

ELIZABETH II



1967 CHAPTER xxvii

An Act to confer further powers on the urban district council of Newquay, to make further provision for the improvement, health, local government and finances of the district; and for other purposes. [21st July 1967]

WHEREAS—

(1) The urban district of Newquay (in this Act called “the district”) is an urban district under the government of the Council of the district (in this Act called “the Council”):

(2) It is expedient to make further provision with reference to streets and the improvement, health, local government and finances of the district:

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

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

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

(6) Two maps marked respectively—

(a) “Zoological and Botanical Gardens and River Gannel” showing coloured green the land belonging to the

Council on which zoological and botanical gardens may be provided and showing coloured blue the sands of the estuary of the river Gannel;

(b) "Newquay Harbour" showing the area of Newquay Harbour;

were in the month of November, 1966, deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons and in the office of the clerk of the Council and each of those maps is in this Act referred to as "the deposited map":

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

PART I
PRELIMINARY

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| Short title. | 1. This Act may be cited as the Newquay Urban District Council Act 1967. |
| Division of Act into Parts. | 2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Lands.
Part III.—Streets.
Part IV.—Public health.
Part V.—Food.
Part VI.—Nuisances.
Part VII.—Municipal property, cemeteries, etc.
Part VIII.—Public order and public safety.
Part IX.—Finance.
Part X.—Miscellaneous.
Part XI.—General. |
| Interpretation.

1936 c. 49. | 3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90, 110 and 343 of the Public Health Act, 1936, have the same respective meanings, unless there be something in the subject or context repugnant to such construction. |
| 1933 c. 51. | (2) In this Act unless the subject or context otherwise requires—
"the Act of 1933" means the Local Government Act, 1933; |
| 1950 c. 39. | "the Act of 1936" means the Public Health Act, 1936;
"the Act of 1950" means the Public Utilities Street Works Act, 1950; |
| 1959 c. 25. | "the Act of 1959" means the Highways Act, 1959; |
| 1961 c. 62. | "the Act of 1961" means the Trustee Investments Act, 1961; |
| 1962 c. 38. | "the Act of 1962" means the Town and Country Planning Act, 1962; |

- “ the appointed day ” has the meaning assigned to it by section 66 (The appointed day) of this Act;
- “ the board ” means the British Railways Board;
- “ the clerk ” means the clerk of the Council;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Council ” means the council of the district;
- “ the county council ” means the county council of the administrative county of Cornwall;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ the deposited map ” means (as the case may be) either of the maps referred to in the Preamble to this Act;
- “ the district ” means the urban district of Newquay;
- “ the electricity undertakers ” means the Central Electricity Generating Board and the South Western Electricity Board or either of them;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation for the time being in force within the district;
- “ the gas board ” means the South Western Gas Board;
- “ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of the district;
- “ the harbour ” means Newquay Harbour the area whereof is shown coloured pink on the deposited map marked “ Newquay Harbour ”;
- “ house ” includes a flat and any part of a house which is occupied or intended to be occupied as a separate dwelling;
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act, 1952; 1952 c. 55.
- “ memorial ” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or memorial;
- “ 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.
- “ open space ” has the same meaning as in the Open Spaces Act, 1906; 1906 c. 25.
- “ the seashore ” means every part of the seashore and the foreshore within the district and includes the land shown coloured blue on the deposited map marked “ Zoological and Botanical Gardens and River Gannel ”;
- “ vessel ” includes any ship, boat, lighter and craft of every kind and howsoever propelled;
- “ the water undertakers ” means the North and Mid-Cornwall Water Board;

PART I
—cont.

“ year ” means a period of twelve months commencing on 1st April.

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

PART II

LANDS

Suspension of
restrictive
covenants.

4.—(1) If the Council—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act;

and the land is required for a purpose for which the Council are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant (other than a restriction imposed by any enactment) as to the user thereof or any building thereon (being a covenant which was subsisting immediately before the date of the acquisition of the land by the Council) the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

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

(3) The Council shall—

- (a) in four successive weeks publish in a local newspaper circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the operation of the restriction can be made;
- (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 every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates; and
- (c) affix to some conspicuous object or objects on the land to which the resolution relates once at least in each of four successive weeks a copy or copies of that notice:

Provided that the said notice or notices shall be so affixed on the first occasion on or before the date of the first publication of the notice under paragraph (a) of this subsection.

PART VIII
—cont.

(2) Section 60 of the Act of 1936 shall have effect, in its application to the district, 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;

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

1890 c. 59.

Saving for
Fire Services
Acts and
Factories
Act.
1961 c. 34.

49. Nothing in section 47 (Further provision for public and other buildings) and section 48 (Amendment of sections 59 and 60 of Act of 1936) of this Act shall affect the operation of the Fire Services Acts, 1947 to 1959, or the Factories Act, 1961, or any regulations or orders made thereunder.

Regulation of
bathing and
surfing.

50. Section 231 of the Act of 1936 shall have effect in its application to the district as if in subsection (1) after paragraph (f) there were added the following paragraphs:—

“(g) regulate for preventing danger to bathers the areas in which and the hours during which surfing by means of surf boards measuring more than 5 feet in length shall be permitted;

(h) prohibit bathing or attempting to bathe during such periods as the Council shall cause to be displayed in a conspicuous manner on the seashore, promenade or parade, by means of flags or other means, notices that bathing in the sea or attempting to bathe therein is prohibited on account of danger.”

Control of
surf riding.

51.—(1) Subject to the following provisions of this section, as from the appointed day, the Council shall operate the scheme for the control of surf riding set out in Schedule 1 to this Act.

(2) The Secretary of State may, on the application of the Council or of any person appearing to the Secretary of State to have an interest in the said scheme, by order make such amendments to the scheme as he thinks fit.

(3) Any person guilty of an offence under the said scheme shall be liable to a fine not exceeding twenty pounds.

46. As from the appointed day section 94 of the Public Health Acts Amendment Act, 1907, shall in its application to the district have effect as if the following subsection were substituted for subsection (3) thereof:—

PART VIII
—cont.
Licensing of
boatmen and
pleasure
boats.

“(3) No person shall—

(a) let for hire a pleasure boat or pleasure vessel not so licensed, or at any time during the suspension of the licence for the boat or vessel; or

(b) carry, or permit to be carried, passengers for hire in a pleasure boat or pleasure vessel unless the boat or vessel, and the boatman in charge thereof and the navigator, are so licensed, or at any time during the suspension of the licence for the boat or vessel or the boatman or navigator:

Provided that this subsection shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for profit.”

47.—(1) If it appears to the Council that for the purpose of preventing fire in any such building in the district as is referred to in paragraphs (a) to (d) of subsection (5) of section 59 of the Act of 1936 or for the purpose of preventing injury or danger to persons resorting thereto—

Further
provision for
public and
other
buildings.

(a) the apparatus or fittings for lighting or heating the building require alteration; or

(b) the arrangement of the chairs and seating requires alteration; or

(c) any floor requires strengthening in order to prevent overloading;

the Council may by notice require the owner or occupier of the building to make such provision in regard to the matters aforesaid as may be necessary:

Provided that this subsection shall not apply to premises in respect of which a licence under the Theatres Act, 1843, or the Cinematograph Acts, 1909 and 1952, is for the time being in force.

1843 c. 68.

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

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

Amendment of
sections 59
and 60 of
Act of 1936.

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

PART VIII
—cont.

(7) In this section—

“hot food” does not include any beverage; and

“forecourt” does not include any area lying behind a building line in any street.

Unauthorised
structures on
seashore.

44.—(1) No person shall without the consent of the Council erect, provide, place or use any structure, or place any chair, on any part of the seashore belonging or let to them unless he is authorised to do so by or under an enactment:

Provided that nothing in this section shall prevent a person placing a chair or chairs on the seashore for his own personal use or that of his family.

(2) If any person erects, provides or places a structure or chair in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding five pounds, and, if after his conviction thereof the structure or chair remains on any such part of the seashore, he shall be liable to a fine not exceeding twenty shillings for each day on which it so remains.

(3) If any person uses a structure in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

(4) In this section “structure” means any shed, hut, shelter, tent, booth, stall, stand, shop or other erection or obstruction, whether on wheels or not.

Hackney
carriages.
1847 c. 89.

45.—(1) Notwithstanding anything in the Town Police Clauses Act, 1847, the Council 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 or violence.

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

1960 c. 16.

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

43.—(1) As from the appointed day no person being the owner or occupier of premises in the district shall allow any other person to use a forecourt of such premises, whether for payment or not, for the purposes of—

PART VIII
—cont.

Sale of food
and articles
from private
forecourts.

- (a) importuning any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement or for a boat, hackney carriage or public service vehicle; or
- (b) hawking, selling or offering for sale any article or commodity; or
- (c) taking a photograph by way of trade or business of any person except as mentioned in subsection (5) of this section.

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

(3) The provisions of paragraph (b) of subsection (1) of this section shall not apply to any activity—

- (a) in respect of which planning permission has been obtained; or
- (b) for which planning permission is granted by any development order or other order made under the Act of 1962;

except a use which is permitted by virtue of Class IV of Schedule 1 to the Town and Country Planning General Development Order 1963.

S.I. 1963/709

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

- (a) the sale or offering for sale by any person of newspapers and periodicals; or
- (b) the sale or offering for sale of any article or commodity, except hot food, by an automatic vending machine; or
- (c) a sale or offering for sale to persons residing in, or employed at, those premises.

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

(6) The provisions of this section shall not be applied to prevent an owner or occupier of premises from allowing a person being a relative or a bona fide employee of the said owner or occupier to use the forecourt of such premises for any of the purposes mentioned in subsection (1) of this section.

PART VIII
—cont.
Touting,
hawking, etc.

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

- (a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement or for a boat, hackney carriage or public service vehicle; or
- (b) hawk, sell or offer for sale any article or commodity; or
- (c) take a photograph by way of trade or business of any person except as mentioned in subsection (3) of this section.

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

- (a) the sale or offering for sale by any person of newspapers and periodicals; or
- (b) a sale or offering for sale to persons residing in, or employed at, premises in or adjoining a place to which this section applies.

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

(4) This section applies to any place—

- (a) in or on an esplanade, parade, promenade, marine drive, public walk or the harbour;
- (b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act, 1906, which is provided by the Council or under their management and control;
- (c) on the seashore;
- (d) in any street or part of a street to which this section applies by virtue of byelaws made by the Council under this section.

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

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

them; and, if within the said five weeks the Council have not given notice under subsection (2) of this section, they shall be deemed for the purposes of this section to have so approved the erection of the stand.

PART VIII
—cont.

(5) Any person aggrieved by a requirement or other decision of the Council under this section may appeal to a magistrates' court.

(6) If any person—

- (a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or
- (b) erects such a stand otherwise than in accordance with a plan, section and particulars submitted to the Council under the said subsection (1), or, if notice has been given of any modifications under subsection (2) of this section, otherwise than in accordance with the said plan, section and particulars as modified by the notice; or
- (c) being the owner or occupier of such a stand erected otherwise than as aforesaid, allows twenty or more persons to be on the stand at any one time; or
- (d) being the owner or occupier of such a stand, fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

he shall be liable to a fine not exceeding fifty pounds and, in the case of any such failure, to a daily fine not exceeding forty shillings:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section shall be provisions which it is the duty of the Council to enforce.

(8) The provisions of this section shall not apply to any stand in respect of which byelaws for preserving public safety may be made by the Council under section 75 of the Public Health Act, 1961 c. 64. 1961.

(9) In this section "stand" includes a structure, but does not include a building, or extension of a building, to which building regulations are applicable.

PART VIII
—cont.

thereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding ten 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.

Safety of
stands.

41.—(1) As from the appointed day no person shall commence to erect in the district a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the Council of his intention to do so, accompanied by a plan and section of the stand and such further particulars as the Council may reasonably require, and the Council have approved the erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the Council may give him notice that they approve the erection of the stand, but only subject to—

- (a) such modifications of the plan, section and particulars submitted to them; and
- (b) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice, being modifications and requirements which appear to the Council to be necessary for securing the stability of the stand and protection against fire, and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected, the Council shall have regard to that statement in considering what modifications and requirements are to be specified in a notice under subsection (2) of this section, but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice, or such further time as the Council may allow.

(4) The Council may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan, section and particulars submitted to

and in particular (with that exception) for imposing speed limits on vehicles therein and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;

PART VII
—cont.

(d) for prohibiting waiting by hackney carriages except at standings appointed by the Council;

(e) for prohibiting or restricting access to any part of the aerodrome undertaking;

(f) for preserving order within the area of the aerodrome undertaking and preventing damage to property therein;

(g) for regulating or restricting the display within the area of the aerodrome undertaking of any advertisements, the display of which is not regulated or restricted by regulations made under section 34 of the Act of 1962:

(5) Any person contravening any byelaws made under this section shall be liable on summary conviction to a fine not exceeding such amount as may be specified by the byelaws in relation to the contravention, but no amount so specified shall exceed twenty-five pounds:

(6) In this section—

“ the Act of 1949 ” means the Civil Aviation Act, 1949 c. 67. 1949;

“ the aerodrome undertaking ” means the leasehold interest of the Council in land leased to the Council by the Ministry of Defence (Air Force Department) or their predecessors and in any further land so leased and includes the buildings erected thereon and the roads and approaches thereto.

PART VIII

PUBLIC ORDER AND PUBLIC SAFETY

40.—(1) No procession shall pass through the streets of the district 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 clerk, and at the principal police station in the district, by midday on the day next but one before the date stated, treating as not an intervening day a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning. Notice of street processions.

(2) If a procession passes through the streets of the district in contravention of the foregoing subsection, or by a route, or at a time, other than that stated in the notice delivered with respect

PART VII
—cont.

- (2) (a) The power of a local authority under section 19 (1) of the Act of 1949 to provide and maintain roads, approaches, apparatus, equipment, buildings and other accommodation in connection with aerodromes shall be exercisable by the Council in connection with the aerodrome undertaking;
- (b) Section 20 of the Act of 1949 shall have effect as if reference to any aerodrome provided by a local authority under the said section 19 included references to the aerodrome undertaking;
- (3) The Council may either—
- (a) themselves manage the aerodrome undertaking, making such reasonable charges in respect thereof as they think fit; or
- (b) subject to the provisions of subsection (6) of the said section 19, let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit:

Provided that any charge made, either by the Council under paragraph (a) of this subsection or by any person to whom the aerodrome undertaking or any part thereof is let by virtue of paragraph (b) of this subsection, for the use of the aerodrome undertaking or for any services performed in relation thereto to or in connection with aircraft shall be subject to the approval of the Board of Trade:

- (4) The Council may, in respect of the aerodrome undertaking, make byelaws for regulating the use and operation of the aerodrome undertaking and the conduct of all persons while within the area of the aerodrome undertaking, and in particular byelaws—
- (a) for securing the safety of vehicles and persons using facilities afforded by the Council in connection with the aerodrome undertaking and preventing danger to the public arising from the use of the area of the aerodrome undertaking;
- (b) for preventing obstruction within the area of the aerodrome undertaking;
- (c) for regulating vehicular traffic anywhere within the area of the aerodrome undertaking except on roads therein to which the road traffic enactments apply,

(3) The Council shall not, in pursuance of the powers of the said section 37, remove any memorial placed or erected over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:—

PART VII
—cont.

- (a) that no other memorial shall be placed or erected over such grave;
- (b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for the licence or faculty;
- (c) that in the case of any headstone placed or erected by the Commission over any such grave, such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Council and the Commission.

(4) If a Commonwealth war burial would be affected by a consent given by the Minister under subsection (4) of the said section 37, the Council shall, not later than the date on which the matter is referred to the Minister, inform the Commission in writing of such reference, and the Minister shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Minister.

39. Whereas certain land has been leased by the Council from St. Mawgan the Ministry of Defence (Air Force Department) or their aerodrome predecessors for use by the Council for civil aviation purposes:

And whereas the Council have erected on part of the said land a number of buildings for such purposes and have otherwise incurred expenditure in connection therewith:

And whereas it is expedient that all such expenditure shall be sanctioned and confirmed and that the Council be given powers in connection with the use of the land for civil aviation purposes:

Now therefore the following provisions shall have effect:—

- (1) Expenditure which has been incurred by the Council in connection with the aerodrome undertaking is hereby sanctioned:

PART VII
—cont.

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

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

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

(b) Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Council obtain such faculty or licence; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such a faculty or licence was obtained.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space.

For
protection of
Common-
wealth War
Graves
Commission.

38.—(1) In this section—

“the Commission” means the Commonwealth War Graves Commission;

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

(2) In relation to any burial ground to which the provisions of section 37 (Extension of power to maintain burial grounds) of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Council shall—

(a) not later than the date upon which such notice is first published in a newspaper circulating in the district, serve upon the Commission a copy of any notice which the Council are required to publish pursuant to the said section 37;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 37;

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

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

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

(3) Each of the notices shall—

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

(b) specify a date as being that on which it is intended that the Council will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service whichever is the latest; and

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

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

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

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

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

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

PART VII
—cont.

PART VII
—cont.

(2) The Council may accept a capital sum for the purpose of maintaining a particular grave or tombstone in a burial ground or crematorium provided by the Council.

(3) Any such capital sum as is mentioned in the last foregoing subsection shall (unless applied in any other manner authorised by any enactment) be invested in accordance with the provisions of this section.

(4) Sections 1, 2, 5, 6, 12 and 13 of the Act of 1961 (which relate to the investment powers of trustees), shall have effect in relation to any such capital sum as is mentioned in subsection (2) of this section and in relation to any investments or other property for the time being representing any such capital sum, as if they constituted a trust fund and the Council were the trustees of that trust fund; and subsection (2) of section 7 of that Act shall have effect in relation to sections 1, 2, 5 and 6 of that Act as applied by this subsection:

Provided that the moneys representing any such capital sum shall not by virtue of this section be invested or held invested in any manner specified in paragraph 6 of Part II of Schedule 1 to the Act of 1961, or in wider range investments.

(5) Any income arising from any such capital sum, investments or property as are mentioned in the last foregoing subsection shall be applied in maintaining the particular grave or tombstone in respect of which the capital sum was accepted by the Council.

(6) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space, niche or urn;

“tombstone” includes a monument or other memorial of a deceased person.

Extension of
power to
maintain
burial grounds.

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

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

(b) to level any grave therein;

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

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

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

(a) publish a notice once in each of two successive weeks in a local newspaper circulating in the district, with an interval between the dates of publication of not less than six clear days;

(2) (a) The Council may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of a zoological garden and a botanical garden under this section, or either of them.

PART VII
—cont.

(b) Reference in the following provisions of this section to a zoological garden or botanical garden so provided shall be deemed to refer to both or either of such gardens and to include reference to any buildings provided or works executed under this subsection and to anything with which any such building is equipped by virtue of section 271. of the Act of 1936 as applied by this Act.

(3) The Council may purchase or acquire zoological and botanical specimens and exhibits.

(4) The Council may either—

(a) themselves manage the zoological garden or botanical garden provided under this section making such reasonable charges for 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.

35. No power conferred upon the Council by either of the foregoing sections of this Part of this Act shall be exercised in such a manner—

(a) as to be at variance with a trust subject to which land or a building is held, managed or controlled by the Council, 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 Council, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

36.—(1) The Council may agree with any person, in consideration of the payment of a sum by him, to maintain, for a period fixed by the agreement, a grave or tombstone in a burial ground or crematorium provided by the Council. Agreements to maintain graves and tombstones.

PART VII

MUNICIPAL PROPERTY, CEMETERIES, ETC.

Golf courses. 33.—(1) The Council may within or outside the district provide a golf course; and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

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

(3) The Council may either—

- (a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or
- (b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Council may—

- (a) at a golf course provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;
- (d) by themselves, or any person appointed by them in that behalf, apply for, and hold, licences for the sale of intoxicating liquor or tobacco at any such golf course.

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

Provision of
zoological
and botanical
gardens.

34.—(1) The Council may on the land shown coloured green on the deposited map marked "Zoological and Botanical Gardens and River Gannel" provide a zoological garden or a botanical garden or a zoological garden and a botanical garden.

PART VI

NUISANCES

31.—(1) No person shall use a stationary internal combustion engine in the district unless an effectual silencer is provided and used on the exhaust of the engine.

Silencers for
internal
combustion
engines.

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

(3) An authorised officer of the Council shall, on production if so required of some duly authenticated document showing his authority, have the right—

- (a) to enter at all reasonable hours premises on which there is reason to believe that such an engine is being or has been used in contravention of this section; and
- (b) to inspect and test any silencer on the exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off;

and any expenses incurred under this subsection by such an officer may be recovered by the Council from the occupier of the premises if there is found on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof:

Provided that in the exercise of the powers conferred by this section on any premises belonging to the board and used by them for the purposes of their undertaking, such officer shall conform to such reasonable requests of the board as are necessary to prevent obstruction to or interference with the working of the traffic of the board.

32. Section 76 of the Public Health Act, 1961, in its application to the district, shall be extended to enable the Council to make byelaws, subject to and in accordance with the provisions of that section, requiring the use of effectual silencers on vessels in the harbour.

Silencers on
vessels in the
harbour.
1961 c. 64.

PART V
—cont.

twenty-one days after the date of the service of the notice, at which they propose to take the matter into consideration and informing him that he may attend before a committee of the Council with any witnesses whom he desires to call at the place and time mentioned to show cause why the Council should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.

(d) If a person on whom a notice is served under the last foregoing paragraph fails to show cause to the satisfaction of the Council, they may refuse the application or (as the case may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall, if so required by him, within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it is based.

(e) Any person aggrieved by the decision of the Council under this subsection to refuse to register any premises or to cancel the registration of any premises may appeal to a magistrates' court.

(f) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the Council who shall thereupon make any necessary alteration in their register. If a person required to give a notice under this paragraph fails to do so he shall be liable to a fine not exceeding five pounds.

(2) Nothing in subsection (1) of this section shall extend or apply to any premises used for sale or offer or exposure for sale of animal feeding meat—

(a) in tins or other containers, effectually sealed and having attached thereto a notice of adequate size, distinctly and legibly printed and conspicuously visible to the effect that the animal feeding meat is for animal consumption only;

(b) in the form of dog biscuits or other articles of a similar nature;

which premises are not otherwise used for any purpose in connection with the preparation, storage or sale of animal feeding meat.

(3) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Council to enforce.

carcase is moved to a knacker's yard immediately after the slaughter, the owner may take, or cause to be taken, from the carcase during that period any part or organ which, in the opinion of the owner, it is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcase, but if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken, and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from what carcase it was taken.

PART V
—cont.

(5) If the owner of an animal—

- (a) without reasonable excuse contravenes this section or fails to discharge an obligation thereby imposed on him; or
- (b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

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

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act, 1950, or of any order, licence or act of 1950 c. 36, the Minister of Agriculture, Fisheries and Food made, granted or done thereunder, or having effect by virtue of section 89 (2) thereof.

30.—(1) (a) As from the appointed day and subject to the provisions of this subsection, no premises in the district shall be used for sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of animal feeding meat, unless such premises are registered under this section for that purpose by the Council, and a person who uses any premises in contravention of the provisions of this subsection shall be liable, in the case of a first offence, to a fine not exceeding ten pounds and, in the case of a subsequent offence, to a fine not exceeding fifty pounds.

Registration of premises used in connection with sale, etc., of animal feeding meat.

(b) Subject to the following provisions of this subsection the Council shall, on the application of the occupier of or of a person proposing to occupy any premises, register those premises for the purposes of this subsection.

(c) If it appears to the Council that any premises for the registration of which application has been made under this subsection or which are registered under this section are unsuitable for use for the purpose for which they are proposed to be used or are being used, the Council shall serve on the applicant for registration or (as the case may be) on the occupier for the time being of the premises a notice stating the place and time, not being less than

PART V
—cont.
S.I. 1958/2166.

Animals (Prevention of Cruelty) Regulations, 1958, it is necessary to slaughter it either before the expiration of twenty-four hours from the giving of such a notice as is required by paragraph (a) of this subsection, or, without giving such a notice, he may so slaughter it, or cause it to be slaughtered; but—

(i) if the slaughter is before the expiration of the said twenty-four hours, he shall retain the carcase intact until the expiration of that period, or until its disposal is approved by an authorised officer, whichever first occurs; or

(ii) if the slaughter is without giving such a notice, he shall give notice thereof to an authorised officer as soon as practicable thereafter, and retain the carcase intact until the expiration of twenty-four hours from the giving of that notice, or until its disposal is approved by an authorised officer, whichever first occurs;

(c) he shall on the application of an authorised officer made within two weeks from the date of its slaughter, furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcase or any part thereof.

(3) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned, he may permit a veterinary surgeon or veterinary practitioner—

(a) to send, at any time during that period, to a laboratory a specimen taken from the carcase or the whole carcase; or

(b) to take such a specimen or the whole carcase into his possession at any time during that period, and to retain it;

but, where the owner gives such a permission and it is acted upon, he shall give to an authorised officer notice of the action taken within twenty-four hours from the time when it is taken.

(4) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned, if the slaughter was in a knacker's yard, or the

and whether alone or accompanied by or mixed with any other substance, but does not include any residuals which have been sterilised in a manner not less effective than that prescribed by any regulations for the time being in force under the Food and Drugs Act, 1955, resulting from the refining or processing of any such flesh at premises to which the provisions of sections 107 and 108 of the Act of 1936 are applicable;

PART V
—cont.

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

“ authorised officer ” means any officer who is, by virtue of the Food and Drugs Act, 1955, an authorised officer for the purposes of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption;

“ flesh ” includes any part of an animal;

“ knacker’s yard ” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption;

“ meat ” includes any part of the carcase of an animal;

“ premises ” does not include a knacker’s yard or slaughterhouse;

“ slaughterhouse ” has the same meaning as in section 135 of the Food and Drugs Act, 1955.

29.—(1) As from the appointed day the following provisions shall have effect in the district with respect to the slaughter of any of the following animals, namely, horses, cattle, sheep, goats or pigs, where the animal is slaughtered owing to emaciation or disease, and the Meat Inspection Regulations, 1963, do not have effect in relation to the slaughtering by reason of its not being for human consumption.

Slaughter of animals otherwise than for human consumption. S.I. 1963/1229.

(2) The owner of any such animal shall comply with the following provisions:—

(a) except in the cases mentioned in paragraph (b) of this subsection he shall not slaughter it, or cause it to be slaughtered, until he has given notice to an authorised officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired;

(b) if, by reason of accidental injury, illness or exposure to infection or other emergency affecting that animal or in order to comply with regulation 18 of the Slaughter of

PART IV
—cont.

domestic purposes of the occupants by reason of the absence or defective state of the supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe, the Council may give notice to the owners requiring them within such reasonable period as may be stated in the notice to repair or renew the pipe or execute any other works as may be necessary to secure that the supply of water to any such houses is restored:

Provided that if after reasonable inquiry the names and addresses of the owners cannot be ascertained, the Council may, if they think fit, repair or renew the pipe or execute such other works as aforesaid and may recover any expenses reasonably incurred by them in so doing from the owners or occupiers of the houses in such proportions as may be determined by the Council or in case of dispute by a magistrates' court.

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

(c) Nothing done under this subsection shall prejudice or affect the rights and obligations as between themselves of the owner and the occupier of any house.

(4) The powers and functions of the Council under the foregoing provisions of this section may be exercised by the medical officer of health or the public health inspector.

(5) The Council may if they think fit themselves bear the whole or any part of any expenses recoverable by the Council under this section.

(6) The provisions of this section shall not without the consent of the water undertakers (which consent shall not be unreasonably withheld) apply to the restoration by the Council of the supply of water to an occupied house where such supply has been cut off by the water undertakers in exercise of their statutory powers unless the Council pay to the water undertakers any sum due to them in respect of the supply of water to that house.

PART V

FOOD

Interpretation
of this Part
of Act. 28. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

“ animal feeding meat ” means any flesh of cattle, horses, asses, mules, swine, sheep or goats which is sold or intended for sale for consumption by any animal and includes any such flesh, whether cooked or uncooked,

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

PART IV
—cont.

Provided that the court shall not make an order under this section—

- (i) if such an order would result in the owner being required to demolish the chimney, flue or pipe; and
- (ii) unless it is satisfied that the cost of work to be done in pursuance of the order and to make good any consequential damage to the building or structure need not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

27.—(1) Where an occupied house in the district has ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe or the absence or defective state of any fittings, the Council may, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things (including the making of any payment) as they may consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

Supply of water to premises where supply cut off.

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

Provided that the court shall not under this subsection order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings, unless the court is satisfied that that other person at the instance of the defendant has had due notice of the proceedings and an opportunity of being heard.

(3) (a) Where two or more houses in the occupation of different persons, being houses supplied with water by a common pipe belonging to the owners or occupiers of those houses or some of them, have ceased to be supplied with water sufficient for the

PART IV
—cont.Byelaws with
respect to
swimming
baths and
bathing pools.

24. Section 233 of the Act of 1936 shall have effect in its application to the district and the Council as if for the proviso to subsection (1) there were substituted the following proviso:—

“ Provided that this section shall not empower the local authority to make byelaws—

- (a) for regulating the conduct of persons resorting to or for the prevention of accidents in any swimming bath or bathing pool which is not open to the public and for, or in connection with, the use of which no charge is made; or
- (b) for securing the purity of the water in or for ensuring the adequacy and cleanliness of the accommodation at any swimming bath or bathing pool within the curtilage of a school or of a private dwelling-house.”

Refuse
disposal.

25.—(1) Where plans of a building have been deposited with the Council in pursuance of building regulations the Council may reject the plans if they are not satisfied that the plans show that—

- (a) adequate accommodation for the storage of refuse from the building; and
- (b) adequate means of access from a highway to the place of storage of the refuse so as to facilitate the removal of refuse to the Council's refuse vehicles;

will be provided.

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

(3) Any question arising under this section between the Council and the person by or on whose behalf plans are deposited as to whether the accommodation for the storage of refuse or the means of access shown on the plans is adequate may on the application of that person be determined by a magistrates' court:

Provided that no such application shall be entertained unless it is made before the proposed building has been substantially commenced.

Power to
order
alteration of
domestic
chimneys.

26.—(1) If a magistrates' court is satisfied upon a complaint by the Council that any smoke, gas or vapour from a chimney, flue or pipe of a building or structure forming part of, or within the curtilage of, a house in the district is prejudicial to the health of any of the inhabitants of the district or a nuisance, the court may make an order requiring the owner of the chimney, flue or pipe, within such time as may be specified in the order—

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

is about to be held, given or provided, to provide to the reasonable satisfaction of the Council and thereafter to the like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

PART IV
—cont.

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

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

Provided that—

- (a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Council's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises; and
- (b) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section if, on the date when the public are admitted to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) (a) Section 89 of the Act of 1936 shall in its application to the district have effect as if for the words " refreshment-house or place of public entertainment " in subsection (1) of that section there were substituted the words " or refreshment-house ".

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

(5) The provisions of this section shall not apply to any premises or place in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Council under section 75 of the Public Health Act, 1961. 1961 c. 64.

PART III
—cont.

1925 c. 20.

(5) 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
- (c) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or common land moorland or other land to which this section applies.

(6) In this section—

- (a) the expression “ container ” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;
- (b) the expression “ private property ” does not include common land;
- (c) the expression “ vehicle ” means a vehicle of any description, whether drawn or propelled by mechanical power or not.

Interpretation
of Part III.

22.—(1) In this Part of this Act—

“ classified road ”, “ county road ”, “ new street byelaws ” and “ trunk road ” have the same meanings as in the Act of 1959;

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

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof, whichever is the earlier, began.

PART IV

PUBLIC HEALTH

Provision of
sanitary
conveniences
at places of
public
exhibition,
etc.

23.—(1) The Council may by notice require the owner or occupier of any premises or place in the district at which any exhibition, performance, amusement, game or sport to which the public are or will be admitted is held, given or provided or

any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to and within 15 yards of a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever other than newspapers.

PART III
—cont.

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

(3) (a) This section applies to—

- (i) such parts of the classified roads A.392, A.3059, A.3075, B.3276 and the roads known as Chester Road, Gannel Road and Hilgrove Road as are situate within the district; and
- (ii) any other road or part of a road in the district to which the Minister of Transport may by order on the application of the Council apply this section.

(b) Before making application for an order under this subsection the Council shall publish once in each of two successive weeks in a local newspaper circulating in the district a notice stating the general effect of the intended order and stating that within a period specified in the notice (not being less than twenty-eight 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 Minister of Transport and by sending a copy thereof to the clerk.

(c) If, before the expiration of the period specified in the notice, any objection to the application is received by the Minister of Transport from any person appearing to him to be affected, the said Minister shall, before making the order, cause a local inquiry to be held and consider the report of the person who held the inquiry.

(4) (a) Where an offence under 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.

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

PART III
—cont.
Road cleansing
vehicles.
1960 c. 16.

18. Between one hour after sunrise and one hour before sunset the provisions of any order under the Road Traffic Act, 1960, prohibiting the driving of vehicles on any specified road in the district otherwise than in a specified direction shall not apply to any mechanically propelled and operated road cleaning vehicle provided by the Council when engaged in the cleansing of any street.

Verges, etc.,
of housing
estates.
1957 c. 56.

19.—(1) Where in pursuance of the Housing Act, 1957, any grass verge, garden or space is provided by the Council and maintained in an ornamental condition or mown they may by notice prohibit any person from—

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

(b) entering upon any such garden.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge, garden or space to which it relates and if any person contravenes a notice so posted he shall be liable to a fine not exceeding five pounds.

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

(4) Nothing in this section shall restrict, prevent, interfere with or prejudice the exercise by any person of any statutory right or power to enter upon any lands.

Removal of
trees, etc.,
from streets.

20.—(1) Where any tree or structure or any part thereof falls on or across any street in the district, the Council may remove the same and recover the reasonable cost of so doing from the owner thereof or, if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situated, from the occupier thereof.

(2) The provisions of section 276 of the Act of 1936 (relating to the sale of certain materials) as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included timber.

Sale of food
and articles
on verges,
etc.

21.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall provide, erect, place or use any shed, hut, shelter, booth, shop, stall or other erection whether on wheels or not or any vehicle or any container used with or without a stall on the verge of any road to which this section applies or on

(4) The provisions of Schedule 6 to the Road Traffic Act, 1960, so far as applicable, shall apply in respect of the exercise by the Council of the powers of this section as they apply in respect of the making by a highway authority of an order under section 36 of that Act. PART III
—cont.
1960 c. 16.

(5) The exercise by the Council of the powers of this section in relation to any street shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which may for the time being be under, in, upon, over, along or across that street; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that street.

(6) In this section the expression “telegraphic line” has the same meaning as in the Telegraph Act, 1878. 1878 c. 76.

16.—(1) The Council may cause flag-poles and pylons to be erected in any street in the district for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street. Decorations
in streets.

(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 five pounds.

(3) The Council shall not exercise the powers of this section—

- (a) in a trunk road without the consent of the Minister of Transport; or
- (b) in a county road without the consent of the county council;

and such consent shall not be unreasonably withheld but may be given subject to a condition that the Council shall at their own expense remove anything placed in the street under the powers conferred by this section if reasonably required to do so by the person giving the consent.

(4) The Council shall not exercise the powers of this section in any street belonging to or repairable by the board without the consent of the board.

17. As from the appointed day section 65 of the Towns Improvement Clauses Act, 1847 (which requires the occupiers of houses and other buildings in the streets to mark their houses with numbers), shall have effect in its application to the district as if after the words “with such numbers as the commissioners approve of” there were inserted the words “and in such positions as to be easily visible from the street” and as if after the words “a number approved of by the commissioners” there were inserted the words “and in such position as to be easily visible from the street”. Numbers of
houses.
1847 c. 34.

PART III
—cont.Mixing of
mortar, etc.,
in streets.

1957 c. 56.

14.—(1) No person shall deposit mixed cement or any like substance or mix mortar, cement, plaster or any like substance in any street in the district maintainable at the public expense or in any street therein constructed under the powers in that behalf contained in the Housing Act, 1957, the Act of 1959 or the Act of 1962 or in any part of a private street being a part that drains into a gully, drain or sewer maintainable at the public expense, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent the same from being washed into any gully, drain or sewer:

Provided that this section shall not apply to the depositing or mixing in any street of any substances for the purposes of making up, maintaining, reinstating, repairing, altering or improving such street or any bridge over or under the same.

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

*Miscellaneous*Temporary
stoppage of
streets.

1960 c. 16.

15.—(1) For the purpose of—

(a) making any new street; or

(b) providing a parking place for vehicles under section 81 of the Road Traffic Act, 1960;

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

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

(i) as respects any trunk road, without the consent of the Minister of Transport; or

(ii) as respects any county road, without the consent of the county council; or

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

(iv) so as to obstruct, or interfere with, the access to, or exit from, any station or depot of any railway or passenger road transport undertakers.

(2) Any consent required by the foregoing subsection shall not unreasonably be withheld but may be given subject to a condition that the Council shall at their own expense remove anything placed in a street under the powers conferred by this section if reasonably required to do so by the person giving the consent.

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

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

PART III
—cont.

- (a) is in such disrepair as to be liable to endanger persons using the street; or
- (b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section, is so constructed as to be liable as aforesaid;

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

(5) The provisions of subsection (2) of this section shall not apply to a retaining wall which is proposed to be erected—

- (a) on land belonging to any railway undertakers so long as that land is used by those undertakers primarily for the purpose of their railway undertaking; or
- (b) on land belonging to the gas board or the electricity undertakers so long as that land is used by them primarily for the purpose of their respective undertakings; or
- (c) by the Minister of Transport on a trunk road; or
- (d) by the county council on a county road.

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

Awnings
over
footways.

- (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;

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

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

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

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

(4) In this section “awning” includes a blind, shade or other covering.

PART III
—cont.

(7) Any consent required by the foregoing subsection shall not unreasonably be withheld but may be given subject to a condition that the Council shall at their own expense remove anything placed in a street under the powers conferred by this section if reasonably required to do so by the person giving the consent.

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

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

*Protection and repair of streets*Retaining
walls.

12.—(1) In this section “retaining wall” means a wall which—

- (a) serves, or is intended to serve, as a support for earth or other materials on one side only; and
- (b) does not form part of a permanent building;

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

- (i) any cross-section whereof is wholly or partly within 12 feet of a street in the district; and
- (ii) which is at any point of a greater height than 4 feet 6 inches above the level of the ground at the boundary of the street nearest that point.

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

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

- (c) to lay out grass verges or gardens;
- (d) to provide guards or fences, and otherwise do anything expedient, for the maintenance or protection of such trees, shrubs, containers, grass verges or gardens;
- (e) to cut down any such tree or shrub, to remove any such container, guard or fence and to abolish any such grass verge or garden or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden so laid out;
- (g) by notice to prohibit the playing of any game on any grass verge as aforesaid which is likely to cause damage thereto.

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

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

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

(4) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Council or to any such land as is referred to in subsection (1) of this section; and anything done by the Council 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.

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

(6) The Council may exercise the powers conferred by this section in—

(a) a street being a trunk road with the consent of the Minister of Transport;

(b) a street being a county road with the consent of the county council;

notwithstanding that the street is not vested in the Council.

PART III
—cont.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the Council and the persons interested in the respective estates, be determined by a single arbitrator appointed in default of agreement by the Minister.

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

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land, and any removal, modification or imposition of covenants, restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

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

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

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

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

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

Improvement of streets

Trees, grass
verges and
gardens.

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

- (a) to plant trees or shrubs or place containers in which to grow trees or shrubs;
- (b) to attach containers for plants to posts or standards provided by the Council or, with the consent of the owner thereof, to any other posts or standards;

another street, whether existing or intended, but not being a trunk road, shall be rounded or splayed off in such manner as may be specified in the notice.

PART III
—cont.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited; and the requirements thereof shall be binding on successive owners of the land to which it relates.

(3) The Council shall pay compensation to any person injuriously affected by the exercise of powers conferred by this section; and in default of agreement the amount thereof shall be determined by arbitration in accordance with the provisions of Parts I and II of the Land Compensation Act, 1961.

1961 c. 33.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section, he shall be liable to a fine not exceeding twenty pounds; and the Council may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person.

(5) The Council shall not exercise the powers of this section as respects any county road without the consent of the county council.

(6) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

1925 c. 22.
1926 c. 11.

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

Adjustment
of boundaries
of estates in
connection
with streets.

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

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

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

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

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

PART III
—cont.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited; and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of such a notice he shall be liable to a fine not exceeding twenty pounds; and the Council may construct the carriageway and works of sewerage which should have been constructed, and recover the expenses of so doing from that person.

1925 c. 22.
1926 c. 11.
(4) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under any enactment relating to private street works for the time being in force in the district.

Access to
new street.

8.—(1) Where a plan and sections of a new street deposited with the Council in pursuance of new street byelaws are approved by them, they may, for the purpose of securing adequate means of communication between the new street and any other street, whether existing or intended, by notice prohibit the erection or retention of any structure at either end of the new street on land belonging, at the time of the deposit, to the owner of the land upon which the new street is proposed to be constructed or laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways maintainable at the public expense.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited; and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes a notice under this section he shall be liable to a fine not exceeding twenty pounds; and the Council may remove the structure and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, with respect to the avoidance of any such notice for want of registration as a local land charge.

Rounding or
splaying off
corners at
street
junctions.

9.—(1) Where a plan and sections of a new street deposited with the Council in pursuance of new street byelaws are approved by them, they may, for the purposes of safety, by notice require that the corners formed at the junction of the new street with

shall be binding, not only upon the Council 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.

PART II
—cont.

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

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

PART III

STREETS

New streets

6.—(1) Where a plan and sections of a new street have been deposited with the Council in pursuance of new street byelaws and have been approved by them, no person shall without their consent begin to erect a building on land abutting on the street until he has defined by posts, or in some other suitable manner, the approved line, width and level of so much of the street as abuts on any land which will be occupied as the site of, or in connection with, the building.

Prohibition
of building
until street
defined.

(2) Where the approved width of a new street has been defined as aforesaid, no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a fine not exceeding twenty pounds, and the Council may—

(a) in the case of a contravention of subsection (1), define as aforesaid the approved line, width and level of the new street; and

(b) in the case of a contravention of subsection (2), remove the building or structure;

and in either case recover the expenses of so doing from that person.

7.—(1) Where a plan and sections of a new street deposited with the Council in pursuance of new street byelaws are approved by them, they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed, and the street has been sewered, in accordance with the said byelaws:

Prohibition
of building
until street
formed and
sewered.

Provided that where the plan shows that the street will exceed 100 yards in length, the Council shall divide the street for the purpose of the notice into lengths not exceeding 100 yards, and each such length shall for that purpose be treated as a separate street.

PART II
—cont.

(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 successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

1965 c. 56.

(9) The Council shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act, 1961.

1961 c. 33.

(10) Any restriction the operation of which is suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land affected by the restriction, and, if compensation is paid by the Council under subsection (9) of this section in respect of the suspension of the operation of a restriction relating to the building upon or use of land, that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose, the restriction shall after any subsequent conveyance or disposition of the land remain unenforceable only so long as the land is used for that purpose.

(11) If the Council dispose of any land affected by the restriction suspended under the powers of this section they shall in two successive weeks publish notice thereof in a local newspaper circulating in the locality in which the land is situated.

(12) Nothing in this section shall apply to any restriction for the protection of or for securing access to apparatus of the board contained in any deed, wayleave, agreement or other instrument.

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

Undertakings
and
agreements
binding
successive
owners.

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

- (a) given or made under seal either on the passing of plans or otherwise in connection with the land; and
- (b) expressed to be given or made in pursuance of this section;

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

(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 operation 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 operation of 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 Council acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the operation of 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 Council acquire the land.

(7) If in the opinion of the Council 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 Council may—

(a) in three successive weeks publish in a local newspaper circulating in the district a notice describing the land, 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 Council 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.

52.—(1) The Council may make byelaws with respect to the harbour and may by such byelaws—

PART VIII
—cont.

- (a) prescribe the areas to be used for car parking and the charges therefor;
- (b) regulate the use of the harbour by vessels.

Newquay Harbour.

(2) The Council may make reasonable charges for services and facilities provided by them for vessels using the harbour.

(3) The Council may demand, take and recover such ship, passenger and goods dues as they think fit at the harbour, and for that purpose the provisions (so far as they are applicable and so long as they remain in force) of sections 30, 31, 32, 33 and 34 of the Act of 1964 shall apply and have effect as if—

- (a) references in those provisions to ship, passenger and goods dues for the time being exigible by virtue of section 26 of that Act were references to ship, passenger and goods dues for the time being exigible under this subsection;
- (b) references in those provisions to a harbour authority were references to the Council;
- (c) references in those provisions to any harbour or to a harbour were references to the harbour;
- (d) the Council were, in the exercise and performance of statutory powers and duties, engaged in improving, maintaining or managing the harbour;
- (e) the references in subsection (8) of the said section 32 and subsection (8) of the said section 33 to charges deemed to have been imposed under section 26 of that Act were references to ship, passenger and goods dues for the time being exigible under this subsection.

(4) (a) Sections 14, 15, 28, 99 and 100 of the Harbours, Docks and Piers Clauses Act, 1847, are hereby incorporated with and form part of this Act:

1847 c. 27.

Provided that the said section 28 as so incorporated shall be read and have effect as amended by paragraph (2) of section 31 of the Post Office Act, 1953.

1953 c. 36.

(b) In construing the enactments so incorporated “ the special Act ” shall mean this Act, the expressions “ the promoters of the undertaking ” and “ the Undertakers ” shall mean the Council, and the expression “ the harbour dock or pier ” shall mean the harbour.

(5) In this section—

“ the Act of 1964 ” means the Harbours Act 1964;

1964 c. 40.

“ ship, passenger and goods dues ” has the same meaning as in the Act of 1964.

PART IX

FINANCE

Power to
borrow.

53.—(1) The Council may borrow—

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

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

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

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

1946 c. 58.

Holiday
amenity fund.

54.—(1) The Council may (if they think fit) establish a fund to be called “the holiday amenity fund” to which they may pay sums from the revenue of any trading undertaking of the Council carried on for the purpose of providing holiday amenities (including the interest earned on the holiday amenity fund and any income arising from the application of that fund to the purposes authorised) as the Council may by resolution direct not being moneys directed by law to be applied to any other purpose:

Provided that—

- (i) the aggregate amount paid to the holiday amenity fund under this subsection (in addition to the sum equal to the interest earned on the holiday amenity fund and any income arising from the application of the fund to the purposes authorised) shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of twice the product of a penny rate or one-half the surplus on the trading account in the same year, whichever is the less; and
- (ii) payments into the holiday amenity fund shall not be made whenever that fund amounts to twelve times the product of a penny rate or such greater sum as may from time to time be approved by the Minister.

(2) The Council may apply the moneys in the holiday amenity fund in defraying any expenditure to which capital is properly applicable (being expenditure in connection with any trading undertaking of the Council from which revenue is derived and

which is carried on for the purpose of providing holiday amenities) or in providing money for repayment of loans (but not in making the annual payment required to be made therefor):

PART IX
—cont.

Provided that the amount to be expended under this subsection shall not exceed a sum equal to five times the product of a penny rate in any one transaction unless a greater sum shall in any case be allowed by the Minister.

(3) Pending the application of moneys in the holiday amenity fund to the purposes authorised by the last preceding subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in accordance with the following provisions of this section.

(4) Sections 1, 2, 5, 6, 12 and 13 of the Act of 1961 (which relate to the investment powers of trustees), shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Council were the trustees of that trust fund; and subsection (2) of section 7 of that Act shall have effect in relation to sections 1, 2, 5 and 6 of that Act as applied by this subsection:

Provided that the moneys in the holiday amenity fund shall not by virtue of this section be invested or held invested in any manner specified in paragraph 6 of Part II of Schedule 1 to the Act of 1961 or in wider range investments.

(5) For the purposes of this section “the product of a penny rate” means the product of a penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act 1967. 1967 c. 9.

55.—(1) (a) The Council may (if they think fit) provide a Housing reserve fund in respect of their housing advance scheme by setting aside such an amount as they may by resolution direct and investing the same in accordance with the provisions of this section until the fund so provided amounts to the prescribed maximum: Housing advances reserve fund.

Provided that—

- (i) for the purposes of this section “the prescribed maximum” shall be a sum equal to 1 per cent. of the amount at any time owed to the Council in respect of housing advances under their housing advance scheme or such greater sum as may from time to time be approved by the Minister;
- (ii) the aggregate amount set aside for the purposes of the reserve fund provided under this subsection shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of the product of a penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act 1967 or the surplus of interest and charges on the account in that year, whichever is the less.

PART IX
—cont.

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

(2) Sections 1, 2, 5, 6, 12 and 13 of the Act of 1961 (which relate to the investment powers of trustees), shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Council were the trustees of that trust fund; and subsection (2) of section 7 of that Act shall have effect in relation to sections 1, 2, 5 and 6 of that Act as applied by this subsection:

Provided that no such moneys shall by virtue of this section be invested or held invested in any manner specified in paragraph 6 of Part II of Schedule 1 to the Act of 1961, or in wider range investments.

(3) The reserve fund provided under this section may be applied in making good any deficiency incurred by the Council under their housing advance scheme and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

Establishment
expenses.

56. Without prejudice to section 292 of the Act of 1936, and to 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 5 per cent. of the cost of the works, as they think fit in respect of their establishment charges.

Recovery of
rates from
tenants and
lodgers.
1967 c. 9.

57. For the purposes of section 61 of the General Rate Act 1967 the rates due from the person rated for any hereditament within the district shall be deemed to be in arrear, if such rates are not paid within one month after lawful demand in writing has been made for the same.

Collection
and recovery
of water
rates and
charges.

58. Notwithstanding the provisions of any other enactment any water rates and charges recoverable by the Council in a court of summary jurisdiction may (without prejudice to any other right or remedy by the Council) be recoverable in the same manner and subject to the same provisions in respect of such recovery as the general rate.

PART X
MISCELLANEOUS

- 59.—(1) If a person for the purpose of obtaining for himself or another person—
- (a) the tenancy or occupation of a house belonging to, or at the disposal of, the Council; or
 - (b) a grant, loan, allowance or other payment by or on behalf of the Council; or
 - (c) a reduction of a rent, rate, charge or other payment due or to become due to the Council;

False statements to obtain rent rebates, etc.

knowingly or recklessly makes, or permits to be made, to the Council or to any committee of the Council or member of the Council, or employee of the Council, a statement which is false in a material particular about his, or that other person's, needs or means, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both.

(2) Where the making of a false statement for any of the purposes aforesaid is an offence under any enactment other than the Perjury Act, 1911, it shall not be an offence under this section. 1911 c. 6.

(3) The court by which a person is convicted of an offence under this section may by the conviction adjudge him—

- (a) to repay to the Council a sum not exceeding the amount of the grant, allowance or other payment, not being a loan, obtained by means of the false statement;
- (b) to pay to the Council a sum not exceeding the difference between any reduced payment accepted by the Council in faith of the false statement and the payment which the Council would otherwise have accepted.

60. The rent for the time being recoverable by the Council under a tenancy of any premises forming part of any housing accommodation belonging to the Council may be increased or reduced or the terms and conditions of that tenancy may be varied, amended or added to by the service by the Council on the tenant of a notice, specifying the amount of the increase or reduction of rent or the variation or amendment of or addition to the terms and conditions, whether or not such notice is accompanied by a notice to quit, but such increase, reduction, variation, amendment or addition shall not take effect until such date as may be specified in the notice, not being earlier than—

Notice of variation of rent, etc.

- (1) four weeks after the service thereof; or
- (2) the date on which, if this section had not been enacted, the tenancy could have been terminated by serving a notice to quit on the date of the service of the notice under this section;

whichever shall be the later:

PART X
—cont.

Provided that, if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Council, requiring them to treat the notice as a notice to quit, the notice shall be deemed to be a notice to quit the premises on that date.

Powers to
use ladders,
etc., for entry
or inspection.

61.—(1) Any power conferred on an officer of the Council by or under any enactment to enter upon and inspect any building or works in course of construction shall include a power to use, free of expense, for the purpose of the entry or inspection, any ladders, scaffolding and plant in or about the building or works.

(2) If the builder of, or contractor for, any building or works or any person employed by him in or about any building or works—

- (a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or
- (b) otherwise obstructs such an officer in the exercise of those powers;

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

Disposal of
lost and
uncollected
property.

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

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

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

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

(5) In this section—

“lost property” means any property (including money) coming into the custody of the Council after being left on or in any premises occupied by the Council to which the public have access; and

“ uncollected property ” means any property deposited in any cloakroom or parcels store provided by the Council for the use of the public in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

PART X
—cont.

PART XI

GENERAL

63. 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 the sections mentioned in the first column of the following table, the confirming authority shall be the authority respectively mentioned in the second column of that table:—

Section 39 (St. Mawgan aerodrome)	Board of Trade.
Section 52 (Newquay Harbour)	Minister of Transport.

64. Anything to be done by, to or before the Board of Trade by virtue of this Act may be done by, to or before the President of that Board, any Minister of State with duties concerning the affairs of that Board, any secretary, under-secretary or assistant secretary of that Board, or any person authorised in that behalf by the President of that Board. As to exercise of powers by Board of Trade.

65.—(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. Local inquiries.

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

66.—(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. The appointed day.

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

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

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

PART XI
—cont.

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

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

(4) Either—

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

(b) a photostatic or other reproduction certified by the 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 70 (Appeals) of this Act.

Evidence of proceedings, appointments, etc.

67.—(1) In proceedings under any enactment, a document purporting to be certified by the 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.

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

PART XI
—cont.

For protection
of statutory
undertakers.

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

“ apparatus ” means—

(a) in relation to the electricity undertakers any electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the electricity undertakers and includes any works constructed for the lodging therein of apparatus; 1882 c. 56.

(b) in relation to the gas board mains, pipes or other apparatus belonging to or maintained by the gas board, and includes any works constructed for the lodging therein of apparatus;

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

“ operational land ” has the same meaning as in section 221 of the Act of 1962;

“ position ” includes depth;

“ the undertakers ” means—

the electricity undertakers and the gas board; or any of them, as the case may require:

(2) Nothing in section 4 (Suspension of restrictive covenants) of this Act shall apply to any restriction for the benefit or protection of, or for securing access to, any operational land or apparatus of the undertakers contained in any deed, wayleave, agreement or other instrument:

(3) For the purposes of section 6 (Prohibition of building until street defined) of this Act, land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:

(4) Nothing in the said section 6 or in section 7 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect, or proceeding with the erection of, apparatus (including, in the case of the electricity undertakers an electricity substation, a feeder pillar or meter house and in the case of the gas board a pressure governor or meter house)

PART XI
—cont.

for the purposes of their undertaking on land abutting on any new street before, in the case of the said section 6, such new street is defined or, in the case of the said section 7, such new street is constructed or sewered in accordance with new street byelaws:

- (5) (a) Not less than twenty-eight days before the Council in the exercise of the powers of section 9 (Rounding or splaying off corners at street junctions) of this Act require the addition to the carriageway of a street of any portion of a footway or grass margin or garden in which any apparatus is situate, the Council shall give to the undertakers notice of their intention so to do accompanied by a plan and section of the intended alteration and the undertakers may alter the position of the apparatus to such other position in—
- (i) the carriageway or footway; or
 - (ii) the grass margin or garden (if any) as altered; as may be reasonable;
- (b) The undertakers may within twenty-eight days from the receipt of a notice from the Council under sub-paragraph (a) of this paragraph give to the Council not less than fourteen days' notice of their intention to alter the position of any apparatus accompanied by a plan and section of the proposed alteration and—
- (i) if such plan and section is not disapproved by the Council within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be approved;
 - (ii) if the Council before the expiration of the said period of fourteen days disapprove the said plan and section the proposed position of the apparatus shown thereon may be settled by agreement between the Council and the undertakers, or, in default of agreement, the Council or the undertakers may refer the matter to arbitration and the arbitrator shall (unless he determines that none of the apparatus ought to be altered) settle the position of the apparatus to be altered;
- (c) The Council shall repay to the undertakers the reasonable expenses incurred by the undertakers of, or in connection with, the alteration of the position of any apparatus under this paragraph and the reasonable costs of, and incidental to (i) the cutting off of any apparatus from any other apparatus, and (ii) any other work or thing rendered necessary in consequence of any such work:

(6) Notwithstanding anything in section 10 (Adjustment of boundaries of estates in connection with streets) of this Act, the undertakers shall not, under the provisions of that section be required to exchange any operational land except with their consent, which shall not be unreasonably withheld:

(7) Nothing in section 11 (Trees, grass verges and gardens) nor in section 19 (Verges, etc., of housing estates) of this Act shall affect the rights of the undertakers with respect to apparatus (including the placing of apparatus) in any grass verge, garden or space:

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

(8) Nothing in the following provisions of this Act shall relieve the Council or any person acting by the requirement or with the consent of the Council 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 obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus or operational land:—

Section 11 (Trees, grass verges and gardens);

Section 15 (Temporary stoppage of streets);

Section 16 (Decorations in streets);

Section 19 (Verges, etc., of housing estates):

(9) (a) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 15 (Temporary stoppage of streets) of this Act, the undertakers, their officers, engineers and workmen shall be at liberty at all times to execute and do all such works and things in, under or upon any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus and to enter upon such street for those purposes or any of them with any necessary vehicles;

(b) The Council shall not exercise the powers of the said section 15 so as to obstruct, or interfere with, the access to or exit from any operational land of the undertakers:

PART XI
—cont.

(10) In exercising the powers conferred by subsection (3) of section 31 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the undertakers and used by them for, in the case of the electricity undertakers, the generation or supply of electricity and, in the case of the gas board, the manufacture or storage of gas, an authorised officer of the Council shall conform to such reasonable requirements of the undertakers in the interest of safety and for preventing interference with any process carried on in such premises:

(11) The provisions of section 41 (Safety of stands) of this Act shall not apply to any stand used by the undertakers on operational land:

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

(b) In determining any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of the supply or manufacture of electricity or gas or any apparatus and may, if he thinks fit, require the Council 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.

Restriction
on right to
prosecute.

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

Appeals.

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

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

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

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

PART XI
—cont.

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

- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Council themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

71. Section 265 of the Public Health Act, 1875, shall apply to the Council 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.

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

72.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 2 to this Act shall have effect as if references therein to that Act included references to this Act except section 21 (Sale of food and articles on verges, etc.) of this Act.

Application of general enactments.

(2) The sections of the Act of 1959 mentioned in Part II of Schedule 2 to this Act shall have effect as if references therein to that Act included references to section 21 (Sale of food and articles on verges, etc.) of this Act.

(3) The sections of the Act of 1936 mentioned in Part III of Schedule 2 to this Act shall have effect as if references therein to that Act included references to Part III (Streets) of this Act except section 21 (Sale of food and articles on verges, etc.) of this Act.

(4) The section of the Act of 1936 mentioned in Part IV of Schedule 2 to this Act shall have effect as if references therein to that Act included references to the following provisions of this Act:—

- Section 23 (Provision of sanitary conveniences at places of public exhibition, etc.);
- Section 24 (Byelaws with respect to swimming baths and bathing pools);
- Section 26 (Power to order alteration of domestic chimneys);

PART XI
—cont.

Section 27 (Supply of water to premises where supply cut off);

Part V (Food);

Section 41 (Safety of stands);

Section 47 (Further provision for public and other buildings).

Saving for town and country planning.

73. The provisions of the Act of 1962, 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 thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

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

SCHEDULES

SCHEDULE 1

Section 51.

SCHEME FOR CONTROL OF SURF RIDING

1. In this scheme—

“duly authorised person” means the Council or any lifeguard appointed by the Council or, on a beach not owned by the Council, a lifeguard or other person on that beach appointed by the Council for the purposes of this scheme;

“the prescribed fee” means a fee prescribed by the Council for the purpose of this scheme, and such fee—

(a) shall not exceed ten shillings; and

(b) shall consist of two elements, one element being the cost of insuring the user of the surf board against claims in respect of the death of, or bodily injury to, any other person caused by or arising out of the use of the surf board for riding the surf and the other element (which shall not exceed two shillings and sixpence) being for the purpose of defraying administrative costs:

Provided that the Council shall refrain from charging in respect of the insurance element in any case where there is already in force in relation to that surf board a policy of insurance affording cover at least as adequate as that afforded under the policy effected by the Council;

“registered” means registered under this scheme and “registration” shall be construed accordingly;

“surf board” means any surf board measuring more than 5 feet in length.

2. No person shall use, or cause or permit any other person to use, for the purpose of riding the surf, a surf board within the district unless that surf board is registered with the Council.

3. An application for registration may be made to a duly authorised person and shall be in such form as the Council may require and shall be accompanied by the prescribed fee:

Provided that the Council shall not be entitled to require any information about the applicant other than—

(1) in the case of an individual—

(a) his full name, permanent address and the extent of his previous experience of riding the surf on a surf board; and

(b) any information reasonably required by the insurer with whom insurance of the surf board is effected;

SCH. 1
—cont.

(2) where the applicant is not an individual—

(a) the name and address of the applicant, and

(b) any information required by the insurer with whom insurance of the surf board is effected.

4. Upon receipt of an application in the required form and accompanied by the prescribed fee, a duly authorised person shall forthwith grant registration of the surf board in respect of which the application is made and shall paint or affix the registration number to the surf board.

5. Registration shall be for a period of 12 months from the date upon which it is granted.

6. Before the owner of a registered surf board permits another person to use the surf board within the district, whether for payment or not, he shall first inform a duly authorised person of his intention so to do and shall comply with any requirements which the duly authorised person may impose upon him, provided such requirements are necessitated by the policy of insurance under which the surf boards are insured.

7. If a person fails to comply with the requirements of paragraph 2 or paragraph 6 of this scheme he shall be guilty of an offence under this scheme.

8. The provisions of this scheme shall not apply to restrict the use of a surf board in any life-saving operation.

9. If and whenever the Council are unable to effect a policy of insurance for the purposes of this scheme, the requirements of the scheme shall be unenforceable until such a policy is effected.

Section 72.

SCHEDULE 2

GENERAL ENACTMENTS APPLIED

PART I

SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT OTHER THAN SECTION 21

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.
341	Power to apply provisions of Act to Crown property.

PART II

SCH. 2
—cont.

SECTIONS OF ACT OF 1959 APPLIED TO SECTION 21 OF THIS ACT

Section	Marginal note
269	Summary proceedings for offences.
270	Continuing offences.
278	Judges and justices not to be disqualified by liability to rates.
280	Notices, etc., to be in writing; forms of certain documents.
283	Reckoning of periods.
299	Saving for rights and liabilities as to interference with highways.

PART III

SECTIONS OF ACT OF 1936 APPLIED TO PART III OF THIS ACT OTHER THAN SECTION 21

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.
290	Provisions as to appeals against, and the enforcement of, notices requiring execution of works.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act, 1925. 1925 c. 22.

PART IV

SECTION OF ACT OF 1936 APPLIED TO SECTIONS 23, 24, 26, 27, PART V AND SECTIONS 41 AND 47 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

Newquay Urban District Council Act 1967

CHAPTER xxvii

ARRANGEMENT OF SECTIONS

Section	
	PART I PRELIMINARY
1.	Short title.
2.	Division of Act into Parts.
3.	Interpretation.
	PART II LANDS
4.	Suspension of restrictive covenants.
5.	Undertakings and agreements binding successive owners.
	PART III STREETS <i>New streets</i>
6.	Prohibition of building until street defined.
7.	Prohibition of building until street formed and sewered.

Section

8. Access to new street.
9. Rounding or splaying off corners at street junctions.
10. Adjustment of boundaries of estates in connection with streets.

Improvement of streets

11. Trees, grass verges and gardens.

Protection and repair of streets

12. Retaining walls.
13. Awnings over footways.
14. Mixing of mortar, etc., in streets.

Miscellaneous

15. Temporary stoppage of streets.
16. Decorations in streets.
17. Numbers of houses.
18. Road cleansing vehicles.
19. Verges, etc., of housing estates.
20. Removal of trees, etc., from streets.
21. Sale of food and articles on verges, etc.
22. Interpretation of Part III.

PART IV

PUBLIC HEALTH

23. Provision of sanitary conveniences at places of public exhibition, etc.
24. Byelaws with respect to swimming baths and bathing pools.
25. Refuse disposal.
26. Power to order alteration of domestic chimneys.
27. Supply of water to premises where supply cut off.

PART V

FOOD

28. Interpretation of this Part of Act.
29. Slaughter of animals otherwise than for human consumption.
30. Registration of premises used in connection with sale, etc., of animal feeding meat.

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Section NUISANCES

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32. Silencers on vessels in the harbour.

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MUNICIPAL PROPERTY, CEMETERIES, ETC.

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34. Provision of zoological and botanical gardens.
35. Saving for trusts, etc.
36. Agreements to maintain graves and tombstones.
37. Extension of power to maintain burial grounds.
38. For protection of Commonwealth War Graves Commission.
39. St. Mawgan aerodrome.

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41. Safety of stands.
42. Touting, hawking, etc.
43. Sale of food and articles from private forecourts.
44. Unauthorised structures on seashore.
45. Hackney carriages.
46. Licensing of boatmen and pleasure boats.
47. Further provision for public and other buildings.
48. Amendment of sections 59 and 60 of Act of 1936.
49. Saving for Fire Services Acts and Factories Act.
50. Regulation of bathing and surfing.
51. Control of surf riding.
52. Newquay Harbour.

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FINANCE

53. Power to borrow.
54. Holiday amenity fund.
55. Housing advances reserve fund.
56. Establishment expenses.
57. Recovery of rates from tenants and lodgers.
58. Collection and recovery of water rates and charges.

PART X

MISCELLANEOUS

59. False statements to obtain rent rebates, etc.
60. Notice of variation of rent, etc.

Section

61. Powers to use ladders, etc., for entry or inspection.
62. Disposal of lost and uncollected property.

PART XI

GENERAL

63. Confirming authority for byelaws.
64. As to exercise of powers by Board of Trade.
65. Local inquiries.
66. The appointed day.
67. Evidence of proceedings, appointments, etc.
68. For protection of statutory undertakers.
69. Restriction on right to prosecute.
70. Appeals.
71. Protection of members and officers of Council from personal liability.
72. Application of general enactments.
73. Saving for town and country planning.
74. Costs of Act.

SCHEDULES:

Schedule 1—Scheme for control of surf riding.

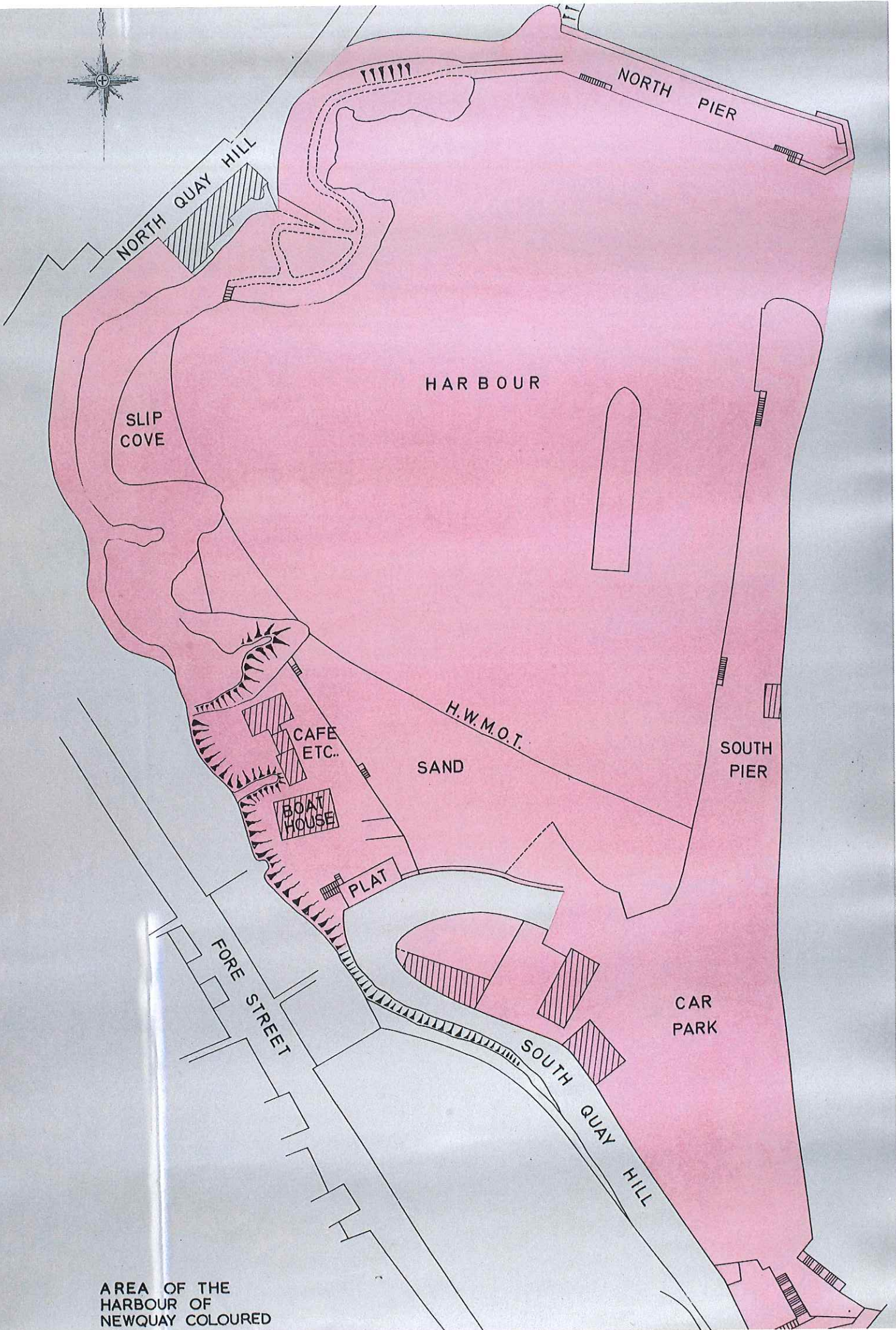
Schedule 2—General enactments applied—

Part I—Sections of Act of 1936 applied to this Act other than section 21.

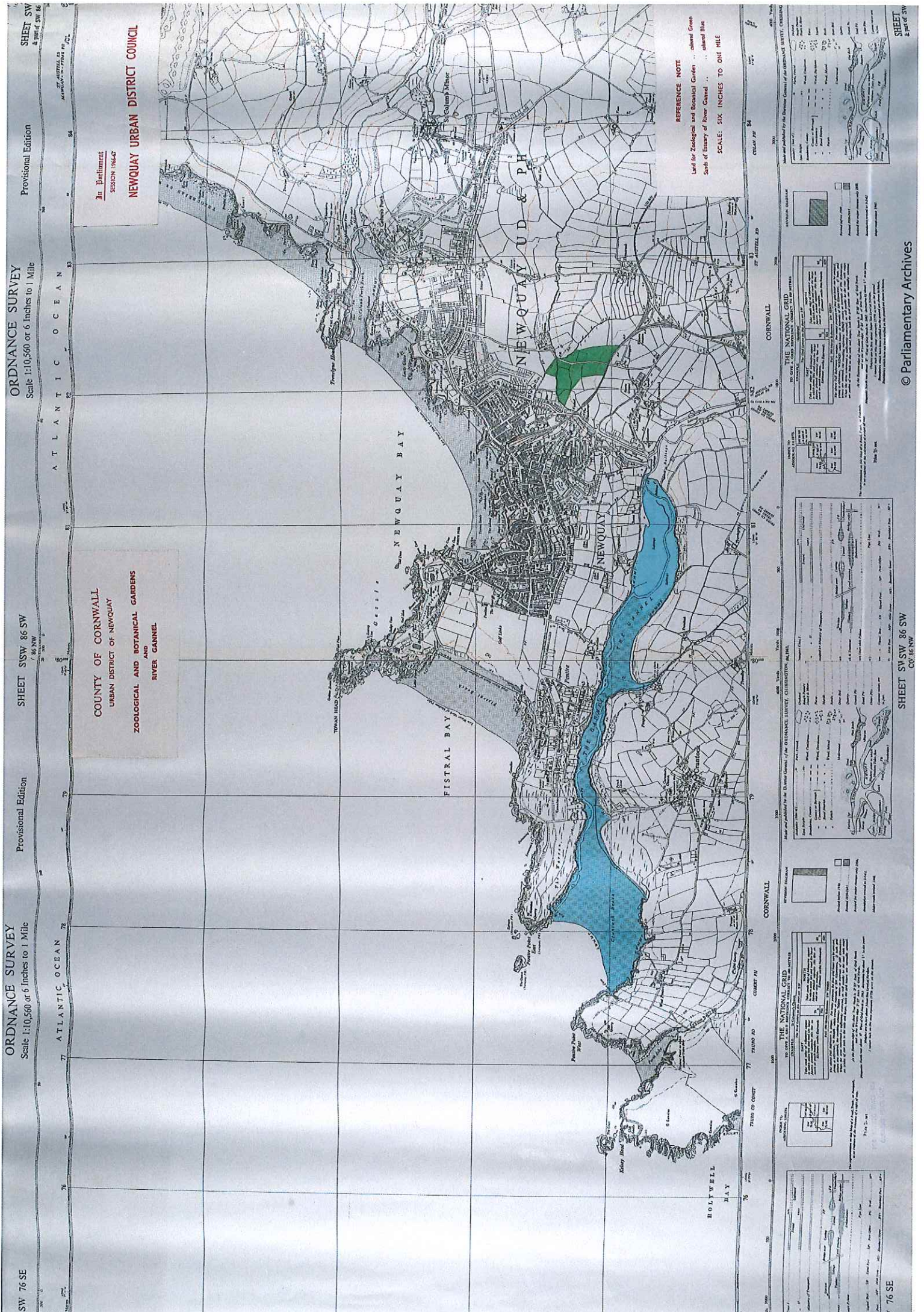
Part II—Sections of Act of 1959 applied to section 21 of this Act.

Part III—Sections of Act of 1936 applied to Part III of this Act other than section 21.

Part IV—Section of Act of 1936 applied to sections 23, 24, 26, 27, Part V and sections 41 and 47 of this Act.



AREA OF THE HARBOUR OF NEWQUAY COLOURED PINK



SW 76 SE SHEET SW SW 86 SW / 86 NW SHEET SW SW 86 SW / 86 NW SHEET SW SW 86 SW / 86 NW SHEET SW SW 86 SW / 86 NW
 ORDANCE SURVEY Scale 1:10,560 or 6 inches to 1 Mile ORDANCE SURVEY Scale 1:10,560 or 6 inches to 1 Mile
 Provisional Edition Provisional Edition Provisional Edition Provisional Edition
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NEWQUAY URBAN DISTRICT COUNCIL
 2nd Edition
 REVISION 1946/7

COUNTY OF CORNWALL
 URBAN DISTRICT OF NEWQUAY
ZOOLOGICAL AND BOTANICAL GARDENS
 AND
RIVER CANAL

REFERENCE NOTE
 Land for Zoological and Botanical Gardens ... colored Green
 Sands of Estuary of River Canal ... colored Blue
 SCALE: SIX INCHES TO ONE MILE

CORNWALL

THE NATIONAL GRID
 CO-ORDINATE SYSTEM

Grid coordinates: 76 77 78 79 80 81 82 83 84

Scale: 1:10,560

Grid Reference: SW 86 SW / 86 NW

Map details and notes:

- Grid lines and coordinates.
- Scale bar and scale information.
- Reference note regarding colored areas.
- Map title and edition information.

