of the North Eastern Railway Company's (Hull and Doncaster Branch) Act 1863 carrying the Hull and Doncaster Branch of the North Eastern Railway across the river from the township of Skelton in the West Riding of the county of York to the township of Hook in the West Riding of the said county;

1863 c. ccxxxviii.

"summer level" means 16.25 feet above ordnance datum;

Maintenance of bridge and approaches.

5.—(1) The Corporation may maintain the bridge and shall cease to be under an obligation to maintain the bridge for the passage of ships and other vessels and the approaches to the bridge.

(2) The bridge and the approaches thereto shall be vested in the Corporation.

Capstans and mooring-posts to be erected near bridge.

6. It shall be lawful for the Corporation to set up proper capstans and mooring-posts to the distance of 100 yards well above as below the bridge, for the purpose of ships passing through the arch or opening thereof, and to prevent the piers from being driven thereon or injured thereby, and from time to time to repair and keep in repair such capstans and mooring-posts and as occasion shall require to set up and erect new capstans and mooring-posts in lieu of such as shall become damaged, decayed or useless.

Incidental works.

7.—(1) For the purposes of section 5 (Maintenance of bridge and approaches) of this Act, the Corporation may from time to time dig, pile and make proper foundations in the river and lands on each side thereof, and make dams in the river for the maintaining and repairing of the bridge, and cut, remove and secure the banks of the river, and cut, remove, destroy and carry away all trees, roots of trees, beds of gravel, stones and other impediments, and execute all other works which shall be convenient for maintaining and repairing the bridge and the approaches to communicate therewith respectively.

PART II *cont.*

the river, doing as little damage as may be, and making equitable compensation in that behalf to all parties interested.

(2) Before exercising the powers of the foregoing subsection, the Corporation shall (except in the case of an emergency)—

(*a*) in two successive weeks cause to be published in one or more local newspapers circulating in the city a notice indicating the nature of their intention and naming a place within the city where further information may be obtained, the first such notice to be not less than three weeks before the work is to be commenced;

(*b*) on or before the date of the first publication of the said notice serve a copy of that notice by registered post or the recorded delivery service on the Yorkshire Ouse and Hull River Authority.

(3) The Corporation shall not exercise the powers of subsection (1) of this section without the approval of the Yorkshire Ouse and Hull River Authority which shall not unreasonably be withheld and any question whether such consent has unreasonably been withheld shall be determined by an arbitrator appointed by agreement between the parties or, in default of agreement, by the President of the Institute of Civil Engineers on the application of either party after giving notice in writing to the other party.

Abatement of works abandoned or decayed

(1) If the bridge is abandoned, or suffered to fall into decay, the Minister of Transport may by notice in writing require the Corporation at their own expense either to repair and restore the bridge or any part thereof, or to remove it and restore the site thereof to its former condition, to such an extent and within such time as the Minister of Transport thinks proper.

(2) If the bridge is abandoned or suffered to fall into decay and part of the bridge on or over land above summer level is in such a condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public use over the foreshore, the Minister of Transport may include that part of the work, or any portion thereof, in any notice under this section.

(3) If on the expiration of six months from the date when a notice under this section is served upon the Corporation they have failed to comply with the requirements of the notice the Minister of Transport may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Corporation as a simple contract debt.

Byelaws relating to the bridge.

The Corporation may make byelaws—

(*a*) for preventing injury and damage to the bridge;

(*b*) for regulating the conduct of all persons using the bridge;

PART II —*cont.*

(*c*) for regulating the traffic along and over the bridge and also for regulating the use of the bridge and prohibiting the use thereof in certain cases and by certain engines, carriages, vehicles and animals or other classes of traffic and for ensuring that road traffic shall not be unreasonably delayed;

(*d*) for regulating navigation under the bridge;

(*e*) for prohibiting the conveyance upon the bridge of any goods which may, in the opinion of the Corporation, be injurious to or prejudicially affect the bridge or the same or the traffic to be carried thereon or endanger the safety of the bridge or the persons or property carried or traffic carried thereon;

(*f*) generally for regulating and controlling the use of the bridge.

Vesting of bridges.

10.—(1) The Corporation and the council of the North Riding of the county of York (in this section referred to as "the county council") may agree, in respect of any of the bridges to which this section applies, that such bridge shall vest in the county council subject to any terms and conditions which may be agreed and thereupon the bridge shall vest in the county council and shall be maintainable by them and the highway over the bridge shall be adopted and maintained by them at the public expense as a highway so maintainable within the meaning of the Act of 1959.

(2) The bridges to which this section applies are the bridges in the rural district of Flaxton in the said North Riding the repair of which is referred to in section VII (Corporation to continue Navigation above York Union Workhouse Bridge) of the Improvement (Foss Abandonment) Act 1859 and known as

1859 c. xix.

(*a*) the Huntingdon Church Lane Bridge;

(*b*) the Strensall New Bridge; and

(*c*) the Towthorpe Bridge.

Power to transfer navigation.

11.—(1) The Corporation shall have power in their capacity and as trustees of the Ouse navigation—

(*a*) to enter into agreements with any body to which this section applies for the maintenance by that body of the navigation or part thereof;

(*b*) by agreement with any such body, to transfer the navigation or part thereof together with any of the obligations (whether statutory or otherwise) of the Corporation in respect thereof.

(2) The bodies to which this section applies are the British Waterways Board and any body having all such powers as are required to enable it to enter into and carry out such an agreement as aforesaid or as are required to be exercised in consequence of any such transfer as is mentioned in subsection (1) of this section.

PART II —*cont.*

(3) Any agreement under this section whereby the navigation or part thereof is to be maintained by, or transferred to, a body to which this section applies may include provision for securing that the body in question makes the navigation or part available for public use.

(4) In this section " the navigation " means the Ouse navigation and the Foss navigation or either of them as the case may be.

Charges for use of river Ouse.

1962 c. 46.

1726 c. xxxiii.

12. For the avoidance of doubt it is hereby declared that paragraph (*b*) of subsection (1) and subsections (2), (3), (5), (6) and (8) of section 43 of the Transport Act 1962 apply to the Corporation as trustees of the Ouse navigation as they apply to independent inland waterway undertakings as defined in subsection (4) of section 52 of that Act, subject to the provisions of an Act of the thirteenth year of the reign of His Majesty King George the First, intituled " An Act for improving the Navigation of the River Ouze, in the County of York ".

Saving for Town and Country Planning Acts.

13. The provisions of the Town and Country Planning Acts 1962 to 1968, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land, notwithstanding that the development of it is or may be authorised or regulated by or under this Part of this Act.

PART III
STREETS

Awnings.

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

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

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

shall be liable to a fine not exceeding twenty pounds.

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

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

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

PART III —*cont.*

(4) In this section—

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

"traffic sign" has the meaning assigned to it by section 64 of the Road Traffic Regulation Act 1967.

1967 c. 76.

Trees, grass verges and gardens.

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

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

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

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

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

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

(*f*) by notice to prohibit persons from driving upon or causing or permitting horses, cattle or other animals to be driven upon, any grass verge laid out under this section or maintained in an ornamental condition or any of the flowers in gardens so laid out;

(*g*) by notice to prohibit the playing of any game specified to in the notice on any such grass verge or garden, such game being a game which is likely to cause damage thereto.

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

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

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

PART III —*cont.*

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

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

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

(8) Where the Corporation carry out works under any enactment relating to private street works, they may, with the consent of the owners of premises fronting, adjoining or abutting on the part of the street in which the works are carried out, exercise the powers conferred by this section in that part; and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works. The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Prohibition of vehicles on grass verges, gardens, etc.

16.—(1) The Corporation may by notice prohibit persons from causing or permitting mechanically propelled vehicles to enter upon any land to which this section applies:

Provided that any such notice shall not apply to—

(a) the owner or occupier of or any person residing in any premises fronting or abutting on any such land causing or permitting any such vehicle to enter or leave those premises; or

(b) the temporary crossing of land to which this section applies during building operations if means satisfactory to the Corporation be taken to protect such land from injury and for the convenience of pedestrians; or

(c) the temporary use of any vehicle on land to which this section applies by statutory undertakers or the railways board in the exercise of the rights of such undertakers with respect to any apparatus (including the placing of apparatus).

(2) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the land to which it relates and if any person contravenes a notice so posted

PART III —*cont.*

(except in a case of emergency) he shall be liable to a fine not exceeding twenty pounds in addition to the amount of damage (if any) thereby caused to such grass verge or garden.

(3) This section applies to—

(*a*) any grass verge laid out in any street in the city;

(*b*) any recreation ground, garden or open space belonging to or maintained by the Corporation;

and maintained by the Corporation but does not include any grass verge or garden laid out under section [illegible] (grass verges and gardens) of this Act and maintained in its original condition or mown.

Sale of food and articles on verges, etc.

17.—(1) No person (other than a person selling or exposing for sale or depositing for sale any food, goods, articles or things at any market or fair for which a toll or rent is payable) shall provide, erect, place or use any hut, shelter, booth, shop, stall or other erection whether fixed or not or any vehicle or any container used with or as a stall on the verge of any road to which this section applies or on any common land or unenclosed land of any description adjacent to and within 15 yards of a road to which this section applies, for the purpose of selling, offering for sale or exposing for sale any food, goods, provisions, articles or things whatsoever other than newspapers.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding twenty pounds and, in the case of a continuing offence, to a further fine not exceeding two pounds.

(3) (*a*) This section applies to—

(i) such parts of the classified roads A.19, A.59, A.64, A.1079, B.1224 and B.1363 as are in the city and such other roads in the city leading from Tower Street to the said classified road at York Castle and the said classified roads;

(ii) any other road or part of a road in the city which the council may by order apply this section to.

(*b*) Before making an order under this subsection the corporation shall cause to be published once in each of two successive weeks in a local newspaper circulating in the city a notice stating the general effect of the intended order and stating that during a period specified in the notice (not being less than twenty-one days from the first publication of the notice) any person may object to the application by sending notice of his objection and of the grounds thereof to the town clerk.

(*c*) If, before the expiration of the period specified in the notice any objection to the application is received by the town clerk the council shall consider any such objection before making the order.

PART III *—cont.*

(4) Nothing in this section shall apply to -

(a) any shed, hut, shelter, booth, shop, stall or other erection or any vehicle or container provided, erected or placed on private property by or with the consent of the owner of such property;

(b) any building erected or work constructed with the consent of the Minister 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; or 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 road, verge, common land or other land to which this section applies.

(5) 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;

(c) the expression "vehicle" means a vehicle of any description, whether drawn or propelled by mechanical power or not.

Decorations in streets.

18.—(1) The Corporation may, on the occasion of any public rejoicing, cause flag-poles and pylons to be erected in any street in the city for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street.

(2) If any person wilfully removes or damages a flag-pole, pylon, socket or slot erected or provided under this section, he shall be liable to a fine not exceeding twenty pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport.

Closing of certain lands for special purposes.

19.—(1) For the purposes of pageants, regattas, processions, or other special purposes the Corporation may, subject to the provisions of this section, for such time or times as they think close to the public or restrict public access to any part or parts of any street to which this section applies or to any part in the city on the banks of the river and erect seats, stands and structures thereon and demand and take or permit to be demanded and taken such reasonable sums as they think fit for the exclusive use of the part of the street or bank of the river so closed or any portion thereof or for admission of persons thereto and exclude therefrom any person who does not pay the reasonable sum demanded:

PART III —*cont.*

Provided that—

(*a*) the Corporation shall not close any ... nor any part of the banks of the river ... to the public for more than fourteen d... year;

(*b*) notwithstanding the provisions of this ... be reserved to the railways board at ... of access with men, materials and ... banks of the river for the purpose of ... necessary emergency works to the b... railway over the river;

(*c*) the Corporation shall not exercise the ... section so as to deprive any person b... from any house or premises abutting ... streets to which this section applies of ... to or egress from such house or premises ... as may be necessary in the interests of ... any sum for the admission of such ... street;

(*d*) the Corporation shall not exercise the ... section so as to prevent the use by vehicles ... street to which this section applies upon ... of stage carriages or express carriages ... not less than forty-eight hours' previous ... to the traffic commissioners and to the ... road service licence under which that service ... and shall whenever possible consult with ... as to the exercise of such powers.

(2) The streets to which this section applies ... streets in the city: Duncombe Place, Parliament Street ... Square and Exhibition Square.

(3) The exercise by the Corporation of the ... section in relation to any street or the banks of ... not prejudice or affect any right of the Postmaster ... case of emergency—

(*a*) to maintain, inspect, repair, renew ... telegraphic line (within the meaning of ... Act 1878) belonging to or used by him ... the time being be under, in, upon, over ... that street or the banks of the river; or

1878 c. 76.

(*b*) for the purpose of such maintenance, inspection, renewal or removal to enter upon or break up ... street or the banks of the river:

Provided that such right shall, so far as is reasonably ... be exercised when the street or that part of the ... river is not in active use for any of the purposes

PART III *cont.*

subsection (1) of this section and the exercise of any such right of the Postmaster General shall be carried out as expeditiously as possible so as to cause the minimum interference with such use for that purpose.

Regulation of placing of things in footpaths.

20.—(1) The Corporation may and any person who occupies premises adjoining or comprising any part of a footpath may, with the consent of the Corporation, place and maintain in or over that part of the footpath tables, chairs, show-cases, decorative features or other things for the use, convenience or entertainment of the public.

(2) Any consent given by the Corporation under this section may be given subject to such conditions as they think fit, including conditions as to—

(*a*) the positions in the footpath in which any such things may be placed;

(*b*) the time during which anything so placed in a footpath shall be allowed to remain there;

(*c*) the nature or design of the thing to be placed in the footpath and the steps to be taken to avoid risk of injury or inconvenience to members of the public and to prevent injury to amenity; and

(*d*) payment or other consideration.

(3) The Corporation may withdraw any consent given under this section or may from time to time vary or add to any conditions subject to which a consent has been given.

(4) If a person contravenes any condition subject to which a consent has been given under this section the Corporation may require him to remove the things in respect of which that consent was given, and if within twenty-four hours he fails to do so, they may themselves remove such things and recover the expenses reasonably incurred by them in so doing from the person in default.

(5) In this section "footpath" has the meaning assigned to it by section 295 of the Act of 1959.

Animals on roads.

21.—(1) As from the appointed day, no person shall lead or drive animals along such streets in the city as may be specified in byelaws made by the Corporation under this section:

Provided that such prohibition shall not prevent an owner of any animal or his agent from leading or driving the same to his own premises.

(2) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

(3) In this section "animals" means cattle, sheep, pigs or goats.

PART IV

LANDS AND BUILDINGS

Suspension of restrictive covenants

22.—(1) If the Corporation—

(*a*) acquire land by agreement; or

(*b*) enter into an agreement to acquire land; or

(*c*) have acquired land by agreement before this Act; or

(*d*) appropriate (whether before or after the Act) land previously acquired by agreement

for a purpose for which they are for the time being any enactment for the time being in force be authorised the land compulsorily and the land is affected by arising under covenant or otherwise (other than imposed by any enactment) as to the user thereof thereon the council may, subject to the provisions by resolution suspend the operation of such restriction

(2) The resolution shall describe by reference land to which it applies.

(3) The Corporation shall—

(*a*) in three successive weeks cause to be published newspaper circulating in the locality in which referred to in the resolution is situated a that the resolution has been passed, describing and naming a place in the locality where the resolution and map may be inspected at all time, not being less than three months from publication of the notice, within which objections in which objections to the suspension of the can be made;

(*b*) on or before the date of the first publication notice serve a copy of the said notice by post or the recorded delivery service on every person appears to them, after diligent inquiry, to the benefit of the restriction to which the relates; and

(*c*) on or before the date of the first publication notice affix a copy or copies of the said notice conspicuous object or objects on the land to resolution relates.

(4) Any person claiming to be entitled to the benefit restriction may object to the suspension of the restriction sending notice of his objection and of the grounds of appropriate Minister within the period specified in by sending a copy thereof to the Corporation.

PART IV —*cont.*

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (*a*) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Corporation acquire the land, whichever is the latest.

(*b*) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Corporation acquire the land.

(7) If in the opinion of the Corporation there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable the Corporation may —

(*a*) in three successive weeks cause to be published in one or more local newspapers circulating in the locality in which such land is situated a notice describing the land and stating generally the effect of this subsection and subsections (8) and (9) of this section and specifying the time not being less than three months from the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the land may intimate such claim to the Corporation and produce to them his documents of title in support of his claim;

(*b*) on or before the date of the first publication of the notice referred to in paragraph (*a*) of this subsection —

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who it appears to them after diligent inquiry may reasonably be expected to claim to be entitled to enforce a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to enforce a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his

PART IV —*cont.*

successors in title, be deemed to have been [illegible] foregoing provisions of this section, but without [illegible] claim for compensation under subsection (9) of [illegible]

(9) The Corporation shall pay compensation [illegible] with the provisions of section 10 of the Compul[illegible] Act 1965 to any person entitled to the benefit [illegible] suspended under the powers of this section wh[illegible] consequence thereof and the amount of such [illegible] be determined in case of dispute in accordance [illegible] Compensation Act 1961.

1965 c. 56.

1961 c. 33.

(10) Any restriction suspended under the po[illegible] shall be unenforceable so long as the Corporation [illegible] of the land affected by the restriction, or, if the [illegible] convey the land to any body for any of the pur[illegible] Education Acts 1944 to 1964, so long as the land is [illegible] body for the purpose of those Acts and, if compensation [illegible] by the Corporation under subsection (9) of this section [illegible] of the suspension of a restriction relating to the [illegible] or use of land, that restriction shall remain unen[illegible] respect of such building or use notwithstanding any [illegible] conveyance or disposition of the land to any other [illegible]

Provided that if such compensation is paid on the [illegible] land may be used for a particular purpose, the restriction [illegible] after any subsequent conveyance or disposition of the [illegible] person otherwise than for any of the purposes of the [illegible] Acts 1944 to 1964 remain unenforceable only so [illegible] land is used for that purpose.

(11) If the Corporation dispose of any land [illegible] restriction suspended under the powers of this section [illegible] in two successive weeks publish notice thereof in [illegible] local newspapers circulating in the locality in which [illegible] situated.

(12) Nothing in this section shall apply to any [illegible] the protection of or for preventing interference with [illegible] or for securing access to operational land (as defined [illegible] of the Town and Country Planning Act 1962) of [illegible] any statutory undertakers or the railways board [illegible] any deed, wayleave, agreement or other instrument [illegible]

1962 c. 38.

(13) Nothing in this section shall apply to any [illegible] the protection of or for preventing interference with [illegible] or for securing access to land used in the perfor[illegible] statutory functions or apparatus of the Yorkshire Ou[illegible] River Authority contained in any deed, wayleave [illegible] other instrument.

(14) For the purposes of this section any land [illegible] Guardians of the York Poor Law Union, the Bish[illegible] District Council, the Flaxton Rural District Coun[illegible]

Rural District Council, the Tadcaster Rural District Council, the Great Ouseburn Rural District Council or other the predecessors of the Corporation and vested in the Corporation at the passing of this Act shall be deemed to have been acquired by the Corporation. PART IV *cont.*

(15) In this section the expression "the appropriate Minister" means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Corporation have acquired or agreed to acquire or appropriated that land.

Undertakings and agreements binding successive owners.

23.—(1) Every undertaking given by or to the Corporation to or by the owner of a legal estate in land, and every agreement made between the Corporation 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 be binding, not only upon the Corporation and any owner joining in the undertaking or agreement, but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925, as amended by the Law of Property (Amendment) Act 1926. 1925 c. 22. 1926 c. 11.

(3) Any person upon whom such an undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

Land in the city to be exempt from registration under the Yorkshire Registries Act 1884.

24. Notwithstanding anything in any other enactment, as from the date of the passing of this Act section 4 of the Yorkshire Registries Act 1884 (which provides that assurances and wills affecting any lands within any of the three ridings of the county of York may be registered under that Act) shall not operate so as to apply to lands within the city. 1884 c. 54.

Power to Corporation to assist industry.

25. The Corporation may, if requested so to do by any person—

(1) who is the owner or lessee or intended owner or lessee of any land in the city; or

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

being in either case land upon which an industrial building is built or is intended to be built, extended or improved, carry out any work required in relation to the preparation or improvement

PART IV —*cont.*

of the site for that building or for the provision of services or facilities on which any trade or business is or is intended to be carried on in such building, and may make grants or loans towards the cost of such provision or improvement of such services or facilities:

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

Repair of damaged houses.

26.—(1) Where the Corporation are satisfied that it is necessary to execute urgent repairs to any house in the city damaged wholly or partly directly or indirectly from damage caused thereto by bombs, aerial devices or articles falling therefrom or by earthquakes or landslides the Corporation may at their own expense execute such emergency works of repair to the house as they consider necessary to render the house immediately fit for housing purposes.

(2) Before exercising their powers under this section the Corporation shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the house.

(3) In this section the expression "house" means a dwelling-house or part of a building which is occupied as a separate dwelling.

Boundary walls.

27.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished by the Corporation and there is exposed a wall of adjoining premises, the Corporation may—

(*a*) with the consent of the owner of those adjoining premises carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense of the owner, any works which they consider reasonably necessary or desirable for any of the following purposes, that is to say, for the purpose of—

(i) weatherproofing the surface of the wall; or

(ii) restoring or improving the appearance of the wall; or

(*b*) make such contribution, if any, as they think fit towards any expenses incurred by the owner of those adjoining premises in carrying out works for both of the purposes referred to in the last preceding paragraph:

Provided that where in the opinion of the Corporation the consent required for the carrying out of works proposed for the purposes mentioned in sub-paragraph (*a*) (i) of this subsection is unreasonably withheld, and the condition of the wall in question is, or unless such works are carried out will be, detrimental to the general appearance of the area,

PART IV *cont.*

adjoining premises are situate, they may apply to the magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) An officer or servant of the Corporation, or of their contractor, acting in pursuance of an order of the magistrates' court or of the court of quarter sessions made in pursuance of the foregoing provisions of this section, and after the giving of not less than twenty-four hours' notice to the occupier of the land on which the exposed wall is situated, may, at all reasonable times, and on producing, if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(3) Nothing in this section, nor the carrying out of any works hereunder, shall impose upon the owner of any such adjoining premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section.

Further power in relation to demolitions.

1961 c. 64.

28. Section 29 of the Public Health Act 1961 shall have effect in its application to the city as if after paragraph (*f*) of subsection (5) thereof there were added the following paragraph:—

"(*g*) to leave any surfaces of an adjacent building which are exposed by the demolition in such a condition that they are not detrimental to the area in which the adjoining premises are situate."

Caravans not to be parked on open spaces, etc.

29.—(1) The Corporation may by notice prohibit

(*a*) any person from causing or permitting a gipsy to station a caravan on any open space, waste land or other unenclosed land of any description; and

(*b*) any person being a gipsy from stationing a caravan—

(i) on any unoccupied open space, waste land or other unenclosed land of any description; or

(ii) on any occupied open space, waste land or other unenclosed land of any description without the consent of the occupier.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on, or in proximity to, the open space, waste land or other unenclosed land to which it

PART IV *—cont.*

(3) If any person (except in a case of emergency) contravenes a notice so posted he shall be liable to a fine not exceeding [illegible] pounds and to a daily fine not exceeding five pounds.

(4) The powers of this section shall not be exercisable in relation to any open space, waste land or other unenclosed land—

(*a*) which forms part of a highway maintainable at the public expense; or

(*b*) in respect of which the stationing of the caravan is in accordance with a planning permission which has been granted for such space or land.

(5) A notice under this section shall not prohibit the use of land as a caravan site in circumstances where a caravan site licence is not required under section 2 of the Act of 1960 by virtue of any of paragraphs 1 to 10 inclusive of Schedule 1 to that Act:

Provided that nothing in this subsection shall prevent the prohibition of the use as a caravan site of the lands in the city known as Micklegate Stray, Hobmoor, Walmgate Stray, Fishergate Stray and Bootham Stray.

(6) (*a*) The foregoing provisions of this section shall not come into operation when, and shall continue in operation only for so long as, the Corporation have provided to the satisfaction of the Minister pitches in the city for fifteen caravans for gipsies.

(*b*) This section shall cease to have effect twelve months after the coming into operation of Part II of the Act of 1968.

(7) In this section—

" the Act of 1960 " means the Caravan Sites and Control of Development Act 1960; 1960 c. 62.

" the Act of 1968 " means the Caravan Sites Act 1968; 1968 c. 52.

" caravan " has the meaning assigned to it by section 29 of the Act of 1960;

" gipsy " has the meaning assigned to it by section 16 of the Act of 1968.

Painting of buildings.

30.—(1) As from the appointed day no person, being the owner or occupier of premises within the city walls or within any area in the city designated by the council under section 1 of the Civic Amenities Act 1967 as a conservation area or included in a list of buildings of special architectural or historic interest compiled under section 32 of the Town and Country Planning Act 1962, shall without the consent of the council paint or permit to be painted the exterior of those premises. 1967 c. 69. 1962 c. 38.

PART IV *cont.*

) The council shall not withhold their consent under the oing subsection unless the colour, combination of colours attern is prejudicial to the amenities of the area or to the acter or appearance of the premises.

) Any person aggrieved by the refusal of the council to give consent under subsection (1) of this section may appeal to a strates' court.

) In this section the expression "exterior" in relation to ises means the external walls and roof and other external of those premises but does not include windows, window es, doors, door frames, guttering or fallpipes.

) If any person contravenes the provisions of subsection (1) his section he shall be liable to a fine not exceeding fifty nds.

PART V

CULTURAL ACTIVITIES

Publication of works of scholarship

1. The Corporation may publish or contribute to the publica- of any work of scholarship having reference to the city or its bourhood.

Disposal of specimens and works of art

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

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

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

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

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

PART V *cont.*

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

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

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

(*c*) any sum received by the Corporation in the exercise in respect of any object of the powers of this section shall, unless it exceeds fifty pounds and is subject to a trust the terms of which prevent its being used for the purchase of other objects, be paid into the art fund established by the Corporation under section 15 of the Public Libraries and Museums Act 1964.

1964 c. 75.

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

PART VI

PUBLIC ORDER

Entertainment clubs and coffee bars.

33.—(1) (*a*) In this section —

"coffee bar" means

(i) any premises which are kept open for the purpose of refreshment at any time between the hours of eleven o'clock in the evening and five o'clock in the morning, not being premises which are kept open wholly or mainly as an ancillary amenity for residents of a bona fide hotel, guest house or lodging house; or

(ii) any premises which are used by a club, organisation or body and which, if they were kept open for the refreshment of the public, would fall within sub-paragraph (i) of this definition;

"entertainment club" means a club, organisation or body which, in furtherance of the objects or purposes for which the club, organisation or body was formed, is used by the members thereof for the purpose of entertainment, dancing or the playing of games in premises, not being entertainment or dancing in respect of which a licence is required under the Private Places of Entertainment (Licensing) Act 1967;

1967 c. 19.

PART VI —*cont.*

registered" means registered with the Corporation under this section, and "registration" shall be construed accordingly;

"specified drug" means any substance which the council, with the approval of the Secretary of State, by resolution determine should, from a date to be specified in the resolution, be included among the drugs to which subsection (14) of this section applies;

"young person" means a person of not more than eighteen years of age.

For the purposes of this section premises shall be deemed to ept open for public refreshment at any time during which are being used for the sale of refreshments to the public her or not the public are allowed to be on the premises at the of sale.

For the purposes of a resolution relating to a specified the provisions of subsections (3) and (4) of section 72 (The ted day) of this Act shall (with any necessary modifications) to any such resolution and the day fixed thereby.

If, in the opinion of the Corporation, it becomes unnecessthat premises of any particular class or description should n subject to the provisions of this section, the council may olution determine that as from a date to be specified in the tion such class or description of premises shall be exempted the provisions of this section; and the provisions of subs (3) and (4) of the said section 72 shall (with any necessary fications) apply to any such resolution and the day fixed by:

vided that the Corporation may, after the day so fixed such resolution, apply to a magistrates' court for an order having regard to any relevant circumstances, any specified es exempted from the provisions of this section by such a tion should become subject to the provisions of this n, and, if the court so orders, those premises shall become to the provisions of this section from such date as may be ed by the court, being a date not earlier than one month the date of service upon the occupier of those premises opy of the order of the court.

Subject to the provisions of subsection (18) of this section, d after the appointed day—

(a) no premises in the city shall be used, whether occasionally or not—

(i) for the purposes of a coffee bar; or

(ii) by an entertainment club;

unless they are registered;

PART VI *—cont.*

(*b*) if the owner or occupier of any premises in the c... the premises for the purposes of a coffee ba... entertainment club or permits the premises to ... for either of those purposes he shall, unless the ... have been registered and the registration ... force, be liable to a fine not exceeding one ... pounds.

(5) The Corporation may refuse to register or ... registration of any premises for use for the purposes of ... bar or by an entertainment club if in the opinion ... Corporation—

(*a*) the premises are not suitable for the purpos... regard to their situation and to the character of ... properties; or

(*b*) the persons intended to be concerned with the co... the premises for the purposes of a coffee bar ... entertainment club (as the case may be) are ... young persons resorting thereto are likely to be ... or corrupted; or

(*c*) the premises are not safe for such use or the ... heating the premises are not safe; or

(*d*) the premises are not provided with satisfactory ... lighting, sanitation and ventilation; or

(*e*) adequate precautions against fire on the prem... not been taken; or

(*f*) satisfactory means of escape in case of fire and ... fire fighting appliances are not provided on the ... or

(*g*) the owner or occupier of the premises or any ... intended to be concerned in the organisation or ... ment of the coffee bar or the entertainment ... within the period of five years immediately ... the date of the application for registration or ... case may be, for renewal of registration, been ... of an offence under this section other than an ... under paragraph (*b*) of subsection (4).

(6) Registration shall, unless revoked, remain in force ... period not exceeding thirteen months as may be fixed ... Corporation at the time of registration.

(7) An application for registration or renewal of reg... shall be made in writing to the Corporation by the ... occupier of the premises to which the application relates ... such application shall state—

(*a*) the address or situation of the premises to w... application relates; and

(c) such other information regarding the premises to be registered and the manner in which the premises are proposed to be used as the Corporation may reasonably require.

Any person making application for registration or renewal stration shall when making application pay to the Corpora- respect thereof such fee not exceeding one pound as the ation may prescribe.

(2) Any person making application for registration of any es or for renewal of registration in respect of additional or ed premises shall give public notice of the application fying the premises)

(a) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public, for seven days beginning with the date of the application; and

(b) by advertisement on one at least of those days in a newspaper circulating in the city.

(3) A person intending to oppose an application for registration premises or for renewal of registration shall give notice in g of his intention to the Corporation and shall serve a of such notice upon the applicant, stating in general terms rounds of the opposition, not later than twenty-one days the date of the application.

(4) The Corporation may at any time by notice cancel the ation of any premises on any ground on which they might to register under subsection (3) of this section.

(5) (*a*) The Corporation may, on registering or renewing the ation of any premises for use for the purposes of a coffee by an entertainment club, impose conditions as to

(i) the maintenance of public order and safety;

(ii) the number of persons who may be allowed on the premises at any time;

(iii) the taking of proper precautions against fire and the maintenance in proper order of means of escape in case of fire, fire fighting appliances and means of lighting, sanitation and ventilation;

(iv) the maintenance in safe condition of means of heating the premises; and

(v) the hours of opening and closing the premises, regard being had, inter alia, to the desirability of avoiding any nuisance to residents in the neighbourhood.

(6) Any person who contravenes a condition imposed under subsection shall be liable to a fine not exceeding fifty pounds.

PART VI —*cont.*

(12) Before refusing to register or renew the registration of any premises or revoking the registration of any premises and in any case if any person has given notice to the Corporation under paragraph (*b*) of subsection (9) of this section the Corporation shall give to the person applying for registration or renewal of registration or in whose name the premises are registered and to any person who has given notice to the Corporation under the said paragraph (*b*) an opportunity of appearing before and of being heard by a committee of the council or a sub-committee of such a committee, and if so required by the applicant, the Corporation shall within seven days of their decision give to him a statement of the grounds on which it was based.

(13) Any person aggrieved by the refusal of the Corporation to register or renew the registration of any premises or the revocation of any such registration or by any condition attached on registration may within twenty-one days from the date of service of the notice of such refusal, revocation or condition appeal to a magistrates' court.

(14) If any premises while used for the purposes of a coffee bar or by an entertainment club are conducted in a disorderly manner or while being so used have been habitually used for an unlawful purpose or for indecent displays or as a resort of criminals, prostitutes, or if during the last preceding twelve months there have been at the premises while so being used illegal dealings in intoxicating liquor, or if during that period any drug to which the Drugs (Prevention of Misuse) Act 1964, or the Dangerous Drugs Act 1965, applies or any specified drug has been unlawfully supplied or otherwise distributed by a person to any other person resorting to the premises while so being used—

1964 c. 64.
1965 c. 15.

(*a*) any person concerned in the organisation or management of the coffee bar or entertainment club who knew or had reasonable cause to suspect that the premises were used in such manner or for any such purpose as aforesaid; and

(*b*) any other person who, knowing or having reasonable cause to suspect that the premises were used in such manner or for any such purpose as aforesaid—

(i) allowed the premises to be so used; or

(ii) let the premises or otherwise made the premises available to any person by whom an offence in connection with such use has been committed,

shall be liable to a fine not exceeding fifty pounds:

Provided that nothing in this subsection shall apply to the administration of a drug or a specified drug for the purpose of medical treatment by or in accordance with the directions of a medical practitioner registered pursuant to the Medical Act 1956.

1956 c. 76.

PART VI
cont.

s) Any authorised officer of the Corporation shall on pro- ng if so required some duly authenticated document showing uthority, and any police officer shall have a right to enter, reasonable times, any premises used as a coffee bar or by tertainment club, or intended to be so used, for the purpose ertaining—

a) whether there is, or has been, in or in connection with the premises, any contravention of the provisions of this section or of any condition imposed under the powers of this section;

b) whether or not circumstances exist which would authorise the Corporation to take any action under this section;

c) whether or not, in the case of premises in respect of which a licence appears to be in force for any of the purposes mentioned in paragraph (c) of subsection (18) of this section, the terms, conditions, restrictions and rules attaching to the licence or subject to which the licence has been granted are complied with so far as they relate to the matters mentioned in that paragraph.

) The provisions of subsections (2), (3) and (4) of section 287 e Act of 1936 shall apply to entry into any premises for the ses of subsection (15) of this section as they apply to entry remises for the purposes of subsection (1) of that section.

) Notwithstanding the reference in subsection (1) of this n to the hours of eleven o'clock in the evening and five k in the morning, where premises are for the time being tered with the Corporation under this section, the person keeps the premises shall be deemed to have been duly d in respect of those premises under the provisions of the shment Houses Act 1860 in respect of the period between 1860 c. 27. ours of ten o'clock in the evening and five o'clock in the ng, and the provisions of that Act, and of any enactment ding or extending the same, shall apply accordingly.

) (*a*) Nothing in this section shall apply to

i) any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described; or

ii) a private house or private flat; or

iii) any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section 1 of the Licensing Act 1964; 1964 c. 26. or

PART VI *cont.*

(iv) any premises owned by or while used by members of an organisation which holds a certificate of exemption granted by the Minister under subsection (1) of section 269 of the Act of 1936 or any branch of such organisation; or

(v) any premises which are kept open wholly as an ancillary amenity to a tenpin bowling establishment; or

(vi) any premises which are used as a canteen forming part of a factory or office which is subject to the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963.

1961 c. 34
1963 c. 41

(*b*) Nothing in this section shall apply to—

(i) a club registered or licensed under the Licensing Act 1964;

1964 c. 26

(ii) a club, organisation or body registered as a charity under section 4 of the Charities Act 1960;

1960 c. 58.

(iii) a club provided or maintained by the Corporation;

(iv) a club, organisation or body for the benefit of which the Corporation have exercised any of the powers conferred upon them by section 4 of the Physical Training and Recreation Act 1937;

1937 c. 46.

(v) a club, organisation or body in respect of the use of any premises exclusively and bona fide for the purpose of—

(A) games played on a playing field held with those premises;

(B) a gymnasium or swimming bath,

(C) playing badminton, fives, racquets, squash, billiards, chess, dominoes, bridge, whist or any game similar to any of those games;

or to any premises used by any such club, organisation or body;

(*c*) Subject to the provisions of subsections (15) and (16) of this section, nothing in this section shall apply to any premises in respect of which a licence is for the time being in force—

(i) for the public performance of stage plays; or

(ii) for public music or dancing or other entertainment of the like kind; or

(iii) for a cinematograph exhibition;

provided that the terms, conditions, restrictions and rules attaching to the licence or subject to which the licence has been granted are complied with during the time the premises are used for the purposes of an entertainment club, so far as they relate to precautions against fire, the means of escape in case of fire and the provision of suitable fire fighting appliances.

PART VI
cont.

Hackney carriages 1847 c. 89.

34.—(1) Notwithstanding anything in the Town Police Clauses Act 1847, the Corporation may suspend or revoke the licence

(*a*) of a proprietor of a hackney carriage on the ground of the unfitness of the hackney carriage or on the ground that since the granting of the licence the vehicle has been transferred to a person other than the person to whom the licence was granted and is not being used as a hackney carriage; or

(*b*) of a driver of a hackney carriage on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, violence or indecency.

(2) Any hackney carriage proprietor or driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

(3) The cost not exceeding one pound per inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether hackney carriage licences should be granted therefor shall if the council so resolve be recoverable from the proprietors thereof.

(4) The provisions of this section shall not apply to a public service vehicle as defined in section 117 of the Road Traffic Act 1960 c. 16.

Notice of street processions.

35.—(1) No procession shall pass through the streets of the city unless written notice stating the route by which, and the date and time on and at which, it will pass has been delivered at the office of the town clerk, and at the principal police station in the city by midday on the day next but three before the date stated, reckoning as not an intervening day a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning.

(2) If a procession passes through the streets of the city in contravention of the foregoing subsection, or by a route, or at a time, other than that stated in the notice delivered with respect thereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding twenty pounds.

(3) In this section "procession" means any public or ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to a public or ceremonial procession habitually held.

Amendment of sections 59 and 60 of Act of 1936.

36.—(1) Section 59 of the Act of 1936 shall have effect, in its application to the city, as if for paragraph (*b*) of subsection (5) thereof the following paragraph were substituted:—

"(*b*) any restaurant, shop, store or warehouse in which more than ten persons are employed; ".

PART VI —*cont.*

(2) Section 60 of the Act of 1936 shall have effect, as its application to the city, as if—

(*a*) for paragraph (*c*) of subsection (4) thereof the following paragraph were substituted:—

"(*c*) is used as a restaurant, shop, store or warehouse;";

(*b*) in the said subsection (4) after paragraph (*c*) there were added the following paragraph:

"(*d*) is used for the holding of dances or dancing classes other than

(i) any premises in respect of which a licence has been granted under Part IV (Music and Dancing) of the Public Health Acts Amendment Act 1890;

1890 c. 59.

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

(iii) any premises in respect of which a licence has been granted under the Private Places of Entertainment (Licensing) Act 1967;

1967 c. 19.

(iv) a private house used for the holding of dances (but not dancing classes) to which the public are not admitted;

(v) any premises in respect of which a licence has been granted under section 155 of the York Improvement and Improvement Act 1884."

1884 c. cclxxxii

Securing of unoccupied houses under Act of 1957.

37.—(1) Where the Corporation have under section 17 of the Act of 1957 accepted an undertaking that a house will not be used for a human habitation or where the Corporation have

(*a*) by a closing order made under section 17, 18, 20 or 35 of the Act of 1957, ordered any house or building, or any part thereof, to be closed; or

(*b*) by a clearance order under section 44 of the Act of 1957, ordered any building, or any part thereof, to be demolished, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated;

they may, if the premises are not effectively secured so as to prevent the entry into the premises, when unoccupied, of any person other than a person authorised by the owner or the

poration, after giving to the owner not less than forty-eight PART VI
rs' notice in writing of their intention to do so, themselves 1936 c. 49.
such things in relation to the house or building, or part thereof,
all so secure the premises against entry.

) Nothing in this section shall prejudice the powers of the
poration to take steps to deal with any dangerous building
r section 25 of the Public Health Act 1961 1961 c. 64.

) In this section

" house " has the same meaning as in the Act of 1957;

" owner " includes any person deemed to be the person having control of the house for the purposes of Part II of that Act.

PART VII

FINANCE

38.—(1) The Corporation may borrow— Power to borrow

(*a*) such sums as may be necessary for any of the purposes of this Act;

(*b*) without the consent of any sanctioning authority, such sums as may be necessary for paying the costs, charges and expenses of this Act;

subject to the provisions of this section, Part IX of the of 1933 shall have effect as if money borrowed under this on were borrowed under that Part.

) The Corporation shall repay sums borrowed under para- h (*b*) of the foregoing subsection within five years from the of borrowing.

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

39.—(1) In addition to the modes of borrowing prescribed by Act of 1933, the Corporation may raise money— Power to Corporation to raise money by issue of bills.

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

PART VII —*cont.*

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

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

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

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

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

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

(v) The Corporation may make regulations providing for—

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

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

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

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

(E) amending or revoking any regulations previously made or deemed to have been made under this paragraph:

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

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

(A) the sum of seven hundred and fifty thousand pounds; or

(B) one-fifth of the amount estimated to be produced by the general rate levied in the city during the then current financial year;

whichever is the greater:

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

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

(2) The power of raising money under subsection (1) of this ...tion may not be exercised by the Corporation in any financial ... during which the amount estimated to be produced by the ...eral rate levied in the city does not exceed three million pounds.

Transfer of certain sums from superannuation fund.

40.—(1) If a contributory employee of the Corporation is ...missed or resigns or otherwise ceases to hold employment in ...sequence of an offence of a fraudulent character or grave ...conduct the Corporation may transfer from the superannuation ...d maintained by them to the general rate fund or the housing ...nue account (as the case may be) an amount not exceeding ... whole or any part of any contributions not returned to ... or paid to his wife or family under subsection (4) of section 10 ... the Local Government Superannuation Act 1937, or the ...unt of loss suffered by the Corporation in consequence ... the contributory employee's offence or misconduct whichever ...e less. 1937 c. 68.

(2) If a contributory employee of an employing authority ...se employees participate in the benefits of the superannuation ...d maintained by the Corporation is dismissed or resigns or ...erwise ceases to hold employment in consequence of an ...ence of a fraudulent character or grave misconduct by reason ... which the employing authority have suffered direct financial ..., the Corporation shall, on demand from the employing ...thority, pay to them out of such fund an amount equal to so ...ch of the employee's contributions to the fund as the employing ...thority have not directed to be returned to the employee or

PART VII —*cont.*

paid to his wife or family, or the amount of such loss sustained by the employing authority in consequence of his offence or misconduct, whichever is the less:

Provided that—

(*a*) where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act 1959, the Corporation shall not under this section be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions;

1959 c. 47.

(*b*) the Corporation shall not be required to pay to the employing authority so much of the employee's contributions as relates to any period of previous service unless the employing authority have directed that all the rights enjoyed by or in respect of him with respect to that period of previous service, being rights under Part I of the Superannuation Act of 1937 or under the Local Government Superannuation Act 1953, or any regulations made thereunder, shall be forfeited.

1953 c. 25.

(3) In this section "contributory employee" and "employing authority" have the same respective meanings as in the Local Government Superannuation Act 1937.

1937 c. 68.

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

1961 c. 62.

41.—(1) Subject to the provisions of this section, the powers exercisable by the Corporation under the Trustee Investments Act 1961 to invest any property belonging to the wider-range part of the fund shall include power to invest such property in such manner as they think fit (and whether alone or in association with any other person) in the acquisition, development or improvement of land situated in the United Kingdom and used or to be used for residential, commercial or industrial purposes; but Part IV of Schedule 1 to the Trustee Investments Act 1961 shall not apply to any investment made under this subsection.

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

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

(4) Subsections (2) to (7) of section 6 of the Trustee Investments Act 1961 shall apply in relation to the exercise of the powers of investment conferred by subsection (1) of this section as they apply in relation to the exercise by the Corporation of the powers conferred by section 1 of that Act to invest any property belonging to the wider-range part of the fund in a manner specified in Part III of Schedule 1 to that Act. Part VII 1961 c. 62.

(5) In this section

"the fund" means the superannuation fund maintained by the Corporation under Part I of the Local Government Superannuation Act 1937; 1937 c. 68.

"land" includes buildings; and

"the wider-range part" in relation to the fund has the same meaning as in the Trustee Investments Act 1961

Establishment expenses

42. Without prejudice to section 292 of the Act of 1936, and that section as applied by any other enactment, where under any enactment the council are empowered to execute works at the request of, or in default of, the owner or occupier of any premises, and to recover from him the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses such additional sum, not exceeding 8 per cent. of the cost of the works, as they think fit in respect of their establishment charges.

Borrowing powers in connection with corporate fund 1936 c. 29. 1933 c. 51.

43. Section 7 of the Local Authorities (Land) Act 1963, which extends the list of categories of liabilities that may be discharged out of the general rate fund, shall have effect in its application to the council and the city as if after the words "exercisable by virtue of the charter of the municipal Corporation of the Borough" there were added the words "or section 171 of the Local Government Act 1933".

Insurance fund

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

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

PART VII *cont.*

(3) When the insurance fund shall amount to the pr[illegible] amount, the Corporation shall discontinue the appropriat[illegible] the fund under subsection (4) of this section but, if the fund at any time reduced below the prescribed amount, the Corp[illegible] shall recommence and continue such appropriation [illegible] fund be restored to the prescribed amount, and if at [illegible] the Corporation reduce the prescribed amount so that t[illegible] more moneys in the insurance fund than the sum so pr[illegible] such moneys as are in excess of the prescribed amount [illegible] transferred to the general rate fund and, if any sums h[illegible] been appropriated from the housing revenue account und[illegible] next succeeding subsection, to the housing revenue ac[illegible] such proportions as the Corporation consider equitable a[illegible] moneys so transferred to the general rate fund shall be app[illegible] between the several accounts of that fund in such proport[illegible] the Corporation consider equitable.

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

Provided that any appropriation from the housing re[illegible] account shall not exceed the proportion of the total [illegible] payments which in the opinion of the Corporation p[illegible] relates to the specified risks arising from the purposes for [illegible] that account is kept.

(5) Except so far as the insurance fund and the proc[illegible] sale of securities in which that fund is invested may be req[illegible] to meet losses, damages, costs and expenses in respect [illegible] specified risks, or any of them, all moneys for the time [illegible] standing to the credit of the insurance fund shall, unless [illegible] in any other manner authorised by any enactment, be in[illegible] in any securities in which trustees are from time to time auth[illegible] to invest trust funds, and the interest and other annual pr[illegible] received by the Corporation in respect of such investments [illegible] be carried to and form part of the insurance fund.

(6) (*a*) The insurance fund shall be applied to meet any damages, costs or expenses sustained by the Corporation in [illegible] of the specified risks which are payable out of the insurance [illegible] in the order of the dates on which such losses, damages, c[illegible] expenses become ascertained, and, if at any time and from

PART VII —cont.

...ume the insurance fund shall be insufficient to meet any ...n losses, damages, costs or expenses, the Corporation may, ...h the sanction of the Minister, borrow under and subject ...the provisions of Part IX of the Act of 1933 such sums of ...ney as will be necessary to make up the deficiency

... The amounts of the annual charges in respect of interest ...nd repayment of principal of any sums borrowed in pursuance ...he preceding paragraph of this subsection and the amounts ...y such deficiencies as aforesaid not made up by borrowing ...be paid out of the general rate fund and, if any sums shall ...been appropriated from the housing revenue account under ...section (4) of this section, the housing revenue account, in ...proportions as the Corporation consider equitable, and shall ...charged in the accounts of the Corporation under the separate ...dings or divisions in respect of such undertakings, departments ...ervices of the Corporation and in such proportions as the ...poration may determine having regard to the risks through ...h such deficiencies arise

... If and when the Corporation establish an insurance fund ...er this section any moneys standing to the credit of any ...rance fund provided by the Corporation and in existence at ...date of the passing of this Act shall be carried to and form ...of the insurance fund provided under this section

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

... In this section—

"insurance office" means—

(i) an insurance company, or

(ii) an underwriter being a member of an association of underwriters;

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

Reserve funds.

48.—(1) (*a*) The Corporation may (if they think fit) provide ...serve fund in respect of any undertaking, department or ...ce of the Corporation from which revenue is derived by ...ing aside such an amount as they may from time to time think ...onable and (unless the amounts so set aside are applied in ...other manner authorised by any enactment) investing the ...e in any securities in which trustees are from time to time

PART VII —*cont.*

authorised to invest trust funds until the fund so [illegible] amounts to the maximum for the time being prescribed [illegible] Corporation.

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

(2) The reserve fund provided under this section may [illegible] of the undertaking, department or service to which it [illegible] be applied —

(*a*) in making good any deficiency at any time happe[illegible] the income of the Corporation from the unde[illegible] department or service; or

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

(*c*) in or towards the payment of the cost of re[illegible] improving or extending any works, buildings, mac[illegible] plant or conveniences forming part of the under[illegible] department or service or otherwise for the [illegible] thereof;

provided that if the fund be at any time reduced it may the[illegible] be again restored to the prescribed maximum and so fro[illegible] to time as often as such reduction happens.

(3) Resort may be had to the reserve fund provided und[illegible] section although such fund may not at the time have reac[illegible] may have been reduced below the prescribed maximum.

(4) If and when the Corporation establish a reserve fund [illegible] this section in respect of any such undertaking, departm[illegible] service as aforesaid any moneys standing to the credit [illegible] reserve fund or contingency or depreciation fund provid[illegible] the Corporation in respect of that undertaking, departm[illegible] service and in existence at the date of the passing of th[illegible] shall be carried to and form part of the reserve fund pr[illegible] under this section in respect of that undertaking, departm[illegible] service.

PART VIII

RENT REBATES

Interpretation of Part VIII of Act. 1968 c. 23.

46.—(1) In this Part of this Act unless the subject or c[illegible] otherwise requires —

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

"controlled tenancy" and "regulated tenancy" have the meanings assigned to them by section 7 of the Act of 1968; PART VIII *cont.*

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

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

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

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

"let" includes sub-let;

"tenancy" includes sub-tenancy;

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

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

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

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

47. (1) This Part of this Act applies to tenants in occupation ... elling-houses in the city other than Application of Part VIII of Act.

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

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

PART VIII *cont.*

(*c*) a tenant who occupies a dwelling-house under [illegible] of his employment;

(*d*) a tenant of a dwelling-house which is let by a [illegible] association or a housing society whose constitu[illegible] rules restrict membership of the association or [illegible] to, or whose management is such as to result [illegible] stantially all the members being, persons eit[illegible] prospectively entitled (whether as tenants or [illegible] to occupy a house provided or managed by the as[illegible] or society.

(2) If the council pass a resolution varying the sum [illegible] to in paragraph (*b*) of subsection (1) of this section, the C[illegible] tion shall cause to be published in a local newspaper cir[illegible] in the city notice of the passing of the resolution and of [illegible] fixed thereby.

Power to make payments to certain tenants.

48. Subject to the provisions of section 49 (Calcula[illegible] payments to tenants) of this Act the Corporation may [illegible] may from time to time determine and subject to such ter[illegible] conditions as they may think fit, on the application of a [illegible] to whom this Part of this Act applies, make payments out [illegible] general rate fund to him, or to another person on his [illegible] in respect of the rent payable by him.

Calculation of payments to tenants.

49.—(1) The payments, if any, which the Corporation [illegible] make to or on behalf of a tenant under section 48 (Power t[illegible] payments to certain tenants) of this Act shall as far as prac[illegible] be calculated in the same manner as the Corporation's [illegible] rebates are for the time being calculated:

Provided that such payments to or on behalf of a tena[illegible] be calculated by reference to his net rent as ascertained in [illegible] ance with subsection (2) of this section.

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

(*b*) For the purpose of paragraph (*a*) of this subsect[illegible] assessed rent of a tenant shall be deemed to be—

(i) in the case of a regulated tenancy where the [illegible] registered under Part IV of the Act of 1968—the [illegible] registered;

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

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

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

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

50. Any expenditure incurred by the Corporation under this f this Act shall not be taken into account in computing the nditure of the Corporation for the purposes of rate support

Part IX

Miscellaneous

As to grants of burial, etc.

51. Notwithstanding anything in any enactment

(a) a grant of the exclusive right of burial in any part of a burial ground or cemetery maintainable by the Corporation; and

(b) any licence granted by the Corporation;

be given under the hand of the town clerk or his duly ised deputy instead of under the common seal of the poration.

Microfilming of documents

52. (1) The Corporation may make and retain microfilm dings of documents of the Corporation.

Notwithstanding anything contained in any enactment, the poration may destroy any documents of the Corporation, than minute books, of which they have made and retained ilm recordings:

ided that—

(a) the Corporation shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962; 1958 c. 51. 1962 c. 56.

and

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

PART IX *cont.*

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

(4) Notwithstanding anything contained in any enact... any rule of law, an enlargement of a microfilm record... document which has been destroyed in pursuance of th... shall be receivable in evidence for any purpose for w... document would have been receivable in any proceedin... court in England or Wales if the town clerk certifies that

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

(*b*) a microfilm recording of the document has be... and

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

(5) In this section unless the context otherwise requir...

(*a*) "document" means the whole or part of a ... book, map, plan or other document and ... notice, licence, certificate, scheme or order made ... or granted by the council or any committee ... council;

(*b*) "microfilm recording" means a reproduction ... document on film which is a product of photograp... any process akin to photography and is in ... beyond legibility with the naked eye.

Electronic or mechanical equipment.

53.—(1) The Corporation may, if they think fit, provide ... and facilities for any authority, body or person by means ... electronic or mechanical equipment which the Corporation ... possess, and the Corporation may make such charges as ... agreed for the provision of those services and facilities

(2) Information obtained by any employee of the Corp... in the course of the provision of such services or facilit... not without the consent of the authority, body or perso... which it was obtained be disclosed by that employee ... for the purpose of performing his duties in relation t... services and facilities or in such cases as may be required ...

Sheriff's remuneration.

54. The Corporation may pay to the sheriff of the ci... allowance and expenses as they think reasonable.

Refreshments at meetings.

55. The Corporation may make reasonable payments f... connection with refreshments for members of the coun... other persons attending conferences or meetings convened ... purposes or benefit of the council.

PART IX
cont.
Recreational and other facilities for employees.

56. (1) The Corporation may provide and maintain, or contribute to the cost of providing and maintaining, recreational, social and welfare facilities for their employees

(2) For the purposes aforesaid, the Corporation may

(a) erect and maintain buildings;

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

(c) make regulations for the management of such premises.

Power to provide car parks for certain purposes.

57. (1) The Corporation may provide parking places for vehicles used by members, officers or servants of the Corporation or other persons using the Guildhall and law courts and other municipal offices and buildings provided and maintained by the Corporation for or in connection with the discharge of their functions and may adapt and use for that purpose any land acquired by them under this section.

(2) For the purposes of this section the Corporation may acquire by way of purchase, lease or exchange any land whether situate within or outside the city and may appropriate for those purposes any land belonging to them which is not required for the purpose for which it was acquired.

Recreational facilities.

58. (1) The Corporation may within or outside the city provide recreational facilities and for that purpose may provide buildings, and execute such works, as may be necessary or convenient.

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

(3) The Corporation may either—

(a) themselves manage a recreational facility 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.

PART IX —*cont.*

(4) The Corporation may—

(*a*) at a recreational facility provided under th... provide and sell refreshments of all kinds, sub... provisions of all enactments relating thereto;

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

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

(*d*) by themselves, or any person appointed by the... behalf, apply for, and hold, licences for th... intoxicating liquor at any such recreational fa...

(5) The Corporation may make byelaws for regulating ... of recreational facilities provided under this section, w... within or without the city, and the conduct of perso... them or resorting thereto.

(6) Where a licence has been granted to the Corporat... the sale of intoxicating liquor at any recreational facility p... under this section other than a golf course, intoxicating ... shall not be sold under such licence at the premises in res... which that licence is granted, except to persons bona fide t... to the said premises for the purpose of participating in a... panying a participant in such recreational facility, or per... respect of whom a charge has been made for admission t... recreational facility.

(7) In this section " recreational facility " means a g... bowling alley, skating rink or other recreational facility

(8) This section shall not apply to land outside the ci... the following:—

(*a*) Monk Stray;

(*b*) Bootham Stray;

(*c*) lands owned by the Corporation in the rural d... Flaxton and forming part of Apple Tree Fa... Tree Farm, Cottage Farm or Clifton Aerodro...

(*d*) land known as Clifton Ings in the rural dist... Flaxton;

(*e*) land known as Fulford Ings in the rural dis... Derwent.

PART IX —*cont.*

(2) Any development authorised by this section shall not by ... only of this section be deemed for the purposes of the ... n and Country Planning General Development Orders 1963 ... 965, and any enactment amending or replacing the same, to ... arried out in pursuance of an Act which designates specifically ... the nature of the development and the land upon which it ... be carried out.

Saving for trusts.

59. No power conferred upon the Corporation by any of the ... last foregoing sections shall be exercised in such a manner —

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

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

Notice of alteration of rents without notice to quit.

60.—(1) Section 12 of the Prices and Incomes Act 1968 (which ...bles a local authority to increase the rent payable to the ...ority for houses let on a weekly or other periodical tenancy ...e rents fall to be carried to the authority's housing revenue ...unt without the tenancy being terminated) shall —

1968 c. 42.

(*a*) apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 belonging to the Corporation; and

1958 c. 42.

(*b*) as so applied, extend to a reduction as well as to an increase of rent.

(2) Accordingly the said section 12 shall, as it applies to the ...poration as a local authority within the meaning of that ...on, have effect as if in subsection (1) —

(*a*) the words "on a weekly or other periodical tenancy" were omitted;

(*b*) after the word "increased" there were inserted the words "or reduced"; and

(*c*) after the word "increase" there were inserted the words "or reduction";

... as if in subsection (4) for the definition of "local authority ...ses" there were substituted the words "'local authority ...ses' are houses belonging to the local authority" and after the ...d "increase" there were inserted the words "or reduction".

PART IX —*cont.*

Delegation of powers to committees and sub-committees.

61.—(1) A committee lawfully authorised by the council to exercise any powers of the council under any enactment may, subject to any direction of the council, appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and, subject as aforesaid, may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

(2) A sub-committee appointed under this section (other than a sub-committee of a committee for regulating and controlling the finance of the council or of the city) may include persons who are not members of the council:

Provided that —

(*a*) a majority of the members of any such sub-committee shall be members of the council; and

(*b*) whenever at any meeting of any such sub-committee the members present thereat do not include a majority of members of the council, any decision of the sub-committee shall have no effect unless it is confirmed by the committee.

(3) Nothing in this section shall authorise the appointment of a sub-committee for any purpose for which any committee of the council are authorised to appoint a sub-committee under any other enactment.

(4) The provisions of this section shall not operate to permit the council to delegate the power to levy, or issue a precept for, a rate or to borrow money.

As to minutes of council meetings, etc.

62. Notwithstanding anything contained in paragraph 41 of Part V of Schedule 3 to the Act of 1933, or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the council or of any committee or sub-committee thereof, may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled, at the same or next ensuing meeting of the council, committee or sub-committee, as the case may be, by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

Power to advertise advantages of city.

63.—(1) For the purpose of promoting and fostering the development of the city the Corporation may incur expenditure in advertising and making known the advantages, facilities and amenities afforded by the city in any manner which the Corporation may think fit and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

(*a*) combine with any other organisation, company or person; and

(*b*) employ such persons, firms or companies as they think fit. PART IX —*cont.*

(2) Any expenditure under this section shall be separate from and additional to the expenditure, if any, of the Corporation under the Local Authorities (Publicity) Act 1931. 1931 c. 17.

Power to pay sums to public service vehicle undertakings.

64.—(1) The Corporation may pay to the credit of the account of any public service vehicle undertaking sums out of the general fund not exceeding the cost incurred by any such undertaking in making arrangements for the provision of travelling facilities between car parks provided by or on behalf of the Corporation outside the city walls and places within the city walls, or so much of that cost as would not fall to be defrayed out of the general rate fund apart from this section.

(2) Any expenditure incurred by the Corporation under this section shall not be taken into account in computing the expenditure of the Corporation for the purposes of rate support grant.

Removal of property of Corporation.

65.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall remove or otherwise interfere with any property vested in the Corporation in any street or public place within the city.

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

Issue of official poll cards in council elections. 1949 c. 68.

66.—(1) The Local Elections Rules in Schedule 2 to the Representation of the People Act 1949 as applied to the election of a borough councillor by section 27 of that Act shall have effect in relation to the election of city councillors in the city as if after rule 24 there were inserted the following new rule:

"24A. Rule 29 of the Parliamentary Elections Rules shall apply subject to the following modifications:

(*a*) for references therein and in paragraph (6) of rule 8 (as applied by paragraph (4)) to "the constituency" there shall be substituted references to "the ward of the city";

(*b*) for the reference in the said paragraph (6) to "a parliamentary elector" there shall be substituted a reference to "an elector"; and

(*c*) the reference therein to "the prescribed form" shall be read as a reference to that form subject to such alterations as are requisite in the case of an election of city councillors".

(2) Section 81 of the said Act of 1949 shall apply to the election of any candidate at an election of city councillors in the city as it applies to the election of a candidate at a parliamentary election.

PART IX —*cont.*

(3) The Secretary of State may by order made by statutory instrument on the application of the Corporation repeal this section.

Charges to auctioneers using the cattle market.

67. The Minister may, on the application of the Corporation, approve for the purposes of the cattle market of the Corporation a table of charges which the Corporation may demand in respect of the sale by auction at the market of animals.

Repeals.

68. The enactments referred to in the first column of Schedule I to this Act are hereby repealed to the extent specified in the second column of that schedule.

Clarification of boundaries of freemen's wards.

69.—(1) Whereas—

(*a*) there are freemen and widows and children of freemen resident in the city who enjoy and exercise rights, powers, authorities, estates, interests, benefits and privileges;

(*b*) the city, in addition to its division into local government wards, is further divided, over its whole area, into the four wards hereinafter named for the purpose of the exercise by the said freemen and widows and children of freemen resident in the city of such rights, powers, authorities, estates, interests, benefits and privileges;

(*c*) there is uncertainty as to the precise boundaries of the said four wards and it is desirable and expedient that those boundaries should be clarified:

Now, therefore, the following provision shall have effect—

The boundaries of the said four wards, namely, the Bootham Ward, the Micklegate Ward, the Monk Ward and the Walmgate Ward, shall be and shall be deemed ever to have been as delineated on the "Map of Freemen's Wards".

(2) In this section "Map of Freemen's Wards" means the map so marked and signed in triplicate by Fred Blackburn, the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred, one copy of which map has been deposited in the office of the Clerk of the Parliaments, House of Lords, one copy in the Private Bill Office of the House of Commons and one copy in the office of the town clerk.

PART X

GENERAL

Confirming authority for byelaws.

70. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State except that in the case of byelaws made under section 9 (Byelaws relating to the bridge) the confirming authority shall be the Minister of Transport.

PART X
cont.
Local inquiries.

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

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

The appointed day.

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

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

(3) The Corporation shall cause to be published in a local spaper circulating in the city 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;

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

(4) Either—

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

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

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

(5) Where any provision of this Act coming into operation on a fixed by resolution under this section requires the licensing or istration of a person carrying on any business, or of premises d for any purpose, it shall be lawful for any person who—

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

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

continue to carry on that business, or to use those premises that purpose, until he is informed of the decision with regard his application, and, if the decision is adverse, during such ther time as is provided under subsection (2) of section 76 ppeals) of this Act.

PART X —*cont.*

Evidence of proceedings, appointments, etc.

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

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

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

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

Liability of directors, etc.

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

(2) The provisions hereinbefore referred to are—

Section 17 (Sale of food and articles on verges, etc.);

Section 30 (Painting of buildings);

Section 33 (Entertainment clubs and coffee bars).

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

Restriction on right to prosecute.

75. 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 person aggrieved or the Corporation.

Appeals.

76.—(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.

PART X
cont.
Local inquiries.

71.—(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.

The appointed day.

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

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

(3) The Corporation shall cause to be published in a local newspaper circulating in the city 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 a month from the date of publication of the said notice.

(4) Either

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

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business, or of premises used for any purpose, it shall be lawful for any person who—

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 76 (Repeals) of this Act.

PART X —*cont.*

Evidence of proceedings, appointments, etc.

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

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

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

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

Liability of directors, etc.

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

(2) The provisions hereinbefore referred to are—

Section 17 (Sale of food and articles on verges, etc.);

Section 30 (Painting of buildings);

Section 33 (Entertainment clubs and coffee bars).

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

Restriction on right to prosecute.

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

Appeals.

76.—(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.

PART X *cont.*

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

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

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

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

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

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

Protection of members and officers of Corporation from personal liability.

1875 c. 55.

77. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Application of general provisions of Act of 1936.

78.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included 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 III (Streets), Part IV (Lands and Buildings) and Part VI (Public order) of this Act.

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

Section 26 (Repair of damaged houses);

Section 28 (Further power in relation to demolitions);

Section 29 (Caravans not to be parked on open spaces, etc.);

Section 37 (Securing of unoccupied houses under Act of 1957).

PART X —*cont.*

For protection of certain statutory undertakers.

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

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

"apparatus" means—

(*a*) electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the generating board or the electricity board; 1882 c. 56.

(*b*) mains, pipes or other apparatus belonging to or maintained by the gas board or the company;

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

"the company" means the York Waterworks Company;

"the electricity board" means The North Eastern Electricity Board;

"the gas board" means the North Eastern Gas Board;

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

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

"operational land" means any land in which the undertakers hold an interest for the purposes of their undertaking other than land used or intended to be used for the purpose only of offices or showrooms;

"position" includes depth;

"the undertakers" means the company, the electricity board, the gas board, the Gas Council, the generating board, or any of them, as the context may be:

(2) (*a*) Nothing in section 9 (Byelaws relating to the bridge) of this Act shall authorise the Corporation to make any byelaws prohibiting the undertakers from placing apparatus in the bridge;

(*b*) Nothing in any byelaws made under the said section 9 regulating the traffic along and over the bridge or prohibiting the use thereof by certain vehicles shall apply to any vehicle used by the undertakers for the purpose of or in connection with the placing, maintaining, inspecting, repairing, renewing or removing apparatus in the bridge:

(3) Nothing in section 15 (Trees, grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to apparatus (including the placing of apparatus) in any grass verge or garden:

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

(4) Nothing in the following sections of this Act shall relieve the Corporation or any person acting with the consent of the Corporation from liability for damage caused by them or him 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 7 (Incidental works);
Section 15 (Trees, grass verges and gardens),
Section 18 (Decorations in streets);
Section 19 (Closing of certain lands for special purposes);
Section 20 (Regulation of placing of things in footpaths):

(5) The Corporation shall give to the undertakers as much prior notice as possible, and in any case not less than three days' prior notice in writing of their intention to exercise the powers of section 19 (Closing of certain lands for special purposes) of this Act:

(6) (*a*) Notwithstanding the closure to the public or the restriction of public access to any part or parts of a street or the banks of the river under the powers of section 19 (Closing of certain lands for special purposes) of this Act, the undertakers, their officers, engineers or workmen or others in their employ shall, in a case of emergency, be entitled to exercise their rights of access to any apparatus situated in such part or parts of such street or land and shall be at liberty to execute emergency works in, upon or under those lands

PART X —*cont.*

Provided that such rights of access shall, so far as reasonably practicable, be exercised when the parts of any street, or of any land on the bank of river is not in active use for any of the purposes mentioned in the said section and any emergency works carried out shall be completed as expeditiously as possible so as to cause the minimum interference with such use for that purpose:

In this paragraph "emergency works" means works whose execution at the time when they are executed is requisite in order to put an end to waste of water or to put an end to or prevent the arising of circumstances then existing or imminent which are calculated to cause danger to persons or property or the interruption of any supply or service afforded by the undertakers;

(*b*) The Corporation shall not exercise the powers of the said section 19 so as to obstruct or interfere with the access to or exit from any operational land of the undertakers;

(7) (*a*) When the Corporation give any notice under subsection (1) of section 37 (Securing of unoccupied houses under Act of 1957) of this Act, they shall at the same time give similar notice to the undertakers;

(*b*) Nothing in the said section 37 shall prejudice the right of the undertakers to enter upon any premises in the exercise of their statutory functions:

Provided that, without prejudice to any other obligation or liability arising in respect of any entry in the exercise of statutory powers, the undertakers when exercising such powers of entry in respect of any premises for the time being to be secured under the said section 37 shall ensure that the premises are not left less secure by reason of such entry:

(8) (*a*) Any question or difference arising between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section), shall be 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 giving notice in writing to the other party;

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

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

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

SCHEDULES

Section 68.

SCHEDULE 1

PROVISIONS OF LOCAL ENACTMENTS REPEALED

Enactments repealed		Extent of repeal
	The Act 49 Geo. III c. cxxvi intituled "An Act for widening and altering Ouse Bridge over the River Ouse, and Foss Bridge over the River Foss, in the City of York; for widening, raising, and improving certain Streets, Lanes, and Passages leading and near to the said Bridges; and for making certain other Improvements in the said City."	The whole Act.
	The Act 50 Geo. III c. lxxxv intituled "An Act for altering and amending an Act, passed in the last Session of Parliament, for widening and altering Ouse Bridge over the River Ouse, and Foss Bridge over the River Foss, in the City of York; for widening raising and improving certain Streets Lanes and Passages leading and near to the said Bridges; and for making certain other Improvements in the said City."	The whole Act.
	The Act 55 Geo. III c. lxxi intituled "An Act for amending and enlarging the Powers and Provisions of Two Acts of His present Majesty, for widening, altering and rebuilding Ouse Bridge, in the City of York, and for widening certain Streets and making other Improvements in the said City."	The whole Act except the enactments marginal notes of which is "Power to be kept up by the Mayor Commonalty".
	The Act 3 & 4 Vict. c. lii intituled "An Act to enable the Mayor, Aldermen, and Citizens of the City of York to widen, alter and improve certain Streets or Thoroughfares, called Spurriergate and Coney Street, in the said City."	The whole Act.
	The Act 9 & 10 Vict. c. cxxiii intituled "An Act for widening, altering, and improving certain Streets within the City of York, and for other Purposes."	The whole Act.
1847 c. cxv.	The Lendal Bridge and York Improvement Act 1847	The whole Act.
1860 c. xix.	The Lendal Bridge and York Improvement Act 1860	The whole Act except section (Council may construct Works according to deposited plans) section XXXIII (Power abandoned Admiralty may remove Mast Expense of Operation) section XXXIV Bridge to be Property in Corporation) section (North Eastern Railway Company may enter Agreements, &c.

Enactments repealed	Extent of repeal	Sch. 1 cont.
The Local Government Supplemental Act 1871 (No. 2)	So far as it applies to the city.	1871 c. lix.
The York (Skeldergate Bridge) Improvement Act 1875	The whole Act.	1875 c. lxii.
The Local Government Board's Provisional Orders Confirmation (Helper Union, &c.) Act 1877	So far as it applies to the city	1877 c. xxxvii.
The Local Government Board's Provisional Orders Confirmation (Bethesda, &c.) Act 1880	So far as it applies to the city	1880 c. clxxviii.
The York Extension and Improvement Act 1884		
Section 13 (Parliamentary limits not affected)	The whole section	1884 c. cxxxvii.
Section 19 (Division of city into wards)	The whole section.	
Section 20 (Commissioner to frame scheme)	The whole section.	
Section 21 (Provisions for existing councillors continuing to represent their former constituents)	The whole section.	
Section 22 (Scheme to be published)	The whole section.	
Section 23 (Application of section 30 of 45 & 46 Vict. c. 50)	The whole section.	
Section 24 (Constitution and number of the council)	The whole section.	
Section 25 (Lord Mayor to have jurisdiction over extended City)	The whole section.	
Section 26 (Further provisions as to elections, &c.)	The whole section.	
Section 27 (Citizens or burgess lists and roll)	The whole section.	
Section 28 (Present auditors to continue)	The whole section.	
Section 29 (1) (Cesser of jurisdiction of York Union Authority over parts of their district added to city)	The whole subsection.	
Section 30 (Transfer of liabilities of added parts to Corporation)	The whole section.	
Section 31 (Saving for deeds securities &c.)	The whole section.	
Section 32 (Actions &c. not to abate)	The whole section.	
Section 33 (Books to be evidence)	The whole section.	
Section 34 (Power of York Union Authority to enter into agreements with Corporation)	The whole section.	
Section 35 (City to be a school district)	The whole section.	
Section 36 (As to bye-laws under Elementary Education Act)	The whole section.	
Section 37 (Compensation to certain officers)	The whole section.	
Section 39 (Corporation to prepare scheme for drainage of city)	The whole section.	
Section 44 (Expenses of executing Act)	The whole section.	
Section 45 (Making and assessment of rates and power to rate owner in certain cases)	The whole section.	
Section 46 (Special provisions with respect to rating &c. in regard to added area)	The whole section.	
Section 47 (As to rating of North-eastern Railway)	The whole section.	
Section 48 (Power to borrow)	The whole section.	
Section 49 (Priority &c. of mortgages)	The whole section.	
Section 50 (Mode of discharge of money borrowed on mortgage)	The whole section.	
Section 51 (Power to borrow under Local Loans Act)	The whole section.	
Section 52 (Annual return to Local Government Board with respect to sinking fund)	The whole section.	
Section 53 (Interpretation)	The whole section.	

SCH. 1 —*cont.*	Enactments repealed	Extent of repeal
1884 c. ccxxxii.	The York Extension and Improvement Act 1884 —*continued*	
	Section 54 (Creation of Corporation stock)	The whole section
	Section 55 (Borrowing power to be exercisable for actual sum raisable)	The whole section
	Section 56 (Charge of Corporation stock) ...	The whole section
	Section 57 (Establishment of Consolidated Loans Fund)	The whole section
	Section 58 (Contributions to loans fund for dividends)	The whole section
	Section 59 (Contributions to loans fund for extinction of stock)	The whole section
	Section 60 (Raising of contributions to loans fund)	The whole section
	Section 61 (Payment of sale money rents &c. to Loans Fund)	The whole section
	Section 62 (Application of loans fund)	The whole section
	Section 63 (Purchase of irredeemable stock) ...	The whole section
	Section 64 (Extinction of stock redeemed or purchased)	The whole section
	Section 65 (Account of loans fund) ...	The whole section
	Section 66 (Application of income in reduction of contributions)	The whole section
	Section 67 (Determination as to charge of stock)	The whole section
	Section 68 (Payment off or substitution for existing securities)	The whole section
	Section 69 (Extinction or suspension of borrowing power)	The whole section
	Section 70 (General application of money from Corporation stock)	The whole section
	Section 71 (Temporary investment of money raised by stock)	The whole section
	Section 72 (Appointment of registrar)	The whole section
	Section 73 (Corporation stock register)	The whole section
	Section 74 (Certificate of proprietorship of stock)	The whole section
	Section 75 (Power for stockholder to transfer) ...	The whole section
	Section 76 (Transfer in books)	The whole section
	Section 77 (Transfer by deed)	The whole section
	Section 78 (Evidence on transfer) ...	The whole section
	Section 79 (Closing of transfer books) ...	The whole section
	Section 80 (Stamp duty on transfers)	The whole section
	Section 81 (Transmission on death) ...	The whole section
	Section 82 (Transmission on marriage &c.) ...	The whole section
	Section 83 (Payment of dividends) ...	The whole section
	Section 84 (Dividends to executors &c.) ...	The whole section
	Section 85 (Evidence of title)	The whole section
	Section 86 (Dividends to joint holders)	The whole section
	Section 87 (Dividends when the joint holder is infant &c.)	The whole section
	Section 88 (Dividend warrants by post)	The whole section
	Section 89 (Provisions respecting stock certificates with coupons to bearer)	The whole section
	Section 90 (Nature of Corporation stock) ...	The whole section
	Section 91 (Notice of trusts not receivable) ...	The whole section
	Section 92 (Receiver) ...	The whole section
	Section 93 (Holding of Corporation stock by trustees)	The whole section

Enactments repealed	Extent of repeal	Sch. 1 —*cont.*
The York Extension and Improvement Act 1884 *continued*		1884 c. cxxxii.
Section 94 (Protection of holders of Corporation stock)	The whole section.	
Section 95 (Annual return to Local Government Board)	The whole section.	
Section 96 (Unclaimed dividends)	The whole section.	
Section 97 (Saving for power to borrow otherwise)	The whole section	
Section 98 (Saving for power of revocation)	The whole section	
Section 99 (Saving for other obligations)	The whole section	
Section 100 (Saving for power to sell lands &c.)	The whole section	
Section 101 (Saving for existing securities)	The whole section.	
Section 102 (Forgery)	The whole section	
Section 103 (Orders of Local Government Board)	The whole section	
Section 104 (Regulations by Bank of England)	The whole section.	
Section 105 (Forms)	The whole section.	
Section 106 (Fees)	The whole section.	
Section 107 (Expenses)	The whole section	
Section 108 (Powers as to houses unfit for human habitation)	The whole section	
Section 109 (Foul matters to be cleared from the sites of buildings)	The whole section.	
Section 110 (Excavated land to be filled up)	The whole section.	
Section 111 (Breaking into roadways)	The whole section	
Section 112 (Refuse and other injurious matters not to be put into sewers)	The whole section.	
Section 116 (Cleansing of common privies and ashpits and recovery of expenses)	The whole section.	
Section 117 (Byelaws as to hoardings scaffolds &c.)	The whole section	
Section 118 (For protection of North-eastern Railway Company)	The whole section.	
Section 119 (What to be deemed private improvement expenses)	The whole section	
Section 120 (Apportionment of private improvement expenses)	The whole section.	
Section 121 (Surveyor's apportionment of expenses to be conclusive after one month)	The whole section	
Section 122 (Recovery of expenses)	The whole section.	
Section 123 (Limit of time for recovery of expenses by Corporation extended)	The whole section	
Section 124 (Power to allow time for repayment of expenses)	The whole section	
Section 125 (Expenses due from owners to be a charge on premises)	The whole section	
Section 126 (Successive owners to continue liable)	The whole section.	
Section 127 (Power to enter into possession where owner fails to pay expenses)	The whole section	
Section 128 (Application of rents and profits received)	The whole section.	
Section 129 (Occupier in default of owner may execute works and deduct expenses from his rent)	The whole section	
Section 130 (Recovery by mortgagees in possession of moneys paid by them)	The whole section.	
Section 131 (Persons having partial interests may raise expenses by mortgage)	The whole section.	

Sch. 1 —*cont.*	Enactments repealed	Extent of repeal
1884 c. ccxxxii.	The York Extension and Improvement Act 1884 *continued*	
	Section 132 (Corporation may charge supervision in addition to costs)	The whole section
	Section 133 (Power to apply district fund in executing works for private owners)	The whole section
	Section 134 (North-eastern Railway abutting on but not communicating with streets not to be chargeable with expenses)	The whole section
	Section 135 (Notice to be given of persons suffering from infectious diseases)	The whole section
	Section 136 (Other diseases may be declared to be within the foregoing provision)	The whole section
	Section 137 (Cowkeepers and others to furnish lists of customers in certain cases)	The whole section
	Section 138 (Further powers in relation to disinfection of premises)	The whole section
	Section 139 (Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers)	The whole section
	Section 140 (Prohibiting the retention of dead bodies in certain cases)	The whole section
	Section 141 (Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial)	The whole section
	Section 142 (Justices may in certain cases order dead bodies to be buried)	The whole section
	Section 143 (Corpses not to be carried in public conveyances)	The whole section
	Section 144 (Temporary shelter)	The whole section
	Section 145 (Saving for Acts relating to dairies animals &c.)	The whole section
	Section 146 (Byelaws as to tramcars drovers &c.)	The whole section
	Section 147 (Regulation of omnibuses &c.)	The whole section
	Section 148 (Penalty on persons keeping indecent exhibitions)	The whole section
	Section 149 (Street musicians to depart when required to do so)	The whole section
	Section 151 (Penalty on persons obstructing footway)	The whole section
	Section 152 (Penalty on pulling down notice boards)	The whole section
	Section 153 (Prohibition of obscene bills, &c.)	The whole section
	Section 154 (Provisions with respect to disorderly houses)	The whole section
	Section 156 (Destruction of mad dogs and other animals)	The whole section
	Section 157 (Regulations as to dogs)	The whole section
	Section 170 (Power to continue tolls on Lendal Bridge)	The whole section
	Section 171 (Application of tolls)	The whole section
	Section 181 (Corporation may provide offices, &c. for conduct of business)	The whole section
	Section 182 (Corporation may convey gratuitously to the Commissioner of Works land for erection of a Probate Office)	The whole section

Enactments repealed	Extent of repeal	Sch. 1 *cont.*
York Extension and Improvement Act 1884 *continued*		1884 c. lxxxviii.
Section 188 (Costs of Act)	The whole section.	
Local Government Board's Provisional Orders Confirmation (No. 5) Act 1886	So far as it applies to the city	1886 c. xxv.
Local Government Board's Provisional Orders Confirmation (No. 7) Act 1891	So far as it applies to the city	1891 c. xxxi.
Local Government Board's Provisional Orders Confirmation (No. 3) Act 1901	So far as it applies to the city	1901 c. clxi.
York Corporation Act 1902		1902 c. cccli.
Section 17 (Intersecting streets)	The whole section.	
Section 18 (Power to vary position or direction of new streets)	The whole section	
Section 19 (Prevention of formation of culs-de-sac)	The whole section	
Section 20 (Corporation may declare where streets begin and end)	The whole section.	
Section 21 (Continuation of existing streets to be deemed new streets)	The whole section	
Section 22 (Trees or shrubs overhanging streets)	The whole section	
Section 23 (Urgent repairs to private streets)	The whole section	
Section 27 (Public conveniences and lavatories)	The whole section.	
Section 31 (Byelaws as to building materials)	The whole section.	
Section 35 (Temporary and movable buildings)	The whole section.	
Section 36 (Byelaws as to water closets)	The whole section	
Section 38 (Corporation may order houses to be drained by a combined drain)	The whole section.	
Section 39 (Extension of 38 & 39 Vict. c. 55 s. 41 to drains and houses belonging to same owner)	The whole section.	
Section 41 (Water or stackpipes not to be used as ventilating shafts)	The whole section.	
Section 43 (Wilful damage to drains water-closets &c.)	The whole section	
Section 48 (Dairymen to notify infectious diseases existing among their servants &c.)	The whole section	
Section 49 (Infected person not to carry on business &c.)	The whole section	
Section 50 (Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases)	The whole section	
Section 51 (Disinfection of clothes)	The whole section.	
Section 52 (Principal of school to furnish lists of pupils in certain cases)	The whole section	
Section 54 (Protection against infection of books from lending library)	The whole section	
Section 55 (Byelaws regulating hospitals)	The whole section	
Section 56 (Filthy and dangerous articles to be purified)	The whole section.	
Section 57 (Corporation may pay expenses of person in hospital)	The whole section	
Section 59 (For regulating manufacture and sale of ice cream &c.)	The whole section	

Sch. 1 —*cont.*	Enactments repealed	Extent of repeal
1902 c. cxxii	The York Corporation Act 1902 *continued*	
	Section 60 (Removal of persons from infected premises)	The whole section
	Section 61 (Corporation may remove sick persons in a common lodging-house to hospitals &c.)	The whole section
	Section 62 (As to nuisances)	The whole section
	Section 63 (Appointment of inspectors of nuisances)	The whole section
	Section 64 (Further powers in relation to unsound meat)	The whole section
	Section 65 (Charge for emptying privies of trade refuse)	The whole section
	Section 66 (Public notice to be given of provisions of this part of Act)	The whole section
	Section 67 (Penalty for selling milk of diseased cows)	The whole section
	Section 68 (Penalty on failing to isolate diseased cows)	The whole section
	Section 69 (Obligation to notify case of tuberculosis)	The whole section
	Section 70 (Power to take samples of milk)	The whole section
	Section 71 (Power to inspect cows and to take samples of milk)	The whole section
	Section 72 (Appeal)	The whole section
	Section 73 (Compensation to dairymen)	The whole section
	Section 74 (Notice of provisions of this part of Act)	The whole section
	Section 75 (Procedure)	The whole section
	Section 76 (Expenses of this part of Act)	The whole section
	Section 77 (Execution of this part of Act by committee)	The whole section
	Section 78 (Regulations as to common lodging-house keepers)	The whole section
	Section 79 (Sanitary conveniences in common lodging-houses)	The whole section
	Section 80 (Registration of common lodging-houses and keepers)	The whole section
	Section 81 (Notice to common lodging-house keepers)	The whole section
	Section 90 (Power to appoint officers)	The whole section
	Section 91 (Application of moneys received)	The whole section
	Section 98 (Byelaws as to animals drawing hackney carriages)	The whole section
	Section 106 (Provisions as to children trading in streets)	The whole section
	Section 107 (Bye-laws as to bathing)	The whole section
	Section 148 (Power to borrow)	The whole section
	Section 149 (Certain regulations of Public Health Act 1875 as to borrowing not to apply)	The whole section
	Section 150 (Mode of raising money)	The whole section
	Section 151 (Provisions of Public Health Act as to mortgages to apply)	The whole section
	Section 152 (Periods for repayment of money borrowed)	The whole section

Enactments repealed	Extent of repeal	Sch. 1 cont.
The York Corporation Act 1902 *continued*		1902 c. ccxii
Section 153 (Mode of payment off of money borrowed)	The whole section	
Section 154 (Sinking fund)	The whole section.	
Section 155 (Protection of lender from inquiry)	The whole section.	
Section 156 (Corporation not to regard trusts)	The whole section.	
Section 157 (Appointment of receiver)	The whole section	
Section 158 (Power to re-borrow	The whole section.	
Section 159 (Return respecting sinking fund to Local Government Board)	The whole section.	
Section 160 (Application of money borrowed)	The whole section.	
Section 161 (Expenses of execution of Act)	The whole section.	
Section 162 (Audit of accounts)	The whole section.	
Section 163 (Repeal of power to issue irredeemable stock)	The whole section	
Section 164 (Power to use loans funds instead of exercising borrowing powers)	The whole section	
Section 165 (Power to use sinking fund instead of borrowing)	The whole section.	
Section 167 (Power to use one form of mortgage for all purposes)	The whole section	
Section 169 (Assistants to overseers)	The whole section.	
Section 155 (Costs of Act)	The whole section	
The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1904	So far as it applies to the city.	1904 c. clx
The York Corporation Act 1913	The whole Act, except so much as relates to electricity	1913 c. xlv
The York Corporation Act 1914—		1914 c. clxxxiii
Section 5 (Power to acquire lands)	The whole section	
Section 6 (Period for compulsory purchase of lands)	The whole section	
Section 7 (Limiting quantity of commonable land to be taken)	The whole section	
Section 8 (Owners may be required to sell parts only of certain lands and buildings)	The whole section	
Section 9 (Power to purchase additional lands by agreement)	The whole section	
Section 10 (Persons under disability may grant easements &c.)	The whole section.	
Section 11 (Power to retain sell &c. lands)	The whole section.	
Section 12 (Proceeds of sale of surplus lands)	The whole section.	
Section 13 (Power to construct works)	The whole section.	
Section 14 (Limits of deviation)	The whole section.	
Section 15 (Subsidiary works)	The whole section.	
Section 16 (As to Clifton Green)	The whole section.	
Section 17 (Power to alter steps areas pipes &c.)	The whole section.	
Section 18 (Temporary stoppage of streets)	The whole section.	
Section 19 (Stopping up of footpath)	The whole section.	
Section 63 (Receipts under this Part of Act)	The whole section.	

SCH. 1 —*cont.*

Enactments repealed	Extent of repeal
1914 c. clxxviii. The York Corporation Act 1914 —*continued*	
Section 71 (Amendment of section 22 of Act of 1902)	The whole section
Section 72 (Means of escape from buildings in case of fire)	The whole section
Section 75 (Power to make bye-laws as to the admission of light and air to buildings)	The whole section
Section 76 (Byelaws as to stables)	The whole section
Section 82 (Construction of urinals by innkeepers and others)	The whole section
Section 83 (Provisions as to houses without water supply)	The whole section
Section 87 (For preventing spread of infectious disease)	The whole section
Section 88 (Power to close Sunday schools to prevent spread of disease)	The whole section
Section 89 (To prevent spread of infectious disease amongst children in Sunday schools &c.)	The whole section
Section 90 (Compensation to dairymen)	The whole section
Section 91 (Extended meaning of "infectious disease" for certain purposes)	The whole section
Section 92 (For regulating manufacture and sale of ice-cream &c.)	The whole section
Section 93 (Inspection of premises of dealer in ice-cream)	The whole section
Section 94 (Provisions as to retailers of milk)	The whole section
Section 95 (Establishment &c. of offensive trades)	The whole section
Section 96 (Discontinuance of offensive trade)	The whole section
Section 99 (Cleansing of verminous persons)	The whole section
Section 100 (Sanitary conveniences for manufactories &c.)	The whole section
Section 101 (Regulation bins for refuse &c.)	The whole section
Section 102 (Public notice to be given of provisions of this Part of Act)	The whole section
Section 103 (Power medically to examine inmates of common lodging-houses where infectious disease is supposed to exist)	The whole section
Section 104 (Power to close infected common lodging-houses)	The whole section
Section 105 (Procedure on death of common lodging-house keeper)	The whole section
Section 106 (Notice to common lodging-house keepers)	The whole section
Section 107 (Bye-laws as to lodging-houses)	The whole section
Section 108 (Power to borrow)	The whole section
Section 109 (Power to invest funds in statutory securities)	The whole section
Section 113 (Power to Corporation to subscribe to hospitals &c.)	The whole section
Section 114 (Amendment of section 125 of Act of 1884)	The whole section
Section 115 (Amendment of section 22 of Act of 1913)	The whole section
Section 126 (Costs of Act)	The whole section

SCHEDULE 2

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS III, IV AND VI OF THIS ACT

Section	Marginal note	
275	Power of local authority to execute certain work on behalf of owners or occupiers.	
276	Power of local authority to sell certain materials.	
277	Power of councils to require information as to ownership of premises.	
289	Power to require occupier to permit works to be executed by owner.	
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.	
300	Inclusion of several sums in one complaint, &c.	
329	Saving for certain provisions of the Land Charges Act 1925.	1925 c. 22

PART III

SECTION APPLIED TO SECTIONS 20, 28, 29 AND 37 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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