

County of Kent Act 1981

1981 CHAPTER XVIII

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An Act to re-enact with amendments and to extend certain local enactments in force within the county of Kent; to make further provision in regard to the improvement, health and local government of that county; to confer further powers upon the local authorities of that county; to empower the Thanet District Council to acquire by agreement the undertaking of the company of proprietors of Margate Pier and Harbour; and for other purposes.

(27 July 1981)

Whereas

(1) By virtue of the Local Government Act 1972 (hereinafter referred to as “the Act of 1972”) the county of Kent (hereinafter referred to as “the county”) was constituted on 1st April 1974, so as to consist of an area comprising the county borough of Canterbury and the administrative county of Kent as existing immediately before the passing of the Act of 1972;

(2) Numerous local enactments are in force in the county or parts of the county and by section 262 of the Act of 1972 it is provided that, subject to certain modifications, certain of these shall continue to apply to, but only to, the area, things or persons to which or to whom they applied before 1st April 1974;

(3) It is further provided by the said section 262 that certain local statutory provisions shall cease to have effect at the end of 1984;

(4) It is expedient that certain of these should be re-enacted with amendments and applied to the whole of the county or to parts of the county; that certain other local statutory provisions should continue to have effect and that other statutory provisions in force in or relating to the county should be repealed;

(5) It is expedient to make further provision for the improvement, health and local government of the county and to extend and enlarge in various respects the powers of the local authorities of the county;

(6) It is expedient to empower the Thanet District Council to acquire by agreement the undertaking of the company of proprietors of Margate Pier and Harbour and to confer further power on that Council with regard to the undertaking;

(7) It is expedient that the other provisions contained in this Act should be enacted;

(8) The purposes of this Act cannot be effected without the authority of Parliament;

(9) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

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

Extent

(1)-(9): England

PART I

PRELIMINARY

Law In Force

1. Citation and Commencement.

- (1) This Act may be cited as the County of Kent Act 1981.
 - (2) This Act shall come into operation on 1s November 1981.
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Commencement

Pt I s. 1(1)-(2): November 1, 1981

Extent

Pt I s. 1(1)-(2): England

Law In Force

2. Interpretation.

- (1) In this Act, unless the context otherwise requires –
 - “the Act of 1936” means the Public Health Act 1936;
 - “the Act of 1955” means the Food and Drugs Act 1955;
 - “the Act of 1961” means the Public Health Act 1961;
 - “the Act of 1971” means the Town and Country Planning Act 1971;
 - “the Act of 1972” means the Local Government Act 1972;
 - “the Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976;
 - “the Act of 1980” means the Highways Act 1980;
 - “the appointed day” has the meaning given by section 3 of this Act;
 - “contravention” includes a failure to comply, and “contravene” shall be construed accordingly;
 - “the county” means the county of Kent;
 - “the county council” means the Kent County Council;
 - “daily fine” means a fine for each day on which an offence is continued after conviction thereof;

“district” means a district in the county;
 “district council” means the council of a district;
 “the electricity board” means the London Electricity Board and the South Eastern Electricity Board or either of them as the case may require;
 “functions” includes powers and duties;
 “the generating board” means the Central Electricity Generating Board;
 “local authority” means the county council or a district council;
 “officer” includes servant;
 “open space” means any park, pleasure ground or open space within the meaning given by section 290 of the Act of 1971 under the management or control of a local authority;
 “owner” has the meaning given by section 343 of the Act of 1936;
 “parish council” means the parish council of a parish in the county or, where there is no parish council, the parish meeting of such parish;
 “public service vehicle” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981;
 “statutory undertakers” means the British Gas Corporation, the generating board, the electricity board, the Post Office, the East Surrey Water Company, the Folkestone and District Water Company, the Mid Kent Water Company, the West Kent Water Company and the water authority or any of them, as the case may be;
 “street” has the meaning given by section 329 of the Act of 1980;
 “the water authority” means the Southern Water Authority or the Thames Water Authority, or both those authorities as the case may require.

(2) Any reference in this Act to a proper officer shall, in relation to any purpose any local authority or area, be construed as a reference to an officer appointed for that purpose by that authority, or, as the case may be, for that area.

(3) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

Commencement

Pt I s. 2(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt I s. 2(1)-(3): England

Law In Force

3. Appointed day.

(1) In this Act “the appointed day”, in relation to any provision, means such day (not earlier than 1st November 1981) as may be fixed for the purposes of that provision in accordance with subsection

(2) below by resolution of the county council, or, as the case may be, a district council.

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

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

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

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

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

Commencement

Pt I s. 3(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt I s. 3(1)-(3): England

PART II**LAND AND OPEN SPACES**

R Repealed

4. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(XII) para.1 (July 13, 1982)

✓ Law In Force

5. Covenants or restrictions affecting school sites.

Where in pursuance of the Education Act 1946 land which has been acquired by the county council to provide a site for a voluntary school is conveyed by the county council to the trustees of a voluntary school, any covenants or restrictions affecting the use of that land shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they would have been enforceable against the county council before that conveyance if the county council had erected a building on the site and had used it as a county school for the purposes of the Education Act 1944.

Commencement

Pt II s. 5: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt II s. 5: England

Law In Force

6. Agreements as to parking places.

(1) In connection with any proposed development of land in the county in order to achieve appropriate provision for the parking of vehicles, the local planning authority may at the request of any person interested in that land and after consulting the district council in whose area the land is situated (if not the local planning authority) enter into an agreement with such persons as they consider appropriate providing for a payment to that district council towards the cost to them of the provision of public car-parking spaces reasonably accessible to the development.

(2) Any agreement made under this section may contain such incidental and consequential provisions as appear to the local planning authority to be necessary or expedient for the purposes of the agreement and shall –

(a) be binding not only upon the parties to the agreement but also upon their successors in title to the land proposed to be developed and upon any other person claiming through or under any of them;

(b) be a local land charge;

(c) as regards any payment which is to be made to a district council which is not the local planning authority, enure for the benefit of and be enforceable by that district council;

and any person upon whom such an agreement is binding shall be entitled to require a copy thereof from the local planning authority.

(3) The power conferred by this section shall be additional to and not in derogation of the powers contained in section 52 of the Act of 1971.

(4) In this section –

“appropriate provision” means such provision as would in the opinion of the local planning authority be appropriate having regard to the nature of the proposed development;

“development”, “local planning authority” and “planning permission” have the same meanings as in the Act of 1971.

Commencement

Pt II s. 6(1)-(4) definition of "development": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt II s. 6(1)-(4) definition of "development": England

PART III

HIGHWAYS

Law In Force

7. Interpretation of Part III.

In this part –

“adjoining” includes abutting on;
 “bridleway”, “carriageway”, footpath” and “footway” have the meanings given by section 329 of the Act of 1980;
 “the private street works code” has the meaning given by section 203 (1) of the Act of 1980;
 “street works” has the meaning given by section 203 (3) of the Act of 1980.

Commencement

Pt III s. 7 definition of "adjoining"- definition of "street works": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt III s. 7 definition of "adjoining"- definition of "street works": England

R Repealed

8. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(VI) para.1 (July 13, 1982)

R Repealed

9. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(VI) para.1 (July 13, 1982)

✓ Law In Force

10. Street numbers.

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

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

(3) The owner or occupier of a building shall –
 (a) maintain the mark in such a way that it remains legible from the street; and
 (b) keep the view of the mark from the street unobstructed to such extent as it practicable.

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

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

(6) An owner or occupier of a building who without reasonable excuse –
(a) fails to comply with a notice served on him under subsection (2) above; or
(b) contravenes subsection (3) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(7) The following provisions of the Towns Improvement Clauses Act 1847 shall cease to have effect in the County –

- (a) in the words introducing sections 64 and 65, the words “and numbering the houses”;
- (b) in section 64 the words from “shall from time to time” to “think fit, and” the words “number or” wherever occurring;
- (c) section 65.

Commencement

Pt III s. 10(1)-(7)(c): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt III s. 10(1)-(7)(c): England

R Repealed

11. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(VII) para.1 (July 13, 1982)

✓ Law In Force

12. Application of private street works code to parts of public street.

(1) Notwithstanding anything in the private street works code where it appears to the County Council that a new street has been formed in the County by reasons of additions made to an existing footpath, bridleway or other rights of way maintainable at the public expense (not being or comprising a carriageway) otherwise than by the giving up for the purpose by the County Council of lands owned by them, the County Council may carry out street works under the provisions of the private street works code in respect of such street and apportion the expenses thereof on the premises fronting or adjoining such street or such part thereof as if no part of the said street was so maintainable.

(2) Notwithstanding anything in the private street works code the County Council may carry out street works under the provisions of the private street works code throughout the width of a street notwithstanding that part of the width consists of a highway maintainable at the public expense but save in a case falling within the provisions of subsection (1) above the County Council shall be

entitled to apportion against the premises as relates to the portion of the street which is not so maintainable.

(3) For the purposes of any apportionment under subsection (2) above premises fronting a street shall be deemed to front the portion of the street which is not maintainable at the public expense.

(4) For the purposes of the private street works code, as applied by this section, a railway shall not be deemed to front a footpath, bridleway or other right of way or any additions thereto solely by reason of its being adjacent thereto.

Commencement

Pt III s. 12(1)-(4): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt III s. 12(1)-(4): England

Law In Force

13. Power to surface access to houses.

(1) The County Council may on the application of the owner or occupier of any house on land adjacent to any road in the county and at the expense of such owner or occupier surface any path, entrance, drive or other means of communication leading from such road to the house or any garage on that land of repair, maintenance or improvement to such road adjacent to such land and those works include the carrying out of accommodation works for that land.

(2) In this section “surface” means sweeping, tar spraying and gritting”.

Commencement

Pt III s. 13(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt III s. 13(1)-(2): England

PART IV**PUBLIC HEALTH**

Law In Force

14. Dust, etc., from building operations.

(1) This section applies to any building operation, including any work of demolition or the cleansing of any building or structure, which is either carried out in the open air or carried out in such

circumstances that dust from the operation is emitted into the open air except that, in any district in which section 29 of the Act of 1961 has effect in accordance with section 27 (control of Demolitions) of this Act, this section does not apply to any demolitions to which subsection (1) of the said section 29 applies.

(2) Except as provided in subsection (6) below, a District Council may give notice to any person carrying out, or controlling the carrying out of, an operation to which this section applies in their district requiring him, within such time as is specified in the notice, to take such reasonably practicable steps as are so specified to reduce the emission of dust from the operation.

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

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

(5)

(a) Subject to any order made on appeal subsection (4) above, any person who fails to comply with a notice under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

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

(6)

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

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

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

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

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

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

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

Commencement

Pt IV s. 14(1)-(7): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 14(1)-(7): England

Law In Force

15. Power to order alterations of chimneys.

(1) If, upon a complaint by a district council under this section, a magistrates' court is satisfied that any gas, vapour or fumes from a chimney of a building in the district is injurious or likely to be injurious to health or a nuisance, the court may make an order requiring the owner of the chimney within such time as may be specified in the order –

- (a) to cause it to be raised to a height so specified; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit.

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

- (a) in the case of single private dwelling-house £500; and
- (b) in any other case £1,500;

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

(3) Any person who without reasonable excuse fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

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

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

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

Commencement

Pt IV s. 15(1)-(6): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 15(1)-(6): England

Law In Force

16. Urgent repairs to supply pipes and water fittings.

(1) This section applies to any house –

- (a) which is occupied by persons who do not form a single household; or
- (b) which is one of two or more houses or other buildings supplied with water by one common supply pipe.

(2) Where a district council are satisfied that, by reason of any injury to, or defeat in, a water fitting in, or the supply pipe for supplying water to, any occupied house of houses to which this section applies in the district, any such house, or any part thereof has ceased to be supplied with water sufficient for the domestic purposes of the occupants the district council may, without prejudice to any other action which they may be authorised to 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 as they may consider necessary to secure that the supply of water is restored and recover from the owner of the house or, as the case may be, from the owners of the houses, the expenses necessarily incurred by them in so doing not exceeding £200 or such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Except in cases of emergency, admission to any premises shall not be demanded as of right for the purpose of doing any work under subsection (2) above unless not less than 24 hours' notice of the intended entry has been given to the occupier.

(4)

(a) In proceedings to recover expenses under subsection (2) above the court may inquire whether those expenses ought to be borne wholly or in part by some person, being the occupier of the premises in respect of which they were incurred, other than the defendant in the proceedings and, subject as provided in paragraph (b) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

(b) The court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that the other person has, at the instance of the defendant had due notice of the proceedings and an opportunity of being heard.

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

(6) Before, or, in case of emergency, as soon as possible after, exercising the powers of subsection (2) above in relation to any premises the district council shall notify the statutory water undertakers within whose limits of supply the premises are situated.

(7) In this section –

“house” means a dwelling-house, whether a private dwelling-house or not; and

“supply pipe” and “water fitting” have meanings given by Schedule 3 to the Water Act 1945.

Commencement

Pt IV s. 16(1)-(7) definition of "supply pipe": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 16(1)-(7) definition of "supply pipe": England

Law In Force

17. Control of stray dogs.

(1) A duly authorised officer of a district council may exercise the powers in section 3 of the Dogs Act 1906 with respect to the seizure, detention and disposal of stray dogs in their district and for the purposes of that section, as it applies to a district, a dog shall be treated as a stray if it appears not to be in the charge of any person.

(2) In consequence of subsection (1) above, section 3 of the Dogs Act 1906 shall have effect in a district subject to the following modifications –

(a) the substitution for subsection (1) of the following –

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

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

(c) in subsection (6) the substitution for “of a police area” of the words “and the district council” and for “in that area” of the words “by him or them respectively”, and

(d) in subsection (7) the substitution for “The police shall not dispose of any dog seized under this section” of the words “A dog seized under this section shall not be disposed of”, and the insertion after “inspection” of the words “ at all reasonable times”.

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

Commencement

Pt IV s. 17(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 17(1)-(3): England

✔ Law In Force

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

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

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

- (a) that admission to any land has been refused or that refusal is apprehended; or
- (b) that the land is unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry;

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

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

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

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

Commencement

Pt IV s. 18: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 18: England

✔ Law In Force

19. Hairdressers and barbers

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

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

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

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) The occupier of premises registered under this section shall keep a copy of the certificate of registration of the premises and of any byelaws made by the district council under section 77 of the Act of 1961 displayed in the premises and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

Commencement

Pt IV s. 19(1)-(5): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 19(1)-(5): England

Law In Force

20. Acupuncture, ear-piercing and tattooing.

(1)

(a) As from the appointed day in any district a person shall not in that district carry on the practice of acupuncture or the business of ear-piercing or tattooing unless he is registered by the district council under this section in respect of that practice or business and he shall not carry on that practice or business on premises occupied by him unless the premises are so registered.

(b) Different appointed days may be fixed for the different kinds of practice or business to which this section applies.

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

(3) The district council may make byelaws for the purpose of securing –

(a) the cleanliness of premises required to be registered under this section and of the instruments, towels, materials and equipment used therein; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing;

and different provisions may be made by such byelaws as respects different kinds of practice or business to which this section applies.

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) Any person who contravenes any byelaws made under subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and, if he is registered under this section, the court by which he is convicted may, instead of, or in addition to, imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(6) A court ordering the suspension or cancellation of registration under subsection (5) above may suspend the operation of the order until expiration of the period prescribed under section 14 of the Courts Act 1971 for giving notice of appeal to the Crown Court:

Provided that if notice of appeal is given within the said period an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(7) Where the registration of any person is cancelled by order of a court under subsection (5) above

—
(a) he shall within 7 days deliver up to the district council the cancelled certificate or registration, and if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5; and

(b) he shall not again be registered by the district council under this section in respect of the practice or business in question except in pursuance of a further order of a magistrates' court made on his application.

(8) The occupier of premises registered under this section shall keep a copy of the byelaws made relating to his practice or business of acupuncture, ear-piercing or tattooing as the case may be and of the certificate or registration of the premises issued under this section displayed in the premises and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(9) Nothing in this section shall extend to the practice of acupuncture or the business of ear-piercing or tattooing by or under the supervision of a registered medical practitioner or to the practice of acupuncture by a dentist registered under the Dentist Act 1957 or to premises, on which the practice of acupuncture or the business of ear-piercing or tattooing, as the case may be, is carried on by or under the supervision of such a person.

(10) In this section “premises” includes a stall or a vehicle.

Commencement

Pt IV s. 20(1)-(10): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 20(1)-(10): England

R Repealed

21. [...]¹

Notes

¹ Repealed by Food Safety Act 1990 (Consequential Modifications) (Local Enactments) Order 1992/117 Sch.1 para.1 (April 3, 1992)

R Repealed

22. [...]¹

Notes

- ¹ Repealed by Food Safety Act 1990 (Consequential Modifications) (Local Enactments) Order 1992/117 Sch.1 para.1 (April 3, 1992)
-

Law In Force

23. Registration of houseboats.

(1) As from the appointed day in any district in which any of the protected lands are situate it shall not be lawful to keep upon or in such protected lands any houseboat whether or not the same shall have been so kept before the passing of this Act unless the houseboat is registered by the district council.

(2) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3)

(a) An application for registration shall be made by the owner or occupier or intending owner or occupier of the houseboat and shall be accompanied by such particulars as to the applicant and the houseboat, as the district council may reasonably require including particulars as to the location or intended location of the houseboat.

(b) On application for registration under this section the district council shall register the houseboat and shall issue to the applicant a certificate of registration.

(4) The district council shall keep a register of houseboats registered under this section.

(5) In this section –

“houseboat” includes any vessel used or intended for use as a place of habitation or as a place for recreation, entertainment or refreshment or as club premises or offices, but does not include any ship registered under the Merchant Shipping Act 1894 or any vessel bona fide used for navigation;

“protected lands” means any foreshore and any rivers, creeks or watercourses within the area comprising the port health district within which the Rochester upon Medway Borough Council exercise jurisdiction as port health authority under the Rochester Port Orders 1887 and 1938 or within the district of Swale.

Commencement

Pt IV s. 23(1)-(5) definition of "protected lands": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IV s. 23(1)-(5) definition of "protected lands": England

Repealed

24. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(X) para.1 (July 13, 1982)

R Repealed

25. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(X) para.1 (July 13, 1982)

PART V

PUBLIC ORDER AND PUBLIC SAFETY

R Repealed

26. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(V) para.1 (July 13, 1982)

R Repealed

27. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(XI) para.1 (July 13, 1982)

R Repealed

28. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 (Repeal of Local Acts) Order 1988/66 Sch.1 para.1 (May 1, 1988)

R Repealed

29. [...]¹

Notes

- ¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 (Repeal of Local Acts) Order 1988/66 Sch.1 para.1 (May 1, 1988)
-

Law In Force

30. Closing of flood doors.

(1) The provisions of this section shall have effect for the prevention of tidal flooding through such an opening as is described in subsection (2) below in flood protection works in the county.

(2) The opening referred to in subsection (1) above is one which is furnished with a door or gate or dam boards or any similar structure (hereinafter referred to as “flood doors”) for closure of the opening against flooding.

(3) The district council may by notice give directions to the occupier of any land or premises in their district on which is situated an opening as aforesaid to close the flood doors, and keep them securely closed throughout such periods, as may be specified in the notice and in particular to keep the flood doors securely closed whenever necessary for preventing the entry of tidal waters:

Provided that in giving any notice under this section to the generating board in respect of any such opening as is maintained by that board for the purposes of the cooling water system of an electricity generating station, the district council shall have proper regard to the need for securing that compliance with the directions given in the notice will cause no unnecessary interference with the generation of electricity at such generating station.

(4) If the flood doors have not been closed and kept securely closed in compliance with directions given under this section, then –

- (a) without prejudice to any right of entry conferred under any other enactment, any person duly authorised by the district council who gave the directions may enter and close the flood doors or cause them to be closed;
- (b) the occupier of the said land or premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(5) The district council may from time to time by notice to the occupier of the land or premises alter or revoke any directions given by them under subsection (3) above.

(6) Any person aggrieved by any directions of the district council under subsection (3) above or by any alteration or revocation of such directions may appeal to a magistrates' court on the grounds that the directions are unreasonable in character or extent and on the hearing of any such appeal the court may confirm, vary or amend the directions or alteration or revocation thereof which is the subject of the appeal.

(7)

- (a) The occupier of any land or premises to whom directions have been given by notice under this section shall keep a copy of such directions displayed in a conspicuous position on the land or premises.

(b) An occupier who without reasonable excuse fails to comply with the requirements of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(8) Any directions given under this section shall be a local land charge, and shall be binding upon the occupier for the time being of the land or premises.

Commencement

Pt V s. 30(1)-(8): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent


Pt V s. 30(1)-(8): England

 Repealed

31. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(XIV) para.1 (July 13, 1982)

 Law In Force

32. Trespass on school and sport premises.

(1) This section applies to –

(a) premises, including playing fields and premises providing other outdoor recreational facilities, or a county or voluntary school or other school or college including an establishment of further education, being premises maintained in whole or in part by a local education authority in the county but, as respects premises of a voluntary school (other than detached playing fields provided by the local education authority) only with the written consent of the governors;

(b) premises of a local authority or parish council being a playground, playing field or premises provided by the authority or council under paragraph (a), (b), (c) or (d) of section 19(1) of the Act of 1976 or facilities by way of parking spaces provided under paragraph (f) of the said section 19(1).

(2) It is an offence to remain on premises to which this section applies after being requested to leave them or, without lawful authority to be on such premises within one month after being so requested.

(3) A person does not commit an offence under this section unless there is displayed on the playground, playing field or other premises, a notice setting out the effect of this section.

(4) A person committing an offence under this section –

(a) may be removed from the premises concerned;

(b) shall be liable on summary conviction to a fine not exceeding £50.

Commencement

Pt V s. 32(1)-(4)(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt V s. 32(1)-(4)(b): England

Law In Force

33. Touting, hawking, photographing etc.

(1) A district council may designate, in accordance with subsection (5) below, any of the following places, or any part of such places, in the district as places to which this section applies for any of the purposes of subsection (2) below –

- (a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;
- (b) a street or esplanade, parade, promenade, marine drive or way to which the public commonly have access, whether or not as of right;
- (c) the seashore:

Provided that the district council shall not designate –

- (i) for the purpose of subsection (2)(b) below, any street which is a licensed traders' street or a prohibited street under Part VI (Street trading) of this Act or any highway specified in a control order under section 7 of the Act of 1976; or
- (ii) for the purpose of subsection (2)(c)(ii) below, any street.

(2) Any person who, in a place designated under this section –

- (a) gives reasonable cause for annoyance to any person by touting for a hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage, public service vehicle or other conveyance or for a ship or boat; or
- (b) without the consent of the district council or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale any thing; or
- (c) without the consent of the district council or in breach of any condition subject to which the council's consent is given –
 - (i) photographs any person by way of trade or business; or
 - (ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) The conditions of consent referred to in subsection (2)(b) and (c) above include conditions as to the times or period for which the consent is valid and the payment for the consent of such reasonable fee to cover the expense of the district council in dealing with applications for such consents as the council may by resolution prescribe; and, subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

(4) A person aggrieved by –

- (a) the withholding by the district council of consent referred to in subsection (2)(b) or (c) above;
- (b) the conditions subject to which the council give such consent; or
- (c) the revocation of such consent under subsection (3) above;

may appeal to a magistrates' court which may dismiss or allow the appeal or may vary any conditions imposed by the council.

(5)

- (a) Before designating any place for any of the purposes of subsection (2) above the district council shall give notice of their proposal by advertisement in a newspaper circulating in the district, and by posting a copy of the notice in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the council within a time, not less than 28 days after the giving of the notice, specified in the notice.
- (b) After taking into consideration any objections made in accordance with paragraph (a) above, the district council may by resolution designate, as places to which this section applies for any of the purposes of subsection (2) above, all or any, or any part, of the places specified in the notice given under that paragraph.

(6) A resolution under subsection (5) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (5) (a) above, being a day, not less than 28 days after the day on which notice is given under this subsection.

(7) This section shall not prohibit –

- (a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (b) the selling or offering or exposing for sale of any thing to persons on premises fronting on, or adjacent to, a place, designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;
- (c) 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;
- (d) the Wardens and Assistants of Rochester Bridge in the County of Kent, or any person with their consent exercising any rights which they could have exercised if this section had not been enacted;

and the district council shall not withhold their consent under subsection (2)(b) above to the selling or offering or exposing for sale by any person of newspapers and periodicals except on the ground that their consent has already been given to a sufficient number of other persons.

(8) Before giving consent under this section to the hawking, selling or offering or exposing for sale of any thing in a highway, the district council shall consult the highway authority.

(9) Nothing in this section shall apply to any land owned by or vested in the Dover Harbour Board.

Commencement

Pt V s. 33(1)-(9): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt V s. 33(1)-(9): England

PART VI
STREET TRADING

Law In Force

34. Application, designation of streets and interpretation of Part VI.

- (1) This Part shall apply in any district as from the appointed day.
- (2) For the purpose of controlling street trading in the district the district council may, by resolution passed in accordance with this Part, designate any street in the district –
- (a) as a prohibited street, that is to say, a street in which street trading is unlawful; or
 - (b) as a licensed traders' street, that is to say, a street in which street trading is unlawful except by a person holding a street trader's licence granted to him under this Part.
- (3) A designation made under subsection (2) above may be varied or rescinded by resolution and the provisions of this Part shall apply to any such resolution to vary or rescind the designation of a prohibited street or licensed traders' street as they apply to the resolution for the original designation.
- (4) In this Part –
- “container” includes anything other than a stall used for the display of any thing;
 - “licensee” means the holder of a street trader's licence;
 - “stall” includes a barrow or other vehicle;
 - “street trading” means selling or offering or exposing for sale any thing in a street.
- (5) References in this Part to application for, or grant of, a street trader's licence include references to application for, or grant of, the renewal of a street trader's licence.

Commencement

Pt VI s. 34(1)-(5): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 34(1)-(5): England

✔ Law In Force

35. Resolution to prohibit or control street trading.

(1) Where the district council propose to pass a resolution under this section to designate any street in the district as a prohibited street or licensed traders' street they shall publish notice of their proposal containing a draft of the resolution –

- (a) by sending it to the highway authority and the chief officer of police;
- (b) by advertisement in a newspaper circulating in the district; and
- (c) by posting it in a conspicuous position at each end of every street referred to in the draft.

(2) The notice shall state that objections to the proposed resolution may be made in writing to the district council before such day, not earlier than 28 days after the council have complied with subsection (1) above, as may be specified in the notice.

(3) The district council shall, after taking into consideration objections made as provided in subsection (2) above –

- (a) pass a resolution in terms of the draft; or
- (b) pass a resolution in terms of the draft with modifications, but not so as to add any street to those referred to in the draft nor so as to designate as a prohibited street any street which in the draft was to be designated as a licensed traders' street; or
- (c) proceed no further on the draft resolution:

Provided that –

- (i) they shall not include in the resolution any street belonging to, or maintainable by, the British Railways Board without the consent of that board; and
- (ii) they shall not designate any other street as a licensed traders' street without the consent of the highway authority.

(4) Where the district council have passed a resolution under subsection (3) above they shall publish notice of it in the manner required by subsection (1) above for notice of the draft.

(5) A notice published under subsection (4) above shall state the day, not less than 28 days after the district council have complied with that subsection, on which the designations made by the resolution are to take effect; and different days may be stated for different streets.

Commencement

Pt VI s. 35(1)-(5): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 35(1)-(5): England

✔ Law In Force

36. Application for licence.

(1) The applicant for a street trader's licence shall –

- (a) state his name and address, the place or places in which, and the days on which and the times at which, he applies to trade and what he applies to sell;
 - (b) describe the stall or container that he proposes to use in his trade;
 - (c) give the district council such other information as they may reasonably require; and
 - (d) except on application for the grant of the renewal of a street trader's licence, supply two identical photographs of the applicant.
- (2)
- (a) The applicant shall with his application pay such reasonable fee to cover the expense of the district council in dealing with such applications as the council may by resolution prescribe.
 - (b) The district council may dispense with, or reduce, a fee payable under this subsection.
- (3) The district council may grant the application, or refuse it, or grant it with modifications relating to the place, the days on and the times at which he may trade, the nature of the trade, or the use of a stall or container.
- (4) The grounds upon which the district council may refuse the application or grant it with modifications are that –
- (a) the applicant is unsuitable by reason of misconduct or incapacity;
 - (b) there is not enough space for street trading as specified in the application without undue inconvenience to persons using the street;
 - (c) in the case of renewal, the applicant has failed to avail himself, or avail himself to a reasonable extent, of the rights conferred by the licence that he holds.
- (5) Before exercising the powers conferred by subsection (3) above to refuse the application or grant it with modifications, the district council shall serve on the applicant not less than 14 days' notice of their proposal to exercise them and of their grounds for doing so; and if they propose to exercise those powers on the ground specified in subsection (4)(a) above, the notice shall include particulars of the misconduct or incapacity alleged.
- (6) If the applicant, within 7 days of service on him of a notice under subsection (5) above, requires the district council to give him an opportunity to be heard in support of his application, the council shall, before exercising the power conferred by sub-section(3) above to refuse the application or grant it with modifications, give him an opportunity to be heard by a committee or sub-committee of the district council.
- (7) Unless, within 8 weeks after an application has been duly made under this section, the district council have served notice under subsection (5) above, they shall be deemed to have granted the application.
- (8) The district council shall notify the applicant of their decision on his application as soon as may be after the proceedings required by subsections (5) and (6) above have been concluded; and, without prejudice to section 124 (Suspension of proceedings pending appeal) of this Act, until such notification the applicant, in the case of renewal, may continue to trade in accordance with his former licence, notwithstanding that it may have expired.
- (9) If the district council refuse the application or grant it with modifications, they shall in the notice under subsection (8) above state the grounds upon which they have done so.

Commencement

Pt VI s. 36(1)-(9): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 36(1)-(9): England

Law In Force

37. Contents of street trader's licence.

A street trader's licence shall specify –

- (a) the name and address of the licensee;
- (b) the place on which the trading may take place;
- (c) what the licensee may sell and the days on which and the times at which he may trade;
- (d) the limitation, if any, of the size and number of any stalls or containers that he may use for trading and any other limitation of the design of such stalls or containers;
- (e) what obligations, if any, are imposed on the licensee to keep the place at which he trades and its vicinity free of litter and refuse;
- (f) the charges, if any, that are leviable under section 43 (Charge for street cleansing) of this Act; and
- (g) any other reasonable requirements of the council, including a requirement that the stalls or containers allowed by the licence shall display the licensee's name or the number of his licence or both.

Commencement

Pt VI s. 37(a)-(g): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 37(a)-(g): England

Law In Force

38. Duration, revocation and variation of licences.

(1) Subject to subsection (2) below, a street trader's licence shall be for such period, not exceeding 12 months, specified in the licence as the district council may determine.

(2) The district council may –

- (a) revoke a licence during its currency on the ground that –
 - (i) the licensee has become unsuitable by reason of misconduct or incapacity; or
 - (ii) the licensee has failed to avail himself, or to avail himself to a reasonable extent, of his licence; or
- (b) modify a licence during its currency, so that it is valid for a place, day or time, or for trade of a nature, or for the use of a stall or container, other than that specified in the licence.

(3) Subsections (5), (6), (8) and (9) of section 36 (Application for licence) of this Act shall apply to the exercise of powers conferred by subsection (2) above as they apply to the power to refuse an application for a street trader's licence or to grant it with modifications, and for that purpose shall have effect as if –

- (a) for references to the applicant and the refusal of his application or the grant of his application with modifications, there were substituted references to the licensee and the revocation of his licence or the modification of his licence;
- (b) for the references to subsection (3) of the said section 36, there were substituted references to subsection (2) above;
- (c) for the reference to subsection (4) (a) of that section, there were substituted a reference to subsection (2) (a) (i) above;
- (d) in subsection (6) the words “in support of his application” were omitted; and
- (e) in subsection (8) the words “on his application” and the words from “and, without prejudice” to the end were omitted.

Commencement

Pt VI s. 38(1)-(3)(e): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 38(1)-(3)(e): England

Law In Force

39. Part VI appeals.

A person –

- (a) who has applied for a street trader's licence and whose application has been refused or has been granted with modifications; or
- (b) whose street trader's licence has been revoked or has been modified;

may appeal to a magistrates' court; and on any such appeal the court may order directions for giving effect to its decision but shall not direct the granting of a licence with modifications, or the restoring of it with modifications, more onerous than the modifications appealed against.

Commencement

Pt VI s. 39(a)-(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 39(a)-(b): England

Law In Force

40. Disqualification of young persons.

A street trader's licence granted by the district council to a person who has not attained the age of 17 shall be of no effect.

Commencement

Pt VI s. 40: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 40: England

Law In Force

41. Employment of assistants.

(1) A licensee may employ, to assist him at the stall or container used for street trading, any assistant or any other licensee.

(2) Nothing in this section shall affect the operation of section 20 of the Children and Young Persons Act 1933 or of any byelaws made under that section.

Commencement

Pt VI s. 41(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 41(1)-(2): England

Law In Force

42. Consultation with traders, organisations etc.

A district council shall take such steps as they think necessary for affording to any recognised organisation representative of street traders (and to any street trader or other interested party who is not a member of any such organisation) an opportunity to make representations with regard to the nature of the limitations and obligations or other provisions of street traders' licences and to related matters.

Commencement

Pt VI s. 42: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 42: England

Law In Force

43. charge for street cleansing.

The district council may charge a licensee such sums to cover the expenses of the district council in collecting refuse, street cleansing and providing other services for the administration of street

trading under this Part, as the district council may by resolution prescribe; and such charges may

-
- (a) be incorporated in the fee payable under subsection (2) of section 36 (Application for licence) of this Act; or
- (b) be recoverable from the licensee as a simple contract debt.

Commencement

Pt VI s. 43(a)-(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 43(a)-(b): England

Law In Force

44. Offences under Part VI.

A person who –

- (a) engages in street trading in a prohibited street;
- (b) without a street trader's licence, or contrary to the provisions of such a licence, engages in street trading in a licensed traders' street;
- (c) on land within 6 metres of a prohibited street or a licensed trader's street, sells or offers or exposes for sale any thing;
- (d) in support of, or in opposition to, an application for a street trader's licence, or in opposition to, or in support of, a proposal to revoke or modify such a licence, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular; or
- (e) engages in street trading and, being requested by any proper officer of the district council producing his authority or a constable to give his name and address fails to do so;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Commencement

Pt VI s. 44(a)-(e): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 44(a)-(e): England

Law In Force

45. Savings for Part VI.

(1) Nothing in this Part shall –

- (a) prohibit the sale or offering or exposure for sale of any thing in a market or fair held in pursuance of any statute, royal licence, royal charter or letters patent, or as of right from time immemorial;

- (b) prohibit a person from acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
 - (c) prohibit the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (street collections);
 - (d) prohibit the doing of anything on land by the owner or occupier of the land or by any person with the consent of the owner or occupier;
 - (e) prohibit the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
 - (f) prohibit the selling, or the offering or exposing for sale, of any thing to persons on premises fronting on, or adjacent to a street, whether the trading takes place on those premises or in that part of the street on which the premises front or to which they are adjacent;
 - (g) prohibit the provision of facilities for recreation or refreshment under section 213(2) of the Act of 1971 as amended by section 8 (Highway amenities) or structures under section 9 (Power to provide kiosks, etc.) of this Act;
 - (h) in the case of a highway in respect of which a control order is in force under section 7 of the Act of 1976, regulate the sale of any thing as respects which the control order provides that the order is not to apply to it;
 - (i) prohibit the sale, or the offering or exposure for sale, of newspapers in a street if nothing except newspapers is sold or offered or exposed for sale.
- (2) Nothing in this Part shall prohibit the sale, or the offering or exposure for sale, of periodicals either alone or with newspapers in a street if the following conditions are satisfied –
- (a) that nothing except periodicals either alone or with newspapers is sold or offered or exposed for sale;
 - (b) that no stall or container is used which –
 - (i) stands on any part of the carriageway of the street; or
 - (ii) exceeds 1 metre in its vertical, or any horizontal, dimension or a quarter of a square metre in the area covered by it.

Commencement

Pt VI s. 45(1)-(2)(b)(ii): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VI s. 45(1)-(2)(b)(ii): England

PART VII

MARKETS

Law In Force

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

Any market carried on by a district council within their district which was not established or acquired under section 49 of the Act of 1955 or any of the enactments mentioned in sub-section (2) of that section shall be deemed to have been acquired by the district council under the said section 49.

Commencement

Pt VII s. 46: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VII s. 46: England

Law In Force

47. Power to compound payment of tolls.

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

Commencement

Pt VII s. 47: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VII s. 47: England

Law In Force

48. Power of district council to require information.

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

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

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

Commencement

Pt VII s. 48(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VII s. 48(1)-(2): England

Law In Force

49. As to public meetings etc.

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

Provided that –

- (a) nothing in this section shall operate to prevent the holding of any market;
- (b) the powers of this section shall not be exercised in relation to any land forming part of a highway without the consent of the highway authority.

Commencement

Pt VII s. 49 Proviso. 008- Proviso. 008(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VII s. 49 Proviso. 008- Proviso. 008(b): England

Law In Force

50. Market byelaws.

In addition to and without prejudice to any other powers conferred on a district council by section 61 of the Act of 1955, the district council may make and enforce byelaws with respect to the market for the purpose of preventing the outbreak and spread of fire in the market and, in particular, for that purpose –

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

Commencement

Pt VII s. 50(a)-(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VII s. 50(a)-(b): England

PART VIII
FIRE PRECAUTIONS

R Repealed

51. [...]¹

Notes

¹ Repealed by Building (Repeal of Provisions of Local Acts) Regulations 2012/3124 reg.2 (January 9, 2013: repeal has effect subject to savings specified in SI 2012/3124 reg.4)

R Repealed

52. [...]¹

Notes

¹ Repealed by Regulatory Reform (Fire Safety) Order 2005/1541 Sch.4 para.1 (October 1, 2006 as amended by SI 2006/484 art.2)

✓ Law In Force

53. Access for fire brigade.

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

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

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a

planning permission granted upon an application made under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

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

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

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

Commencement

Pt VIII s. 53(1)-(5): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VIII s. 53(1)-(5): England

R Repealed

54. [...] ¹

Notes

¹ Repealed by Regulatory Reform (Fire Safety) Order 2005/1541 Sch.4 para.1 (October 1, 2006 as amended by SI 2006/484 art.2)

✓ Law In Force

55. Prescription of signs to be used on certain buildings.

(1) This section applies to any substance likely to involve special hazard to persons engaged in operations for the purposes of the extinction of fire and the protection of life and property in case of fire.

(2) The fire authority may prescribe standard uniform signs or symbols or warning notices, in a form approved by the Secretary of State, clearly indicating the nature of any substance to which this section applies and the danger from fire arising therefrom.

(3) The fire authority may, by notice, require the occupier of any part of a building in the county used for the manufacture or storage of any such substance to affix, within such reasonable time as is specified in the notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice prescribed under subsection (2) above.

(4) Any person who fails to comply with the requirements of the fire authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(5)

(a) Nothing in this section shall authorise the fire authority to require the generating board or the electricity board to affix on any building or part of a building on operational land (as defined in section 222 of the Act of 1971) any sign, symbol or notice without the consent of the board concerned which consent shall not be unreasonably withheld.

(b) Any question whether a consent required by this section has been unreasonably withheld shall be determined by the Secretary of State.

Commencement

Pt VIII s. 55(1)-(5)(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt VIII s. 55(1)-(5)(b): England

PART IX**STORAGE OF FLAMMABLE MATERIAL**

Law In Force

56. Interpretation of Part IX.

(1) For the purposes of this Part –

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

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

(i) the space between them does not allow free passage between them or is at any point less than 1 metre wide; or

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

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

(a) it is unobstructed; and

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

Commencement

Pt IX s. 56(1)-(2)(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IX s. 56(1)-(2)(b): England

✔ Law In Force

57. Stacks to which Part IX applies.

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

- (a) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and
- (b) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

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

- (a) paper or cardboard;
- (b) plastics;
- (c) rags;
- (d) rubber, whether natural or synthetic, including rubber tyres; and
- (e) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

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

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

- (i) 3 metres in height;
- (ii) 50 cubic metres in capacity;

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

- (i) 5 metres in height;
- (ii) 450 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section;

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

- (i) 5 metres in height;
- (ii) 750 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section;

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

- (i) 10 metres in height;
- (ii) 1,370 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) (a) to (d) above are –

- (a) there is no other stack to which this Part applies within 4 metres;
- (b) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;
- (c) no street is within 5 metres;
- (d) none of the following is on the same premises and within 6 metres, namely –
 - (i) a furnace or incinerator;

- (ii) a building;
- (iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;
- (iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

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

- (a) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or
- (b) it forms the load or part of the load of a railway wagon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle or is in a container to be carried on such a wagon, vehicle or trailer; or
- (c) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit or cargoes, has been unloaded from, or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock or quay; or
- (d) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for the purposes of or in connection with their undertaking.

Commencement

Pt IX s. 57(1)-(5)(d): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IX s. 57(1)-(5)(d): England

Law In Force

58. Unlawful stacks.

(1) Subject to subsection (2) of section 62 (Transitional provisions for Part IX) of this Act, as from the appointed day in the county, it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.

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

(3) Where an application has been made to the county council for their consent under this section and the county council have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the county council shall be deemed to have given their consent without conditions except any that have been accepted in the application.

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

(a) they may –

- (i) at the request of the owner of the materials or of the occupier of the premises;
or
- (ii) on a change of the occupier of the premises; or
- (iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;

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

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

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

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

Commencement

Pt IX s. 58(1)-(5) Proviso. 009: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IX s. 58(1)-(5) Proviso. 009: England

Law In Force

59. Part IX appeals.

A person aggrieved by the county council's refusal of consent, or by any condition imposed on such a consent, under section 58 (Unlawful stacks) of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

Commencement

Pt IX s. 59: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IX s. 59: England

Law In Force

60. Powers of entry for Part IX

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

Commencement

Pt IX s. 60: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IX s. 60: England

Law In Force

61. Offences under Part IX.

Where a stack is on any premises in contravention of subsection (1) of section 58 (Unlawful stacks) of this Act, the owner of the stack, and the occupier of the premises, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Commencement

Pt IX s. 61: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IX s. 61: England

Law In Force

62. Transitional provisions for Part IX.

(1) Where under subsection (5) of section 58 (Unlawful stacks) of this Act the county council impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 58 (Unlawful stacks) of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the county council may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

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

Commencement

Pt IX s. 62(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt IX s. 62(1)-(3): England

PART X

LICENCING OF PUBLIC ENTERTAINMENTS

R Repealed

63. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

R Repealed

64. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

R Repealed

65. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

R Repealed

66. [...]¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

R Repealed

67. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

R Repealed

68. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

R Repealed

69. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

R Repealed

70. [...] ¹

Notes

¹ Repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

✓ Law In Force

71. Devolution of licence under this Part or under Cinematograph Act 1909.

(1) In the event of the death of the holder [...] ¹ of a licence under the Cinematograph Act 1909 in respect of premises in a district, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at those premises the functions in respect of which the licence was granted, shall be deemed to be the holder of the licence.

(2) Upon the due constitution of a legal personal representative of the deceased holder of any such licence as is mentioned in subsection (1) above the licence shall be deemed to be granted to that personal representative.

Notes

¹ Words repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

Commencement

Pt X s. 71(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt X s. 71(1)-(2): England

PART XI
CIVIL AVIATION

Law In Force

72. Interpretation of Part XI.

In this Part, unless the subject or context otherwise requires —

“aerodrome” means any aerodrome established by a local authority under the Civil Aviation Act 1949 or any other enactment;

“aircraft noise” means noise attributable to aircraft using an aerodrome;

“the councils” means the local authorities for the time being concerned in the management of the aerodrome and “council” means any one of those authorities.

Commencement

Pt XI s. 72 definition of "aerodrome"- definition of "the councils": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XI s. 72 definition of "aerodrome"- definition of "the councils": England

Law In Force

73. Aerodrome undertaking.

(1) In connection with any aerodrome established by them a local authority may provide services and facilities and may make reasonable charges in respect of the use of any such services and facilities.

(2) Nothing in subsection (1) above shall authorise a local authority to provide outside any such aerodrome any service for the carriage of passengers by road except a stage carriage service as defined in section 82 of the Public Passenger Vehicles Act 1981 licensed in accordance with that Act.

(3) Without prejudice to their power to manage an undertaking comprising any such aerodrome, and any works or buildings or other accommodation, or any services, facilities or businesses provided in connection therewith, a local authority may, subject to section 19 (6) of the Civil Aviation Act 1949, let the undertaking, or any part of it, on such terms and conditions as they think fit.

Commencement

Pt XI s. 73(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XI s. 73(1)-(3): England

Law In Force

74. Grants towards cost of insulating buildings.

(1) A council may, in accordance with a scheme made by them under the next succeeding section, make grants towards the cost of insulating buildings or parts of buildings against aircraft noise.

(2) The following enactments in the Rent Act 1977 shall have effect as if a reference to this section had been included therein, namely —

- (a) paragraph (a) of section 33 (1);
- (b) paragraph (a) (i) of section 48 (2).

Commencement

Pt XI s. 74(1)-(2)(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XI s. 74(1)-(2)(b): England

Law In Force

75. Schemes for grants towards cost of insulating buildings.

(1) A council may, after consulting the other councils, make a scheme or schemes providing for the making of grants under the last foregoing section in respect of buildings in an area or areas within or outside the county; but a scheme under this section need apply only to such classes of buildings as the council think fit.

(2) A scheme under this section shall specify by reference to a map the area or areas in which buildings must be situated for the grants to be payable and shall make provision as to the persons to whom, the expenditure in respect of which, and the rate at which, the grants are to be paid, and may make the payment of any grant dependent upon compliance with such conditions as may be specified in the scheme.

(3) A scheme under this section shall specify a date, not being less than two years after the first publication of the notice referred to in subsection (6) below, not later than which an application may be submitted to the council for the making of a grant.

(4) A scheme under this section shall require the council, in any case where an application for a grant is refused, to give to the applicant at his request a written statement of their reasons for the refusal.

(5) A scheme under this section may make different provision with respect to different areas or different circumstances and may be varied or revoked by a subsequent scheme under this section without prejudice to grants already made.

(6)

(a) As soon as may be after the making of a scheme under this section the council shall publish once at least in each of two successive weeks in one or more newspapers circulating in the area or areas to which the scheme relates a notice stating the general effect of the scheme and specifying a place or places in the area or areas where a copy of the scheme and of the map therein referred to may be inspected by any person free of charge at all reasonable hours.

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

Commencement

Pt XI s. 75(1)-(6)(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XI s. 75(1)-(6)(b): England

Law In Force

76. Orders for insulating new buildings.

(1) Where a council have made a scheme under section 75 (Schemes for grants towards cost of insulating buildings) of this Act in respect of any area or areas they may apply to the Secretary of State for an order requiring provision for insulation against aircraft noise to be made in any building of a class to which the scheme applies which is erected after a date specified in the order (or in any extension of or alteration to any such building made after that date) in the area, or areas, defined in the order by reference to a map, which area, or areas, may comprise the whole or part of the area, or areas, to which the scheme relates.

(2) An application for an order under this section shall be accompanied by a draft of the order which the council desire the Secretary of State to make and a map defining the area, or areas, to which the draft order relates.

(3) Before making application to the Secretary of State for an order under this section the council shall publish in each of two successive weeks in one or more newspapers circulating in the area, or areas, proposed to be comprised in the order a notice —

(a) stating the general effect of the order;

(b) specifying a place in the said area, or areas, where a copy of the draft order and of the relevant map may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice;

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

(4) Any person claiming to be affected by the application may object thereto by sending notice of his objection and of the grounds thereof to the Secretary of State within the period specified in the notice and by sending a copy of the objection and of the grounds thereof to the council.

(5) The Secretary of State may make the order in the terms of the draft or in those terms as modified in such manner as he thinks fit:

Provided that if any objection is duly made as aforesaid by any person appearing to the Secretary of State to be affected by the application and is not withdrawn, the Secretary of State shall not make the order unless he has caused a public local inquiry to be held into the proposed order and has considered the report of the person who held the inquiry.

(6)

(a) If the Secretary of State makes an order under this section the council shall give notice of the making and of the effect of the order by publishing the same in one or more newspapers circulating in the area, or areas, to which the order relates.

(b) An order under this section shall be a local land charge.

(7) Where plans for the erection, extension or alteration of a building in an area to which an order made under this section relates are, in accordance with building regulations, deposited with a local authority, the local authority shall, notwithstanding anything in section 64 of the Act of 1936, reject the plans unless it is shown to them —

(a) that satisfactory provision will be made for insulating the building (or, as the case may be, the extension or alteration of the building) against aircraft noise; or

(b) that in the case of an extension or alteration no such insulation is necessary.

(8) Section 64(2) and section 65(2) to (5) of the Act of 1936 shall have effect as if this section were a section of that Act.

(9) In this section “local authority” has the meaning assigned to it by section 270 of the Act of 1972.

Commencement

Pt XI s. 76(1)-(9): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XI s. 76(1)-(9): England

PART XII

MISCELLANEOUS

Law In Force

77. Recovery of rates from tenants and lodgers.

For the purpose of section 61 of the General Rate Act 1967 (recovery of rates from tenants and lodgers) the rates due from the person rated for any hereditament within a 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.

Commencement

Pt XII s. 77: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 77: England

Law In Force

78. Approval of plan to be void after certain interval.

(1) In this section “plans” includes sections, specifications and written particulars and the operations to which this section applies are —

- (a) the erection of any building; or
- (b) the making of any structural alteration of, or extension to, a building; or
- (c) the execution of any works or the installation of any fitting in connection with a building; or
- (d) the making of any material change of use of a building; in respect of which planning permission is not required.

(2) As from the appointed day in any district any notice given to or plans deposited with the district council in accordance with building regulations in relation to an operation to which this section applies shall be null and void if the carrying out of the operation specified in such notice or plans be not commenced within three years from the date of such notice or deposit, and at the expiration of that period fresh notice and deposit shall unless the district council otherwise determine be requisite.

(3) The district council shall attach notice of the provisions of this section to every approval of plans relating to an operation to which this section applies given subsequent to the coming into operation of this section.

Commencement

Pt XII s. 78(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 78(1)-(3): England

Law In Force

79. Replanting of trees in woodlands.

In its application in the county the Act of 1971 shall have effect as if –

(1) in section 62(1) there were deleted the words “other than a tree to which the order applies as part of a woodland” and after the words “order or” there were inserted the words “except in the case of a tree to which the order applies as part of a woodland”;

(2) after subsection (1) of section 62 there were inserted the following subsection –

“(1A) In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the same number of trees removed, uprooted or destroyed either on or near the land in which the trees removed, uprooted or destroyed stood or on such other land as may be agreed between the local planning authority and the owner of the land and in such places as may be designated by the local planning authority.”.

Commencement

Pt XII s. 79(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 79(1)-(2): England

Law In Force

80. Control of brown tail moth.

(1) In this section “the moth” means the brown tail moth (*Euproctis chrysorrhoea* L.) and includes the eggs, caterpillars and webs or nests thereof.

(2) If it appears to a district council that steps should be taken for the destruction of the moth on any land in their district they may serve on the occupier of the land a notice requiring him to take such reasonable steps for the destruction of the moth as may be specified in the notice.

(3) In addition to, or instead of, serving a notice under subsection (2) above, the district council may themselves take steps for the destruction of the moth, or pay, or contribute towards, the expenses of the occupier in taking the steps required by the notice.

(4) Subsections (2), (3) (except paragraphs (e) and (f)), (4), (6) and (7) of section 290 of the Act of 1936 (appeals against, and the enforcement of, certain notices under that Act) shall apply to any notice served under subsection (2) above as they apply in relation to the notices mentioned in subsection (1) of that section and as if —

- (a) the execution of works included the taking of steps for the destruction of the moth; and
- (b) the following paragraphs were inserted at the end of subsection (3) —

“(g) that the taking of the steps required by the notice would be ineffective for the purposes of destruction of the moth in the area in which the land in question is situated;

(h) that, having regard to the expense of taking any steps required by the notice, the authority have unreasonably refused to assist in taking those steps or to contribute the whole or part of the cost thereof.”.

Commencement

Pt XII s. 80(1)-(4)(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 80(1)-(4)(b): England

Law In Force

81. Determination of sums for maintenance.

In any case in which the county council are empowered to recover the whole or any part of the cost incurred by them —

(1) in respect of the maintenance or treatment or the maintenance and treatment of any person in any premises which are provided or maintained by the county council or to the provision or maintenance of which the county council contribute;

(2) in respect of the maintenance of any person in any premises which are not provided or maintained by the county council or to the cost of the provision or maintenance of which the county council do not contribute; or

(3) in respect of the maintenance of any child who is boarded out by the county council in any premises;

the county council for the purpose of ascertaining such cost may determine that two or more such premises (being premises used for comparable purposes) shall be regarded as one and that such cost shall be ascertained by reference to the expenses incurred in respect of such premises regarded as one.

Commencement

Pt XII s. 81(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 81(1)-(3): England

Repealed

82. [...]¹**Notes**

¹ Repealed by Police and Criminal Evidence Act 1984 c. 60 Sch.7(III) para.1 (January 1, 1986 as SI 1985/1934)

✔ Law In Force

83. Proceedings for dog licence offences.

In its application to a district the Dog Licences Act 1959 shall have effect as if at the end of subsection (1) of section 15 (proceedings for offences) there were added the words “or an authorised officer of the council of a district”.

Commencement

Pt XII s. 83: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 83: England

✔ Law In Force

84. Driving of hackney carriages for test and examination purposes.

In its application to the county section 46 of the Town Police Clauses Act 1847 shall not apply to a person driving a hackney carriage licensed under that Act while the hackney carriage is being driven for the purpose of or in connection with —

- (a) a test is carried out as to —
 - (i) the mechanical condition or fitness of the hackney carriage or its equipment; or
 - (ii) the competence to drive of an applicant for a licence to drive a hackney carriage;or
- (b) an examination under section 43 of the Road Traffic Act 1972.

Commencement

Pt XII s. 84(a)-(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 84(a)-(b): England

✔ Law In Force

85. Extension of section 268 of Act of 1936 to houseboats.

Section 268 of the Act of 1936 (nuisances arising from, and byelaws and other matters relating to tents, vans, sheds or similar structures) shall in its application to the county extend to any houseboat which is used for human habitation on any navigable river as if such houseboat were a structure to which that section applies.

Commencement

Pt XII s. 85: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 85: England

Law In Force

86. Prohibition of vehicles etc. on grass margins.

(1) Where a local authority maintain in any street any grass verge which is mown or otherwise kept in an ornamental condition or any garden they may by notice prohibit persons causing or permitting horses, cattle or vehicles to enter, or to be left, thereon.

(2) Any such notice as is referred to in subsection (1) above shall be —

(a) indicated by a traffic sign as defined in section 54 of the Road Traffic Regulation Act 1967 and subsection (1) of section 55 of the said Act of 1967 shall have effect as respects the erection and display of the notice by the local authority whether or not that authority is the highway authority for that highway; and

(b) conspicuously posted on or in proximity to the grass verge or garden to which it relates; and if any person without reasonable excuse contravenes a notice so posted he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(3) A prohibition under subsection (1) above shall not extend to entering on or in, or to the leaving of, a vehicle by statutory undertakers where reasonably necessary for the exercise of their statutory powers.

Commencement

Pt XII s. 86(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XII s. 86(1)-(3): England

PART XIII

MAIDSTONE PROVISIONS

Law In Force

87. Interpretation of Part XIII.

In this Part —

“the Maidstone Council” means the Maidstone Borough Council;

“the transport undertaking” means the public service vehicle undertaking of the Maidstone Council.

Commencement

Pt XIII s. 87 definition of "the Maidstone Council"- definition of "the transport undertaking": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XIII s. 87 definition of "the Maidstone Council"- definition of "the transport undertaking": England

Law In Force

88. Power to run public service vehicles.

Notwithstanding the repeal by this Act of section 18 (Power to provide and run omnibuses) of the Maidstone Corporation Act 1923 the Maidstone Council shall continue to be a local authority authorised to run public service vehicles under Part V of the road Traffic Act 1930 (which authorises the running of public service vehicles by local authorities).

Commencement

Pt XIII s. 88: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XIII s. 88: England

Law In Force

89. Cloakrooms etc.

(1) The Maidstone Council may provide cloakrooms and rooms or sheds for the storage of bicycles, tricycles and other vehicles at any depot or building used by them in connection with the transport undertaking and at any places on the routes of the public service vehicles of the Maidstone Council and may make charges for the use of such cloakrooms and sheds for the deposit of articles and things and bicycles, tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the highway authority.

(2) The powers of this section shall be so exercised as not to render less convenient, so far as is reasonably practicable, the access to —

- (a) any apparatus belonging to or maintained by the British Gas Corporation;
 - (b) any works or apparatus of the Southern Water Authority.
-

Commencement

Pt XIII s. 89(1)-(2)(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XIII s. 89(1)-(2)(b): England

PART XIV
THANET PROVISIONS

Preliminary

R Repealed

90. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

91. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

Transfer of Undertaking

R Repealed

92. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

93. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

94. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

95. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

96. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

97. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

98. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

Functions and powers of Thanet Council as harbour authority

R Repealed

99. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

100. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

R Repealed

101. [...]¹

Notes

¹ Repealed by Margate Pier and Harbour Revision Order 1993/1313 Sch.1(I) para.1 (March 17, 1993)

PART XV

TUNBRIDGE WELLS PROVISIONS

✓ Law In Force

102. Interpretation of Part XV.

(1) In this Part and in Schedule 3 to this Act —

“the Act of 1890” means the Tunbridge Wells Improvement Act 1890;

“appointing authority” means each of the persons by whom conservators are appointed in accordance with subsection (2) of section 103 (Constitution of conservators) of this Act;

“the commons” means the Tunbridge Wells Commons delineated and coloured red, blue and green on the plan;

“the conservators” means the conservators of the commons constituted by the Act of 1890 and this Act;

“the former borough” means the Borough of Royal Tunbridge Wells as it existed immediately before 1st April 1974;

“the freeholders' committee” means the committee appointed to act on behalf of the freehold tenants of the Manor of Rusthall;

“the Grove” means the land in the former borough described in the indenture of 1703 referred to in the scheduled agreement and known as the Grove or Mount Sion Grove;

“the Lord of the Manor” means the Lord of the Manor of Rusthall for the time being;

“the plan” means the plan deposited for the purposes of the Act of 1890;

“the scheduled agreement” means the agreement set out in Schedule 3 to the Act of 1890;

“the Tunbridge Wells Council” means the Tunbridge Wells Borough Council.

Commencement

Pt XV s. 102(1)-(1) definition of "the Tunbridge Wells Council": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 102(1)-(1) definition of "the Tunbridge Wells Council": England

The Commons

✔ Law In Force

103. Constitution of conservators.

(1) Notwithstanding the repeal of the Act of 1890 the conservators in office at the commencement of this Act shall continue in office until 31st December 1982, the management of the commons shall continue vested in the conservators and they shall exercise the functions assigned to them by this Act.

(2) The conservators shall subject to any casual vacancy consist of 12 persons appointed as follows

- (a) four by the Lord of the Manor, who may nominate himself and his steward and bailiff or any other person as he may think fit;
- (b) four by the freeholders' committee from among persons whose name appear in the register of freehold tenants of Rusthall Manor directed to be kept by the Rusthall Manor Act 1863;
- (c) four by the Tunbridge Wells Council from among the persons who are members of the Tunbridge Wells Council for wards comprised within the former borough.

(3) The incidental provisions set out in Schedule 3 to this Act shall apply in relation to the conservators.

Commencement

Pt XV s. 103(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 103(1)-(3): England

✔ Law In Force

104. Appointment of conservators.

(1) Each appointing authority shall not later than 1st December 1982 and not later than 1st December in each third year thereafter make their respective appointments in accordance with subsection (2) of section 103 (Constitution of conservators) of this Act:

Provided that the Tunbridge Wells Council shall make their appointments not later than 1st December in each year.

(2) Each conservator so appointed shall (unless he shall previously die, resign or become disqualified) continue in office from 1st January next following his appointment —

(a) in the case of a conservator appointed by the Tunbridge Wells Council for a term of one year; and

(b) in the case of any other conservator for a term of three years;

and shall be eligible for reappointment:

Provided that an appointing authority may at any time remove any of the conservators appointed by him or them and appoint another person in his stead for the remainder of the term of office.

Commencement

Pt XV s. 104(1)-(2) Proviso. 014: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 104(1)-(2) Proviso. 014: England

Law In Force

105. Casual vacancies.

(1) A person appointed as a conservator may at any time resign his office by written notice delivered to the clerk to the conservators.

(2) Where any person who is a conservator —

(a) ceases to be qualified to be a conservator;

(b) dies;

(c) ceases to be a conservator by reason of resignation;

the conservators shall forthwith declare his office to be vacant and notify the appointing authority.

(3) A casual vacancy occurring in the office of conservator shall be filled by the appointing authority by whom the conservator was appointed by the appointment of another person to fill the vacancy.

(4) A person appointed under subsection (3) above to fill any casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired and he shall then retire.

Commencement

Pt XV s. 105(1)-(4): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 105(1)-(4): England

Law In Force

106. Conservators to act gratuitously.

No conservator shall receive any remuneration nor may any officer of the Tunbridge Wells Council act as a conservator:

Provided that nothing in this section shall operate to prevent the steward of bailiff of the Lord of the Manor from receiving remuneration or holding any office of profit other than under this Part.

Commencement

Pt XV s. 106 Proviso. 015: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 106 Proviso. 015: England

Law In Force

107. Validity of acts done by unqualified persons.

The acts and proceedings of any person nominated to the office of conservator and acting in that office shall notwithstanding his disqualification or want of qualification be as valid and effectual as if he had been qualified.

Commencement

Pt XV s. 107: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 107: England

Law In Force

108. Power to conservators to execute works.

- (1) The conservators shall have a duty to maintain and preserve the commons.
- (2) The conservators may for the purpose of this Part —
 - (a) execute works of drainage and improvement of the commons;
 - (b) plant trees and enclose such trees with fences of a character as not to be likely to injure animals turned out on the commons;
 - (c) maintain footpaths and provide seats for the public on the commons.

Commencement

Pt XV s. 108(1)-(2)(c): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 108(1)-(2)(c): England

Law In Force

109. Access to commons.

The inhabitants of the borough of Tunbridge Wells shall have free access to and a privilege at all times of playing and attending at games and of enjoying recreation upon the commons without payment but subject to such byelaws and regulations as are hereinafter mentioned and with power for the conservators as they consider expedient —

- (1) to set apart any part of the commons for cricket, football, or other games;
- (2) to form any cricket, football or other ground and to enclose the same with posts and chains or with open fences so as to prevent cattle straying thereon; and
- (3) to prescribe as to the persons who shall use the same for cricket, football or other games and the times when the particular persons may exclusively use the same for cricket, football or other games as aforesaid.

Commencement

Pt XV s. 109(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 109(1)-(3): England

Law In Force

110. Commons to be preserved from encroachments.

(1) The conservators shall maintain the commons free from all encroachments except as herein provided and also except that they shall have power to permit temporary enclosures to be made and tents or booths to be erected on such occasions as they shall think fit.

(2) It shall not be lawful for any persons other than the conservators without the consent of the conservators in writing to make any temporary or other enclosure of any part of the commons or to put any tents, removable lodges, fences, posts, rails or other matters or things thereon or to make any road or footpath except over such portions of the commons as are coloured red on the plan or to lay any sewer, drain, pipe, waterway or other work of a like nature in or through any part of the commons.

(3) Nothing in this section shall interfere with any right of the water authority to make and maintain such sewers as may be necessary for effectually draining the borough for the purpose of the Public Health Acts or the Water Act 1973.

(4) Nothing in this section shall prejudice or affect the rights of the British Gas Corporation under paragraphs 1 and 2 of Schedule 4 to the Gas Act 1972 in respect of the land coloured red on the plan.

Commencement

Pt XV s. 110(1)-(4): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 110(1)-(4): England

Law In Force

111. Power to make byelaws.

- (1) The conservators may make byelaws under this Part for all or any of the following purposes —
- (a) for the improvement and management of the commons and the preservation of good order and conduct among persons frequenting them;
 - (b) for the protection of property; trees; shrubs; ferns and other plants and for the protection of paths;
 - (c) for the prevention of nuisances, annoyances, obstructions and encroachments;
 - (d) for the prevention of the deposit of road sand or rubbish or other matter;
 - (e) for the regulation of sports and games played thereon;
 - (f) for the regulation of the use of animals let out for hire thereon and of persons letting out for hire or using animals thereon and in general the regulation of riding on the commons;
 - (g) for the prevention of vehicles, including bicycles, being parked or driven or horses being exercised on any part of the commons not set apart by the conservators for the purpose;
 - (h) for the prohibition and prevention of the fouling of any ornamental or other lakes, ponds or waters, the regulation of skating and sliding thereon, the prevention of the destruction or injury of aquatic or other birds or of other animals or of fish therein;
 - (i) for the prevention of the posting of bills or placards on any wall, railing, fence, tree, lamp-post, walk, pavement or seat or elsewhere and the prevention of the removal of any such wall, railing, fence, tree, lamp-post, walk, pavement or seat;
 - (j) for the regulation and if need be the prohibition of placing, drying or bleaching of clothes, household linen or other materials or things and the beating and cleansing of carpets or like articles;
 - (k) for the temporary enclosure except on Christmas Day, Good Friday and Sundays of portions of the commons not exceeding six days at a time for the protection and renewal of the herbage thereon;
 - (l) for the prevention of all acts and things tending to the injury or disfigurement of the commons or the interference with the use thereof by the public for the purposes of exercise and recreation.

(2) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding £50.

(3) Subsections (3) to (9) and (11) of section 236 and section 238 of the Act of 1972 shall apply and have effect with respect to byelaws made by the conservators under this section as they apply to byelaws made by a district council, as if references—

- (a) to the authority by whom the byelaws are made, to a district council or to the local authority were in each case to the conservators;
- (b) to the area to which they byelaws are to apply were to the commons;
- (c) to the proper officer of a district council were to the clerk to the conservators.

Commencement

Pt XV s. 111(1)-(3)(c): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 111(1)-(3)(c): England

Law In Force

112. Power to appoint officers.

The conservators may appoint officers for securing the observance of this Part and of the byelaws made thereunder.

Commencement

Pt XV s. 112: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 112: England

Law In Force

113. Rights of Lord of the Manor.

(1) If any tree of the commons falls or is felled by the conservators the tree shall thereupon become the property of the Lord of the Manor.

(2) The Lord of the Manor may trim or brush up the branches of any tree which may obstruct the access of light to or overhang or be otherwise prejudicial to any house of his on the commons.

Commencement

Pt XV s. 113(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 113(1)-(2): England

✔ Law In Force

114. Savings.

Nothing in this Part shall —

- (1) be construed as placing under the case of the conservators any highway on or across the commons;
- (2) affect the land delineated and coloured brown on the plan and such land shall not in any way be subject to the jurisdiction of the conservators or be under their control or management;
- (3) prejudicially affect any estate, interest or right of a profitable or beneficial nature, in, over or affecting the commons or any part thereof as subsisting at the commencement of this Act or which could or might have been enjoyed if this Act had not been passed.

Commencement

Pt XV s. 114(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 114(1)-(3): England

✔ Law In Force

115. Expenses of conservators.

- (1) The Tunbridge Wells Council shall pay yearly to the conservators the requisite sum to enable the conservators to defray the expense of discharging their functions under this Part.
- (2) Before 1st January in each year the conservators shall issue to the Tunbridge Wells Council a precept for the requisite sum required for the financial year beginning 1st April next following.
- (3) The requisite sum shall be payable half-yearly by equal instalments on 1st July and 1st January in each financial year.

(4) In this section —

“financial year” means a period of 12 months ending on 31st March;

“the requisite sum” means the sum estimated by the conservators to be the sum required to meet their expenditure under this Part in the financial year following the issue of a precept made under subsection (2) above after taking into consideration any money in the hands of the conservators or likely to come into the hands of the conservators during that financial year but shall not in any financial year exceed the product of a rate of 0.3p in the pound, or such greater sum as the Tunbridge Wells Council may be resolution approve, as estimated or calculated for the purposes of section 12 of the General Rate Act 1967.

Commencement

Pt XV s. 115(1)-(4) definition of "the requisite sum": November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 115(1)-(4) definition of "the requisite sum": England

Law In Force

116. Accounts and audit.

(1) The conservators shall cause to be kept proper accounts of all sums received or paid by them and proper records in relation to those accounts.

(2) The provisions of sections 154 to 167 of the Act of 1972 except subsections (1) and (2) of section 154 shall with all necessary modifications extend and apply to the conservators as if —

- (a) the conservators were a parish council;
- (b) the provisions of this section were provisions of section 154 of the Act of 1972;
- (c) references in section 159 (2) and (3) of the Act of 1972 to “any area to which those accounts relate”, in section 165 (1) (a) to “the area of any body whose accounts are required to be audited in accordance with this Part of this Act” and in section 166 (1) (c) of that Act to “the area of that body” were references to “the borough of Tunbridge Wells”; and
- (d) references in section 165 of the Act of 1972 to “any such body” and “that body” were references to “the conservators”.

Commencement

Pt XV s. 116(1)-(2)(d): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 116(1)-(2)(d): England

The Grove

Law In Force

117. As to the Grove.

(1) Notwithstanding the repeal of Part XIII of the Act of 1890 and of the scheduled agreement the Grove shall continue to be deemed to be a public pleasure ground within the meaning of section 164 of the Public Health Act 1875 subject to the trusts mentioned in subsection (2) below being the trusts expressed and declared in the indenture of 1703 referred to in the scheduled agreement as varied by the scheduled agreement.

(2) The trusts referred to in subsection (1) above, subject to which the Grove is vested in the Tunbridge Wells Council are —

- (a) to hold and maintain the Grove as a place of public resort and recreation for the benefit of the inhabitants of the town of Royal Tunbridge Wells and the public generally;
- (b) not to cut down the trees growing or to grow on the Grove nor to convert the Grove or the said trees for any private use, but to preserve the same as a grove and shady walk for the use of the inhabitants of the town of Royal Tunbridge Wells and the public generally;
- (c) to preserve the Grove and to prevent and remedy all trespasses, encroachments and nuisances thereon.

(3) No building or structure of any description other than a caretaker's lodge with the necessary fences thereto shall be erected on the Grove.

Commencement

Pt XV s. 117(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XV s. 117(1)-(3): England

PART XVI**GENERAL**

Law In Force

118. Disputes about compensation.

(1) Any dispute arising on a claim for compensation under this Act, being a dispute for the determination of which no other provision is made by or under this or any other Act, shall be determined, if the parties so agree, by arbitration, or, in default of agreement, by a county court.

(2) A county court shall have jurisdiction to deal with any dispute which by virtue of subsection (1) above is to be determined by such a court notwithstanding that, by reason of the amount of the claim or otherwise, the case would not, but for its provision, be within the jurisdiction of a county court.

(3) Nothing in this section shall prejudice the operation of section 115 of the County Courts Act 1959 (removal into the High court of proceedings commenced in a county court).

Commencement

Pt XVI s. 118(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 118(1)-(3): England

✔ Law In Force

119. Local inquiries.

A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purposes of any of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Commencement

Pt XVI s. 119: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 119: England

✔ Law In Force

120. Saving for conduct of business, practice or use of premises.

Where under any provision of this Act the licence or consent of a local authority for the carrying on of any business or practice or the use of premises for any purpose is required as from an appointed day, it shall be lawful for any person who —

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

(b) had before that day duly applied for the licence or consent required by that provision; to continue to carry on that business or practice or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 124 (Suspension of proceedings pending appeal) of this Act.

Commencement

Pt XVI s. 120(a)-(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 120(a)-(b): England

✔ Law In Force

121. Arbitration.

Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed on the application of either party to the dispute after notice in writing to the other by the President of the Institution of Civil Engineers.

Commencement

Pt XVI s. 121: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 121: England

Law In Force

122. Appeals to magistrates' court.

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

Commencement

Pt XVI s. 122: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 122: England

Law In Force

123. Appeals to Secretary of State.

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

(2) The provisions referred to in subsection (1) above are the following —
[...]¹ Section 59 (Part IX appeals);
In section 62 (Transitional provisions for Part IX), subsection (3).

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and, in the case of any appeal under the said section 59 may give directions for the granting of a consent unconditionally or such to such conditions as the county council would have been entitled to impose under section 58 (Unlawful stacks) of this Act.

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

(5) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High court on a case stated by virtue of this subsection shall be deemed to be a judgement of the court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act 1925 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgement of the High Court).

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

Notes

¹ Words repealed by Building (Repeal of Provisions of Local Acts) Regulations 2012/3124 reg.2 (January 9, 2013: repeal has effect subject to savings specified in SI 2012/3124 reg.4)

Commencement

Pt XVI s. 123(1)-(6): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 123(1)-(6): England

Law In Force

124. Suspension of proceedings pending appeal.

Where a requirement, refusal or other decision of a local authority against which a right of appeal is conferred by this Act —

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

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

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

Commencement

Pt XVI s. 124(a)-(ii): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 124(a)-(ii): England

Law In Force

125. Restriction on right to prosecute.

The written consent of the Attorney-General is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, a parish council or a constable.

Commencement

Pt XVI s. 125: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 125: England

Law In Force

126. Liability of directors etc.

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

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

Commencement

Pt XVI s. 126(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 126(1)-(2): England

Law In Force

127. Penalty for obstruction.

Any person who intentionally obstructs an officer of a local authority or a parish council acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Commencement

Pt XVI s. 127: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 127: England

✔ Law In Force

128. Defence of due diligence.

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

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

- Section 14 (Dust etc. from building operations);
- Section 20 (Acupuncture, ear-piercing and tattooing);
- [...]¹
- Section 23 (Registration of houseboats);
- Section 30 (Closing of flood doors);
- Section 33 (Touting, hawking, photographing etc.);
- Paragraphs (a) to (c) of section 44 (Offences under Part VI);
- Part VIII (Fire Precautions);
- Section 58 (Unlawful stacks);
- [...]²
- Section 132 (Tidal Works).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

Notes

¹ Words repealed by Food Safety Act 1990 (Consequential Modifications) (Local Enactments) Order 1992/117 Sch.1 para.1 (April 3, 1992)

² Words repealed by Local Government (Miscellaneous Provisions) Act 1982 c. 30 Sch.7(II) para.1 (July 13, 1982)

Commencement

Pt XVI s. 128(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 128(1)-(3): England

✔ Law In Force

129. Application of general provisions of Act of 1936.

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

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

- Section 14 (Dust, etc., from building operations);

Section 15 (Power to order alteration of chimneys)
 Section 16 (Urgent repairs to supply pipes and water fittings)
 Section 19 (Hairdressers and barbers);
 Section 20 (Acupuncture, ear-piercing and tattooing);
 [...]¹
 Section 28 (Protection of damaged buildings);
 Section 29 (Securing unoccupied buildings);
 Section 30 (Closing of flood doors)
 Section 31 (Control of fly-posting);
 [...]²
 Section 52 (Firemen's switches for luminous tube signs);
 Part IX (Storage of flammable material);
 Section 80 (Control of brown tail moth):

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

Notes

- ¹ Words repealed by Food Safety Act 1990 (Consequential Modifications) (Local Enactments) Order 1992/117 Sch.1 para.1 (April 3, 1992)
² Words repealed by Building (Repeal of Provisions of Local Acts) Regulations 2012/3124 reg.2 (January 9, 2013: repeal has effect subject to savings specified in SI 2012/3124 reg.4)

Commencement

Pt XVI s. 129(1)-(2) Proviso. 016: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 129(1)-(2) Proviso. 016: England

Law In Force

130. Saving for Health and Safety at Work etc. Act 1974.

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

- (a) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;
 (b) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

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

Section 14 (Dust etc. from building operations);

Section 27 (Control of demolitions);

Section 54 (Oil-burning equipment).

Commencement

Pt XVI s. 130(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 130(1)-(2): England

Law In Force

131. Saving for Fire Precautions Act 1971.

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

Commencement

Pt XVI s. 131: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 131: England

Law In Force

132 Tidal Works.

(1) The following provisions in this section shall apply to tidal works, that is to say, works on, under or over tidal waters or tidal lands below the level of mean highwater springs, authorised by the following enactments —

(a) Margate Pier and Harbour Act 1871;

(b) Dover Corporation (Sea Defences) Act 1877;

(c) Margate Extension and Improvement Act 1988;

(d) Margate Pier and Harbour Order 1878;

(e) Margate Pier and Harbour Act 1900;

(f) Margate Corporation Act 1900;

(g) Margate Corporation Act 1926;

in substitution for statutory provisions repealed by this Act relating to the lighting, survey, abandonment or decay of, and injury to, those works, each of which is in this section referred to as “tidal work” and in respect of tidal works authorised by the enactments mentioned in paragraphs (a), (d) and (e), the following provisions of this Act shall have effect from the date of transfer as defined in section 90 (Interpretation and application of Part XIV) of this Act.

(2)

(a) In case of injury to or destruction or decay of a tidal work, or any part thereof, the owners of the work shall forthwith notify the corporation of Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the said corporation shall from time to time direct.

(b) If the owners fail to notify the Corporation of Trinity House as required by this subsection or to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3)

(a) This subsection does not apply to the tidal works authorised by the Dover Corporation (Sea Defences) Act 1877.

(b) The owners of a tidal work to which this subsection applies shall at the outer extremity of that work exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House shall from time to time direct.

(c) If the owners fail to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(4)

(a) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the owners of the work at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(b) Where a work consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the mean high-water springs is in such condition as to interfere, or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work or any portion thereof in any notice under this subsection.

(c) If, on the expiration of 30 days after the date when a notice under this subsection is served upon the owners, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the owners as a simple contract debt.

(5) The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the owners of the work as a simple contract debt.

(6) In this section “the statutory maximum” means the prescribed sum as defined in section 32 (9) of the Magistrates' Courts Act 1980.

Commencement

Pt XVI s. 132(1)-(6): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 132(1)-(6): England

Law In Force

133. Transitional provisions, savings and appeals.

(1) The transitional provisions and savings in Schedule 5 to this Act shall have effect.

(2)

(a) Subject to the provisions of the said Schedule 5 —

(i) the enactments specified in column (1) of Schedule 6 to this Act shall continue to have effect to the extent specified in column (2) of that Schedule and to that extent section 262 (9) of the Act of 1972 shall not apply to those enactments;

(ii) the Acts specified in column (1) of Part 1 of Schedule 7 to this Act and the confirmation Acts and Orders specified in column (1) of Part II of that Schedule are hereby repealed to the extent mentioned in column (2) of that Schedule;

(iii) the Acts specified in column (1) of Part I of Schedule 8 to this Act and the confirmation Acts and Orders specified in column (1) of Part II of that Schedule are as from the date of transfer hereby repealed to the extent mentioned in column (2) of that Schedule.

(b) In this subsection “the date of transfer” has the meaning given by Section 90 (Interpretation and application of Part XIV) of this Act.

(3) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.

(4) The inclusion in this Act of any express transitional provision, saving or amendment shall not be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (effect of repeals).

Commencement

Pt XVI s. 133(1)-(4): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Pt XVI s. 133(1)-(4): England

SCHEDULE 1

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

Law In Force

3.

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

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

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

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

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

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

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

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

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

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection at all reasonable times by the public on payment of a fee not exceeding one shilling.

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

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

Commencement

Sch. 1(I) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 1(I) para. 1: England

PART II**SECTION 29 OF THE ACT OF 1961 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 27 (CONTROL OF DEMOLITIONS) OF THIS ACT**

Law In Force

29.

(1) Subject to the provisions of this section, a local authority may serve a notice under this section on any person who undertakes the demolition of the whole or of part of a building.

(2) Subsection (1) of this section shall not apply to the demolition —

(a) of an internal part of a building where the building is occupied, and it is intended that it should continue to be occupied, or

(b) of building which has a cubic content (as ascertained by external measurement) of not more than one thousand seven hundred and fifty cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms parts of a larger building, of that greenhouse, conservatory, shed or prefabricated garage, or

(c) without prejudice to the last foregoing paragraph, of an agricultural building (as defined in section two of the Rating and Valuation (Apportionment) Act, 1928, unless it is contiguous to another building which is not itself of kind mentioned in this or the last foregoing paragraph.

(3) No person shall, without the consent of the local authority undertake a demolition to which subsection (1) of this section applied unless —

(a) a notice specifying the building and the works of demolition intended to be carried out has been given to the local authority, and

(b) the local authority have served on the person undertaking the demolition a notice under subsection (1) of this section or twenty-eight days have elapsed since the giving of notice under paragraph (a) of this subsection,

and a person contravening this subsection shall be liable to a fine not exceeding £500,

Provided that notice need not be given under this subsection of a demolition undertaken to comply with any requirement contained in —

- (a) a notice, order or other instrument issued by, or on the application of, the local authority in pursuance of any power conferred by or under an Act of Parliament, or
- (b) an injunction or other direction given in legal proceedings brought by the local authority,

except where compliance with the requirement is effected, at the election of the person complying with it, either by undertaking the demolition or by taking some other steps.

(3A) More than one notice may be served under subsection (1) of this section in respect of any demolition but a second or subsequent notice shall not expressly or by implication contain a requirement incompatible with one contained in a previous notice.

(4) The time within which a notice may be served under subsection (1) of this section shall be —

- (a) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and
- (b) in the case of a demolition undertaken to comply with a requirement contained in a demolition order under the Housing Act, 1957, at an time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and
- (c) in any other case, within six weeks from the beginning of the demolition.

(5) A notice under subsection (1) of this section may require the person undertaking the demolition to take action under all or any of the following paragraphs, that is to say —

- (a) to shore up adjacent buildings,
- (b) to weatherproof any surfaces of an adjacent building which are exposed by the demolition and to make good any damage to adjacent premises,
- (c) to remove material or rubbish resulting from the demolition and clearance of this site,
- (d) to disconnect and seal at such points as the local authority may reasonably require any sewer, drain or water or gas pipe in or under the building to be demolished,
- (e) to remove any such sewer, drain or water or gas pipe and seal any sewer, drain or water or gas pipe with which the sewer, drain or pipe to be removed is connected,
- (f) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (d) or paragraph (e) of this subsection,
- (g) to take such precautions as the local authority may after consultation with the fire authority reasonably require with regard to the burning on the site of materials or rubbish or of any structure,
- (h) to maintain watch on the site at all times during the course of the demolition,
- (i) to make arrangements with the electricity undertakers for the disconnection of the supply of electricity to the building to be demolished,

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may prescribe the matter in which, and the condition subject to which, the demolition is to be undertaken and the condition in which the site is to be left on completion.

(5A) A notice served under subsection (1) of this section within twenty-eight days after the giving of notice under paragraph (a) of subsection (3) of this section may also require part of the demolition to be deferred, but not beyond the expiry of the period for serving notice specified in subsection (4) of this section.

(6) No one shall be required under paragraph (b) except so far as it relates to the weatherproofing of surfaces, or paragraph (d) or paragraph (e) of subsection (5) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

(7) Nothing in subsection (5) of this section shall be construed as exempting any person from —

- (a) the obligation to obtain any consent required under section sixtyeight of the Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus) or under any similar enactment, or
- (b) any obligations with respect to the disconnection, removal or other alteration of a gas pipe under any regulations having effect under section 31 of the Gas Act, 1972.

and nothing in this section shall be construed as authorising any person to cut, alter or otherwise interfere with any electric line or apparatus of any statutory undertakers authorised to carry on an electricity undertaking.

(7A) Where the local authority serve notice of a requirement for the disconnection or removal of any sewer or water or gas pipe belonging to, or maintained or used by statutory undertakers, or in respect of the disconnection of the supply of electricity they shall send a copy of the notice, so far as it relates to that requirement, to the statutory undertakers.

(8) Before a person complies with any requirement under paragraph (d) or paragraph (e) of subsection (5) of this section he shall give at least forty-eight hours' notice to the local authority, and before he complies with paragraph (f) of that subsection, he shall give at least twenty-four hours' notice to the local authority; and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds.

(9) Subject to subsection (9A) of this section, the provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under subsection (1) of this section.

(9A) In relation to any requirement of a notice under subsection (1) of this section requiring deferment as provided in subsection (5A) of this section, section 290 of the Public Health Act, 1936 shall have effect subject to such modifications as are necessary and to the insertion at the end of subsection (6) of the words “but in any proceedings for an offence under this subsection it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence”.

(10) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under subsection (1) of this section shall be —

- (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up; and
- (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, or any damage to any adjacent premises to be made good, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces or of making good that damage.

(11) Where the grounds on which an appeal under the said section two hundred and ninety is brought include any ground specified in the last foregoing subsection, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne as between the appellant any such other person.

Commencement

Sch. 1(II) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 1(II) para. 1: England

SCHEDULE 2

LIMITS OF THE HARBOUR OF MARGATE

Law In Force

1.

All that area enclosed by a line commencing at The Rendezvous Promenade, Margate. At reference point 635390 171280 then travelling west-south-west in a direct line to reference point 635290 171247 then along a line drawn 5 metres away from but parallel to the seaward north face of the Stone Pier to a point opposite the western face of the lighthouse at reference point 635112 171176 then west-south-west for 65 metres to reference point 635050 171163 then westwards for 43 metres to reference point 635005 171165 then southwards for 65 metres to reference point 635014 171100 then circumscribe a segment of a circle with its centre at reference point 635300 171094 with a radius of 285 metres to reference point 635189 170833 then along the coping nose line to the sea wall bounding the highways known as Marine Drive, Margate and The Parade, Margate, directly across the head of the Margate Harbour Slipway and along the harbour wall coping nose line to reference point 635333 171202 then north-eastwards to reference point 635349 171218 then

north-eastwards along the seaward face of Coldharbour Slipway crossing it at the level of mean high-water springs to the coping nose line of The Rendezvous, Margate sea wall returning the point of commencement together with the complete side of the Margate Iron Jetty.

Commencement

Sch. 2 para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 2 para. 1: England

Law In Force

2.

References in this Schedule to reference points shall be construed as reference to National Grid reference points.

Commencement

Sch. 2 para. 2: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 2 para. 2: England

SCHEDULE 3

PROVISIONS APPLYING TO THE CONSERVATORS

Law In Force

1.

The conservators shall in every year hold not less than four business meetings; they may in every year hold in addition such other meetings as they may determine.

Commencement

Sch. 3 para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 1: England

Law In Force

2.

(a) At the first meeting of the conservators held on or after 1st January 1983 and on or after 1st January in each year thereafter the conservators present at the meeting shall appoint one of their number to act as chairman and the chairman shall, unless he shall die, resign or become disqualified, continue in office until the next annual appointment of a chairman.

(b) The chairman shall preside at all meetings at which he is present but in case he shall be absent from any meeting at the time appointed for holding the same, the meeting shall appoint one of the conservators then present to be chairman of such meeting.

Commencement

Sch. 3 para. 2(a)-(b): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 2(a)-(b): England

Law In Force

3.

No business shall be transacted at any meeting unless five conservators at least are present thereat.

Commencement

Sch. 3 para. 3: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 3: England

Law In Force

4.

All questions shall be decided by a majority of the conservators present and noting and in case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

Commencement

Sch. 3 para. 4: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 4: England

Law In Force

5.

Until the contrary be proved a copy of a resolution of the conservators signed and certified by the clerk to the conservators to be a true copy shall be sufficient evidence of the passing of such resolution without further or other proof of the signature of the said clerk or of the said resolution having been duly passed.

Commencement

Sch. 3 para. 5: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 5: England

Law In Force

6.

The conservators shall have power to appoint a committee or committees for any purpose and may delegate to such committee or committees any of their powers and duties.

Commencement

Sch. 3 para. 6: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 6: England

Law In Force

7.

(1) Minutes of the proceedings of a meeting of the conservators shall be drawn up and entered in a book kept for that purpose and if approved by a majority of the conservators present and voting shall be signed at the same or next following meeting of the conservators by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

(2) Until the contrary is proved, a meeting of the conservators, a minute of whose proceedings has been made and signed in accordance with this paragraph, shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.

(3) Sub-paragraphs (1) and (2) above shall apply in relation to a committee of the conservators as they apply in relation to the conservators.

(4) Until the contrary is proved, where a minute of any meeting of any such committee has been made and signed in accordance with sub-paragraphs (1) and (2) above the committee shall be deemed to have been duly constituted and have had power to deal with the matters referred to in

the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

Commencement

Sch. 3 para. 7(1)-(4): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 7(1)-(4): England

Law In Force

8.

Subject to the provisions of this Schedule the procedure and business of the conservators shall be regulated in such manner as the conservators may from time to time determine.

Commencement

Sch. 3 para. 8: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 8: England

Law In Force

9.

(1) The conservators shall appoint —

- (a) a clerk who may if they think fit be the chief executive of the Tunbridge Wells Council;
- (b) a treasurer; and
- (c) such common keepers and other officers as they may think necessary for the proper discharge of their functions.

(2) A clerk, treasurer, common keeper or other officer or servant appointed under sub-paragraph (1) above shall hold office on such reasonable terms and conditions including conditions as to remuneration as the conservators think fit.

Commencement

Sch. 3 para. 9(1)-(2): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 9(1)-(2): England

Law In Force

10.

The conservators may provide and maintain such offices as may be necessary for transacting their business and that of their officers

Commencement

Sch. 3 para. 10: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 3 para. 10: England

SCHEDULE 4

SECTIONS OF ACT OF 1936 APPLIED

Law In Force

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
289	Power to require occupier to permit works to be done.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
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.

Commencement

Sch. 4 para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 4 para. 1: England

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

Law In Force

1.

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

Commencement

Sch. 5 para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 5 para. 1: England

Law In Force

2.

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

Commencement

Sch. 5 para. 2: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 5 para. 2: England

Law In Force

3.

References in the Local Law (South East London Boroughs) Order 1965 or in the Local Law (Greater London Council and Inner London Boroughs) Order 1965 to any of the provisions of the Kent County Council Act 1958 specified in column (1) of the following table shall be construed as references to the provisions of this Act specified in relation thereto in column (2) of that table

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(1)	(2)
Section 93 (Determination of sums for maintenance)	Section 81 (Determination of sums for maintenance)
Section 117 (Closing of flood doors)	Section 30 (Closing of flood doors) and section 128 (Defence of due diligence)
Section 135 (Compensation how to be determined)	Section 118 (Disputes about compensation)
Section 136 (Local inquiries)	Section 119 (Local inquiries)

<p>(1)</p> <p>Section 137 (Arbitration)</p> <p>Section 139 (Appeals)</p> <p>Section 141 (Application of general provisions of Act of 1936)</p> <p>Schedule 4</p>	<p>(2)</p> <p>Section 121 (Arbitration)</p> <p>Section 122 (Appeals to magistrates' court); and section 124 (Suspension of proceedings pending appeal)</p> <p>Section 129 (Application of general provisions of Act of 1936)</p> <p>Schedule 4</p>
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Commencement

Sch. 5 para. 3: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 5 para. 3: England

Law In Force

4.

(1) Anything begun under a statutory provision repealed by this Act may be continued under any provision of this Act or any public general Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, a statutory provision repealed by this Act is current at the date of the coming into operation under this Act of any provision thereof relating to the same matter, that provision of this Act shall have effect as if it were in force when that period began to run.

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

Commencement

Sch. 5 para. 4(1)-(3): November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 5 para. 4(1)-(3): England

Law In Force

5.

Where land of a local authority is held for any of the purposes specified in an enactment repealed by this Act or where any such land is stated to be capable of being appropriated or disposed of under any such enactment such land shall be deemed to be held for purposes specified in section

120(1)(b) of the Act of 1972 (land held for the benefit, improvement or development of the area of a local authority).

Commencement

Sch. 5 para. 5: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 5 para. 5: England

Law In Force

6.

For the purpose of any provision of this Act specifying penalties for a second or subsequent offence, a previous conviction under a statutory provision repealed by this Act creating the like offence shall be taken as an offence under that provision of this Act.

Commencement

Sch. 5 para. 6: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 5 para. 6: England

Law In Force

7.

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

Commencement

Sch. 5 para. 7: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 5 para. 7: England

SCHEDULE 6**ENACTMENTS CONTINUED**

Law In Force

	Enactment	Extent of provisions saved
	(1)	(2)
1711 c. 43	An Act for compleating a Chapel of Ease in the Lower Town of Deal, in the County of Kent by a Duty on Waterborn Coals to be brought into the said Town	So much as provides for the choosing of the Chappell Wardens.
1845 c. cxliv	An Act to make Provision for Payment of the debts of the Mayor, Jurats, Bailiffs, and Burgesses of the Borough of Quinborowe in the County of Kent; and for other Purposes	The whole Act.
1874 c. lxvi	Hythe Improvement and Waterworks Act 1874	Section 68.

Commencement

Sch. 6 para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 6 para. 1: England

SCHEDULE 7

ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT

PART I

LOCAL ACTS

Law In Force

	Title or short title	Extent of repeal
	(1)	(2)
1514 c. 17	Acte concerning the Ryver in Caunterbury	The whole Act.
1542 c. 18	For Caunterburye concerning the Privileges of the same	The whole Act.
1778 c. 76	An Act for better paving, cleansing, lighting, and watching, the Streets and Lanes in the Town of Dover in the County of Kent, and in the several Parishes of Saint Mary the Virgin and Saint James the Apostle in the said Town and County; and for removing and preventing Nuisances and Annoyances therein	The whole Act except so far as it relates to the charging, paying, collecting and recovering of duties on coal brought into the port of Dover.

	Title or short title	Extent of repeal
	(1)	(2)
1787 c. 14	An Act for paving, cleansing, lighting, and watching, the Streets, Lanes, and other Publick Passages and Places, within the Walls of the City of Canterbury and the Liberties thereof; and also several Streets and other Places near or adjoining to the said City; and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein	The whole Act.
1787 c. 45	An Act for rebuilding the Pier of Margate in the Isle of Thanet, in the County of Kent; for ascertaining, establishing, and recovering certain Duties in lieu of the ancient and customary Droits, for the Support and Maintenance of the said Pier; for Widening, Paving, Repairing, Cleansing, Lighting and Watching the Streets, Lanes, Highways and Publick Passages in the Town of Margate, and Parish of St. John the Baptist, in the said Isle of Thanet; for settling the Rates of Porters, Chairman, Carters, and Carmen within the said Town; and for preventing Encroachments, Nuisances, and Annoyances therein	The whole Act.
1787 c. 67	An Act for the better repairing, paving, cleansing, lighting, and watching the Highways, Streets, and Lanes of and in the Town and Port of Sandwich, in the County of Kent, and in the several Parishes of St. Peter the Apostle, St. Mary the Virgin, and St. Clement, in the said Town, Port, and County; and for removing and preventing Incroachments, Nuisances, Obstructions, and Annoyances in the said Highways, Streets, and Lanes, and on the Common Quay belonging to the said Town and Port, and in the Haven adjoining to the said Quay, and the Bridge built over the said Haven; and for regulating the Berths and Mooring Places of Vessels at the said Quay, and the proper Time, for Vessels to pass through the said Bridge	The whole Act.
1799 c. ii	An Act to amend and render more effectual an Act, passed in the Twentyseventh Year of the Reign of His present Majesty, for rebuilding the Pier of Margate in the Isle of Thanet in the County of Kent; and for other Purposes mentioned in the said Act	The whole Act.
1801 c. vii	An Act for enlarging, improving, and regulating the Cattle Market, within the City and County of the City of Canterbury	The whole Act.
1802 c. lvi	An Act for enlarging the present or providing an additional Workhouse, for the Parish of Chatham, in the County of Kent; for raising Money for that Purpose; for the better ascertaining and collecting the Poor Rates; and for the better Relief, Government, and Employment of the Poor of the said Parish	The whole Act.
1803 c. lviii	An Act for repealing so much of an Act, made in the Ninth Year of the Reign of King George the Second, intituled, <i>An Act to enable the Justices of the Peace,</i>	The whole Act.

	Title or short title	Extent of repeal
	(1)	(2)
	<i>acting for the Western Division of the County of Kent, to purchase a convenient Piece of Ground for building a Gaol for the said County, and for empowering the said Justices to apply Part of the County Stock of the said Division towards the same, as requires that the said Gaol should be repaired exclusively at the Expense of the said Western Division; and for the better Regulation and Payment of the publick Expenses of the said County</i>	
1807 c. xxxiv (47 Geo. 3. Sess. 2)	An Act for empowering the Justices of the Peace for the County of Kent to make a fair and equal County Rate for the said County; and provide convenient Court Houses for holding the Assizes and General Quarter Sessions of the Peace and other public Meetings with the said County	The whole Act.
1809 c. xl	An Act for better assessing and collecting the Poor and other Rates in the Parish of Saint Nicholas, in the City of Rochester, in the County of Kent, and regulating the Poor thereof	The whole Act.
1809 c. cxi	An Act for repealing such Part of an Act, passed in the Forty-third Year of His present Majesty, as imposes a certain Proportion of the County Rate for the County of Kent upon the Eastern Division of the said County, and certain Proportions upon the Western Division of the said County; and also so much of an Act passed in the Forty-seventh Year of His present Majesty, for empowering the Justices of the Peace for the County of Kent, to make a fair and equal County Rate for the said County, as directs the Churchwardens and Overseers therein mentioned to make certain Returns of the Rental or Value of Estates within their Parishes, at the Periods and in the Manner herein mentioned, and imposed a certain Penalty upon such Churchwardens and Overseers for making Default therein, and for amending the Powers and Provisions of the said Acts	The whole Act.
1809 c. cxvii	An Act to amend and render more effectual Two Acts for the Maintenance and Support of the Pier and Harbour, and paving and lighting the Town of Margate, in the County of Kent	The whole Act.
1810 c. xxvi	An Act to amend an Act made in the Eighteenth Year of His present Majesty, for paving, cleansing, lighting and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein	The whole Act except section LXX.
1812 c. xxxvii	An Act for enlarging the present or providing a new Workhouse for the use of the Parish of Strood in the County of Kent; for better governing, maintaining, and employing the Poor of the said Parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto	The whole Act.

	Title or short title	Extent of repeal
	(1)	(2)
1812 c. lxxiii	An Act for more effectually paving, cleansing, lighting, and watching the Highways, Streets and, Lanes within the Town and Borough of Deal, in the County of Kent, and for removing and preventing Encroachments, Nuisances, and Annoyances therein	The whole Act.
1812 c. clxxxvi	An Act for separating the Management of the Harbour of Margate, in the County of Kent, from the Paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in joint Stock Company of Proprietors	The whole Act except so far as it relates to the transferred undertaking.
1813 c. lxxxii	An Act for more effectually paving, lighting, watching, and improving the Town of Margate, in the County of Kent	The whole Act.
1814 c. civ	An Act for enabling the Justices of the Peace for the County of Kent to hold a General Sessions annually, or oftener, for levying and applying the Rates and Expenditure of the said County; and to alter and amend an Act made in the Forty-ninth Year of His present Majesty, for regulating the Rates of the said County	The whole Act.
1814 c. cviii	An Act for lighting, watching and improving the Town of Dartford, in the County of Kent	The whole Act.
1817 c. xlii	An Act to repeal an Act made in the last Session of Parliament, for preventing Frauds in the Admeasurement and Delivery of Coals within the several Parishes lying contiguously to the Waterside in the County of Kent	The whole Act.
1819 c. xvi	An Act to enlarge the Powers of Three Acts of His present Majesty, for paving, cleansing, and lighting the streets and other public Places within the King's Town of Maidstone, in the County of Kent, and better supplying the Inhabitants with water, and for watching the said Town, and making public Wharfs therein	The whole Act.
1824 c. liii	An Act for lighting, watching, and otherwise improving the Town of Ashford in the County of Kent	The whole Act.
1824 c. cix	An Act for erecting new Market Places within the Town of Maidstone in the County of Kent, and for the better regulating and maintaining the said Markets	The whole Act.
1824 c. cxxxiv	An Act for erecting a Market House for the Sale of Corn, Hops and other Agricultural Produce in the City of Canterbury and County of the same City, for improving and enlarging the Market Places for the Sale of Provisions in the said City and County, and for regulating and maintaining the said Markets	The whole Act.
1825 c. xx	An Act to amend and render more effectual several Acts relative to the paving, lighting, watching, and improving the Town of Margate in the Parish of Saint John the Baptist in the County of Kent; for erecting certain Defences against the Sea for the Protection of	The whole Act.

	Title or short title	Extent of repeal
	(1)	(2)
	the said Town; and for making further Improvements in and about the said Town and Parish	
1826 c. v	An Act for enlarging the present Market, and establishing Fish Markets, in the Town and Port of Dover in the County of Kent; and for removing the Elections of Members and of Mayors of the said Town from the Church of Saint Mary the Virgin in Dover	The whole Act.
1829 c. cv	An Act for vesting the Appointment to the Office of Bailiff or Verger of the Town and Port of Sandwich in the Mayor and Jurats of the said Town and Port; and for transferring the Common Gaol to the said Mayor and Jurats; and for the building and maintaining a new Gaol for the said Town and Port and its Liberties	The whole Act.
1829 c. cxxi	An Act for paving, lighting, watching, cleansing, and improving certain Streets and public Passages and Places at Sheerness in the Parish of Minster in the Isle of Sheppy in the County of Kent	The whole Act.
1830 c. cxvii	An Act to amend Two Acts of His late Majesty, for paving, cleansing, lighting, and watching the Town of Dover and for removing and preventing Nuisances and Annoyances therein	The whole Act.
1835 c. xlvi	An Act to alter and amend Three several Acts for paving, cleansing, and improving the Town of Dover, and for making further Improvements in the said Town	The whole Act except sections XV to XX.
1835 c. lxxii	An Act for lighting, watching, cleansing, regulating, and otherwise improving the Town of Tunbridge Wells in the Counties of Kent and Sussex, and for regulating the Supply of Water and establishing a Market within the said Town	The whole Act.
1838 c. ii	An Act for better paving, cleansing, lighting, watching, and otherwise improving the Town of Milton-next-Sittingbourne in the County of Kent	The whole Act.
1838 c. lxx	Ramsgate Improvement Act 1838	The whole Act.
1840 c. xci	An Act to amend an Act for enlarging the present or providing a new Workhouse for the Use of the Parish of Strood in the County of Kent; for better governing, maintaining, and employing the poor of the said parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto	The whole Act.
1846 c. cccxlix	Tunbridge Wells Improvement Act 1846	The whole Act.
1855 c. cxlvii	Folkestone Improvement Act 1855	The whole Act except the sections referred to in Part III of this Schedule.
1856 c. xxvi	Gravesend Improvement Act 1856	The whole Act.
1874 c. lxvi	Hythe Improvement and Waterworks Act 1874	The whole Act except so much as relates to water and section 68.
1877 c. cxiii	Dover Corporation (Sea Defences) Act 1877	The whole Act.

	Title or short title	Extent of repeal
	(1)	(2)
1877 c. cxix	Ramsgate Local Board Act 1877	The whole Act.
1877 c. cxxxviii	Maidstone Bridge Act 1877	The whole Act.
1877 c. ccvii	Margate Extension and Improvement Act 1877	The whole Act.
1878 c. cxci	Ramsgate Improvement Act 1878	The whole Act.
1880 c. cxix	Rochester City Improvement Act 1880	The whole Act except the sections referred to in Part III of this Schedule.
1890 c. ccxxxv	Tunbridge Wells Improvement Act 1890	The whole Act.
1900 c. clvii	Ramsgate Corporation Act 1900	The whole Act.
1900 c. ccl	Margate Corporation Act 1900	The whole Act.
1901 c. vi	Folkestone Corporation Act 1901	The whole Act.
1901 c. ccx	Broadstairs and St Peter's Water and Improvement Act 1901	The whole Act.
1901 c. ccxliii	Dover Corporation Act 1901	The whole Act except the section referred to in Part III of this Schedule.
1902 c. liv	Dartford Improvement Act 1902	The whole Act.
1902 c. ccxxxix	Whitstable Water and Improvement Act 1902	The whole Act except so much as relates to water.
1903 c. ccxlvii	Dover Corporation Act 1903	The whole Act.
1903 c. cc	Rochester Corporation Tramways and Improvements Act 1903	The whole Act except the section referred to in Part III of this Schedule.
1905 c. xcvi	Hythe Corporation Act 1905	The whole Act except sections 34 and 41 and the Schedule.
1906 c. lxxii	Dover Corporation Act 1906	The whole Act.
1908 c. lxxxvii	Margate Corporation Act 1908	The whole Act.
1911 c. xxi	Dover Corporation Act 1911	The whole Act.
1912 c. lxxii	Dover Corporation Act 1912	The whole Act except the provisions referred to in Part III of this Schedule.
1913 c. lxiii	Broadstairs and St. Peter's Urban District Council Act 1913	The whole Act except section 1 and Part II and Schedule 3 and so far as they are relevant to them sections 3 and 4 and Part XI.
1920 c. lix	Folkestone Corporation Act 1920	The whole Act.
1922 c. lxxxv	Ramsgate Corporation Act 1922	The whole Act.
1923 c. xxxi	Maidstone Corporation Act 1923	The whole Act except the provision referred to in Part III of this Schedule.
1923 c. xc	Broadstairs and St. Peter's Urban District Council Act 1923	The whole Act.
1923 c. civ	Chatham Corporation Act 1923	The whole Act.
1926 c. lxxxix	Margate Corporation Act 1926	The whole Act except the section referred to in Part III of this Schedule.
1929 c. xci	Tunbridge Wells Corporation Act 1929	The whole Act except section 6.
1931 c. xvii	Gillingham Corporation Act 1931	The whole Act.
1933 c. lxxxix	Canterbury Extension Act 1933	The whole Act.

	Title or short title	Extent of repeal
	(1)	(2)
1934 c. xcii	Ramsgate Corporation Act 1934	Part III except section 59.
1935 c. lxxxix	Maidstone Corporation Act 1935	The whole Act.
1936 c. lxxv	Rochester Corporation Act 1936	The whole Act except the section referred to in Part III of this Schedule.
1936 c. cxix	Dover Corporation Act 1936	The whole Act.
1944 c. xiii	Gillingham Corporation Act 1944	The whole Act.
1948 c. 1	Whitstable Urban District Council Act 1948	The whole Act except Part VII and sections 103 and 104 as applied by sections 12 and 30 of the Whitstable Harbour Act 1957 and except so much as relates to water.
1957 c. xli		
1950 c. xxxvii	Dover Corporation Act 1950	The whole Act.
1951 c. xvi	Canterbury Extension Act 1951	The whole Act.
1952 c. liv	Rochester Corporation Act 1952	The whole Act.
1955 c. xviii	Maidstone Corporation Act 1955	The whole Act.
1956 c. lix	Dover Corporation Act 1956	The whole Act.
1958 c. vi	Kent County Council Act 1958	The whole Act except the provisions referred to in Part IV of this Schedule so far as they apply to the London Boroughs of Bexley and Bromley by virtue of section 87 (1) of the London Government Act 1963 and the Local Law (South-East London Boroughs) Order 1965 and the Local Law (Greater London Council and Inner London Boroughs) Order 1965.
1963 c.33		
S.I. 1965/531		
S.I. 1965/540		
1962 c. xii	Kent Quarter Sessions Act 1962	The whole Act.
1966 c. vi	Kent Quarter Sessions Act 1966	The whole Act.
1970 c. xliiii	Kent County Council Act 1970	The whole Act.
1972 c. xlv	Thames Barrier and Flood Prevention Act 1972	Section 68 (10).

Commencement

Sch. 7(I) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 7(I) para. 1: England

PART II
CONFIRMATION ACTS AND ORDERS

Law In Force

	Short title (1)	Extent of repeal (2)
1849 c. 94	Public Health Supplemental Act 1849	Sections IV and V and the Orders relating to Chatham and Sheerness.
1850 c. 32	Public Health Supplemental Act 1850	Section III and the Order relating to Dartford.
1851 c. 98	Public Health Supplemental Act 1851, No.2	The Order relating to Margate except so far as it relates to the transferred undertaking.
1860 c. 118	Local Government Supplemental Act 1860 (No.2)	The Orders relating to Chatham, Sheerness and Tunbridge Wells.
1864 c. 26	Local Government Supplemental Act 1864	The Order relating to Ashford.
1864 c. 83	Local Government Supplemental Act 1864 (No.2)	The Order relating to Tunbridge Wells.
1866 c. 24	Local Government Supplemental Act 1866	The Order relating to Canterbury.
1866 c. 107	Local Government Supplemental Act 1866 (No.4)	The Orders relating to Maidstone and Tunbridge Wells.
1867 c. 67	Local Government Supplemental Act 1867 (No.4)	Sections 1 to 4.
1868 c. clii	Local Government Supplemental Act 1868 (No.3)	The Order relating to Tunbridge Wells.
1874 c. lxxxix	Local Government Board's Provisional Orders Confirmation Act 1874 (No.3)	The Orders relating to Gravesend and Sittingbourne.
1875 c. ccxi	Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) Act 1875	The Order relating to Deal.
1876 c. cxcviii	Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Act 1876	The Orders relating to Chatham and Gillingham.
1876 c. xiii	Local Government Board's Provisional Orders Confirmation (Arundel, &c.) Act 1876	The Order relating to Milton-next-Sittingbourne.
1876 c. cci	Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act 1876	The Order relating to Rochester.
1876 c. clxi	Local Government Board's Provisional Orders Confirmation (Carnarvon, &c.) Act 1876	The Order relating to Tunbridge Wells.
1877 c. cxxv	Local Government Board's Provisional Orders Confirmation (Bridlington, &c.) Act 1877	The Order relating to Tunbridge Wells.
1879 c. xliii	Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne, &c.) Act 1879	The Order relating to Maidstone.
1879 c. lxxxvi	Local Government Board's Provisional Orders Confirmation (Castleton-by-Rochdale, &c.) Act 1879	The Order relating to Sittingbourne and Milton Joint Hospital District.
1880 c. lx	Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1880	The Order relating to Canterbury.
1880 c. lxii	Local Government Board's Provisional Orders Confirmation (Ashford, &c.) Act 1880	The Orders relating to Ashford and Folkestone.

	Short title (1)	Extent of repeal (2)
1880 c. lxxxvi	Local Government Board's Provisional Orders Confirmation (Aberavon, &c.) Act 1880	The Order relating to Canterbury.
1880 c. clxxviii	Local Government Board's Provisional Orders Confirmation (Bethesda, &c.) Act 1880	The Order relating to Rochester and Chatham Joint Hospital District.
1880 c. lxxxiv	Local Government Board's Provisional Orders Confirmation (Kingston-upon-Hull, &c.) Act 1880	The Order relating to Ramsgate.
1880 c. cxxxii	Local Government Board's Provisional Orders Confirmation (Eastbourne, &c.) Act 1880	The Orders relating to Herne Bay and Ramsgate.
1881 c. lxi	Local Government Board's Provisional Orders Confirmation (Berwick-upon-Tweed, &c.) Act 1881	The Order relating to Folkestone.
1883 c. lxxxix	Local Government Board's Provisional Orders Confirmation (No.3) Act 1883	The Orders relating to Faversham and Sandwich.
1884 c. ccxii	Local Government Board's Provisional Orders Confirmation (No.6) Act 1884	The Orders relating to Hythe, Margate and Milton-next-Sittingbourne.
1886 c. xv	Local Government Board's Provisional Orders Confirmation (No.7) Act 1886	Section 5 and the Order relating to Tunbridge Wells and Southborough.
1886 c. xvii	Local Government Board's Provisional Orders Confirmation (No.11) Act 1886	The Order relating to Rochester and Chatham Joint Hospital District.
1886 c. xviii	Local Government Board's Provisional Orders Confirmation (No.2) Act 1886	The Order relating to Ramsgate.
1887 c. lxxxii	Local Government Board's Provisional Orders Confirmation (Poor Law) (No.3) Act 1887	The whole Act.
1887 c. lxxxiv	Local Government Board's Provisional Orders Confirmation (No.2) Act 1887	The Order relating to Ramsgate.
1887 c. cxii	Local Government Board's Provisional Orders Confirmation (No.8) Act 1887	The Order relating to Folkestone.
1888 c. ci	Local Government Board's Provisional Orders Confirmation (No.6) Act 1888	The Order relating to Herne Bay.
1888 c. cxx	Local Government Board's Provisional Orders Confirmation (No.5) Act 1888	So much of sections 3 and 4 as relates to Ramsgate and Sandwich and the Orders relating to Ramsgate and Sandwich.
1889 c. cvii	Local Government Board's Provisional Orders Confirmation (No.7) Act 1889	The Order relating to Faversham.
1889 c. cxiv	Local Government Board's Provisional Orders Confirmation (No.12) Act 1889	The Order relating to Ramsgate.
1889 c. cxv	Local Government Board's Provisional Orders Confirmation (No.13) Act 1889	The Order relating to Dover.
1889 c. clxxii	Local Government Board's Provisional Orders Confirmation (No.14) Act 1889	The Borough of Faversham Order 1889.
1890 c. xliv	Local Government Board's Provisional Orders Confirmation Act 1890	The Orders relating to Dover and Folkestone.
1890 c. clxxviii	Local Government Board's Provisional Orders Confirmation (No.9) Act 1890	The City of Canterbury Order 1890.
1891 c. xxv	Local Government Board's Provisional Orders Confirmation (No.3) Act 1891	The Order relating to Ramsgate.

	Short title (1)	Extent of repeal (2)
1891 c. lxxix	Local Government Board's Provisional Orders Confirmation (No.6) Act 1891	The Rochester Order 1891.
1892 c. lxxi	Local Government Board's Provisional Orders Confirmation (No.4) Act 1892	The Order relating to Tenterden.
1892 c. lxxii	Local Government Board's Provisional Orders Confirmation (No.5) Act 1892	The Order relating to Dover.
1893 c. cx	Local Government Board's Provisional Orders Confirmation (No.3) Act 1893	So much as relates to Sheerness.
1893 c. cxxxix	Local Government Board's Provisional Orders Confirmation (No.8) Act 1893	The Order relating to Folkestone.
1893 c. cxxxix	Local Government Board's Provisional Orders Confirmation (No.14) Act 1893	The Orders relating to Broadstairs, Margate and Ramsgate.
1894 c. cxxi	Local Government Board's Provisional Orders Confirmation (No.3) Act 1894	The Dover Order 1894 and the Tunbridge Wells Order 1894.
1894 c. cxxxiv	Local Government Board's Provisional Orders Confirmation (No.12) Act 1894	The Borough of Margate Order (No.2) 1894 and the Borough of Tunbridge Wells Order 1894.
1894 c. cxxv	Local Government Board's Provisional Orders Confirmation (No.13) Act 1894	The Isle of Thanet Joint Hospital Order 1894.
1895 c. lxxxvi	Local Government Board's Provisional Orders Confirmation (No.5) Act 1895	The County of Kent (Lamberhurst and Horsemonden) Order 1895.
1895 c. ix	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1895 Session 2	The Dover Order 1895.
1895 c. x	Local Government Board's Provisional Orders Confirmation (No.16) Act 1895 Session 2	The Borough of Dover (Extension) Order 1895.
1896 c. xxx	Local Government Board's Provisional Orders Confirmation (No.5) Act 1896	The Sittingbourne and Milton Joint Hospital Order 1896.
1896 c. civ	Local Government Board's Provisional Orders Confirmation (No.9) Act 1896	The Rochester and Chatham Joint Hospital Order 1896.
1896 c. cxx	Tramways Orders Confirmation (No.1) Act 1896	The Dover Corporation Tramways Order 1896.
1897 c. lxxviii	Local Government Board's Provisional Orders Confirmation (No.2) Act 1897	The Ramsgate Order 1896 and the Ramsgate Order (No.1) 1897.
1897 c. cxxxix	Local Government Board's Provisional Orders Confirmation (No.12) Act 1897	The Margate Order 1897.
1897 c. cxli	Local Government Board's Provisional Orders Confirmation (No.14) Act 1897	The Dover Order 1897 and article XI of the Tunbridge Wells Order 1897.
1899 c. cxii	Local Government Board's Provisional Orders Confirmation (No.8) Act 1899	The Margate Order 1899.
1899 c. cxiii	Local Government Board's Provisional Orders Confirmation (No.11) Act 1899	The Ramsgate Order (No.1) 1899.
1899 c. cclxxii	Local Government Board's Provisional Orders Confirmation (No.14) Act 1899	The Isle of Thanet Rural Order 1899 and the Ramsgate Order (No.3) 1899.
1900 c. clxxix	Local Government Board's Provisional Orders Confirmation (No.10) Act 1900	The Tunbridge Wells Extension Order 1900.

	Short title (1)	Extent of repeal (2)
1901 c. cl	Local Government Board's Provisional Orders Confirmation (No.9) Act 1901	The Dover Order 1901.
1902 c. lxx	Local Government Board's Provisional Orders Confirmation (No.1) Act 1902	The Ramsgate Order 1902.
1902 c. lxxxix	Local Government Board's Provisional Orders Confirmation (No.5) Act 1902	The Sevenoaks Rural (Penshurst) Order 1902.
1902 c. lxxvi	Local Government Board's Provisional Orders Confirmation (No.14) Act 1902	The Tunbridge Wells, Tonbridge and Southborough Joint Hospital Order 1902.
1903 c. cxxxvii	Local Government Board's Provisional Orders Confirmation (No.13) Act 1903	The Dover (Extension) Order 1903.
—	The Maidstone Corporation Light Railways Order 1903	The whole Order except the section referred to in Part III of this Schedule.
1906 c. cxxxv	London Government Act Adjustment Schemes Confirmation Act 1906	The London and Kent (Adjustment) Scheme 1906.
—	The Maidstone Corporation Light Railways (Extensions) Order 1907	The whole Order except the provision referred to in Part III of this Schedule.
—	The Maidstone Corporation Light Railways (Extensions No.2) Order 1907	The whole Order except the provision referred to in Part III of this Schedule.
1910 c. lxxxvii	Local Government Board's Provisional Orders Confirmation (No.10) Act 1910	The North-East Kent United Districts (Medical Officer of Health) Order 1910.
1912 c. cxx	Education Board Provisional Orders Confirmation (Kent &c.) Act 1912	The Order relating to Kent.
1912 c. cxxxviii	Local Government Board's Provisional Orders Confirmation (No.2) Act 1912	The Margate Order 1912.
1912 c. cxxxiii	Local Government Board's Provisional Orders Confirmation (No.7) Act 1912	The Queensborough (Extension) Order 1912.
1913 c. xxv	Local Government Board's Provisional Orders Confirmation (No.3) Act 1913	The Sittingbourne and Milton Joint Hospital Order 1913.
1913 c. cxvii	Education Board Provisional Orders Confirmation (Cardigan, &c.) Act 1913	The Order relating to Kent.
1913 c. cxliv	Local Government Board's Provisional Orders Confirmation (No.20) Act 1913	The Margate (Extension) Order 1913.
1914 c. xlviii	Local Government Board's Provisional Orders Confirmation (No.6) Act 1914	The Gravesend Order 1914.
1914 c. cxxxvii	Local Government Board's Provisional Orders Confirmation (No.17) Act 1914	The Chatham order 1914 and Rochester and Chatham Joint Sewerage Order 1914.
1916 c. xxviii	Local Government Board's Provisional Orders Confirmation (No.2) Act 1916	The Margate Order 1916.
1916 c. xxix	Local Government Board's Provisional Orders Confirmation (No.4) Act 1916	The Dover Order 1916.
1916 c. xxxv	Local Government Board's Provisional Orders Confirmation (No.5) Act 1916	The Maidstone Order 1916.
1920 c. xlvi	Ministry of Health Provisional Orders Confirmation (No.2) Act 1920	The Tunbridge Wells Order 1920.
1920 c. cxii	Ministry of Health Provisional Orders Confirmation (No.5) Act 1920	The Rochester and Chatham Order 1920.

	Short title (1)	Extent of repeal (2)
1920 c. cxiii	Ministry of Health Provisional Orders Confirmation (No.6) Act 1920	The Gravesend Order 1920.
1921 c. xvii	Ministry of Health Provisional Orders Confirmation (No.1) Act 1921	The Ashford Order 1921, the Gillingham Order 1921 and the Ramsgate Order 1921.
1921 c. lvii	Ministry of Health Provisional Orders Confirmation (Dover Extension) Act 1921	The whole Act.
1921 c. lxi	Ministry of Health Provisional Orders Confirmation (No.5) Act 1921	The Cranbrook and Tenterden Joint Hospital Order 1921 and the North-East Kent United Districts (Medical Officer of Health) Order 1921.
1921 c. lxiii	Ministry of Health Provisional Orders Confirmation (No.9) Act 1921	The Gravesend Order 1921.
1922 c. xlii	Ministry of Health Provisional Orders Confirmation (No.6) Act 1922	The Gravesend Order 1922.
1922 c. xcvi	Ministry of Health Provisional Orders Confirmation (No.7) Act 1922	The Margate Order 1922.
1922 c. xcvi	Ministry of Health Provisional Orders Confirmation (No.9) Act 1922	The Whitstable Order 1922 except so much as relates to water.
1923 c. xxxviii	Ministry of Health Provisional Orders Confirmation (No.5) Act 1923	The Rochester and Chatham Joint Sewerage Order 1923.
1924 c. xiii	Ministry of Health Provisional Orders Confirmation (No.1) Act 1924	Article 4 of the Whitstable Order 1924.
1924 c. xvi	Ministry of Health Provisional Orders Confirmation (No.4) Act 1924	The Folkestone Order 1924.
1926 c. xix	Ministry of Health Provisional Orders Confirmation (No.1) Act 1926	The Maidstone Order 1926 and the Rochester and Chatham Joint Sewerage Order 1926.
1926 c. lv	Ministry of Health Provisional Orders Confirmation (No.6) Act 1926	The Hythe Order 1926.
1927 c. xxxiii	Ministry of Health Provisional Orders Confirmation (No.4) Act 1927	The Canterbury Order 1927.
1927 c. xxxviii	Ministry of Health Provisional Orders Confirmation (No.9) Act 1927	The Gillingham Order 1927 and the Margate Order 1927.
1927 c. lviii	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1927	The whole Act except the provision referred to in Part III of this Schedule.
1928 c. lx	Ministry of Health Provisional Order Confirmation (Gillingham Extension) Act 1928	The whole Act.
1929 c. ii	Ministry of Health Provisional Orders Confirmation (No.7) Act 1929	The Gillingham Order 1929.
1929 c. v	Ministry of Health Provisional Orders Confirmation (No.10) Act 1929	The Maidstone Order 1929.
1930 c. ci	Ministry of Health Provisional Orders Confirmation (Brentford and Chiswick and Ramsgate) Act 1930	The Ramsgate Order 1930.
1930 c. cvi	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1930	The whole Act except the provision referred to in Part III of this Schedule.
1932 c. iii	Ministry of Health Provisional Order Confirmation (Maidstone Extension) Act 1932	The whole Act.

	Short title (1)	Extent of repeal (2)
1932 c. ix	Ministry of Health Provisional Orders Confirmation (Margate and Yeovil) Act 1932	The Margate Order 1932.
1933 c. lx	Ministry of Health Provisional Orders Confirmation (Maidstone and Stocktonon-Tees) Act 1933	The Maidstone Order 1933.
1934 c. xii	Ministry of Health Provisional Order Confirmation (Rochester Chatham and Gillingham Joint Sewerage District) Act 1934	The whole Act.
1940 c. iv	Ministry of Health Provisional Order Confirmation (Canterbury) Act 1940	The whole Act.
1946 c. xlvii	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1946	The whole Act except the provision referred to in Part III of this Schedule.
1947 c. xxii	Ministry of Health Provisional Orders Confirmation (Tunbridge Wells) Act 1947	The whole Act.
S.I. 1954/375	Maidstone (Extension) Order 1954	The whole Order.
S.I. 1954/1538	Maidstone Extension (Amendment) Order 1954	The whole Order.
1958 c. xxx	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1958	The whole Act except the provision referred to in Part III of this Schedule.
1962 c. xxxv	Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1962	The whole Act except the provision referred to in Part III of this Schedule.
S.I. 1964/892	Maidstone Corporation (Trolley Vehicles) Order 1964	The whole Order.
—	County of Kent (Borough of Queenborough in Sheppey) Confirmation Order 1968	The whole Order.

Commencement

Sch. 7(II) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 7(II) para. 1: England

PART III**ENACTMENTS FOR THE BENEFIT OF THE BRITISH RAILWAYS BOARD EXCLUDED FROM REPEAL** Law In Force

	Short title (1)	Extent of repeal (2)
1855 c. cxlvii	Folkestone Improvement Act 1855	Sections LXIII and LXIV.
1880 c. cxix	Rochester City Improvement Act 1880	Sections 44 and 45.

	Short title (1)	Extent of repeal (2)
1901 c. ccxliii	Dover Corporation Act 1901	Section 17.
1903 c. cc	Rochester Corporation Tramways and Improvements Act 1903	Section 6.
—	Maidstone Corporation Light Railways Order 1903 (“the Order of 1903”)	Section 33.
—	Maidstone Corporation Light Railways (Extensions Order) 1907	Section 4 (1) (in so far as it applies section 33 of the Order of 1903).
—	Maidstone Corporation Light Railways (Extension No.2) Order 1907	Section 4 (1) (in so far as it applies section 33 of the Order of 1903).
1912 c. lxxii	Dover Corporation Act 1912	Section 12 and Schedule 2.
1923 c. xxxi	Maidstone Corporation Act 1923	Section 16 (1) (in so far as it applies section 33 of the Order of 1903).
1926 c. lxxxix	Margate Corporation Act 1926	Section 28.
1927 c. lviii	Maidstone Corporation (Trolley Vehicles) Order 1927	Section 7 (in so far as it applies section 33 of the Order of 1903).
1930 c. cvi	Maidstone Corporation (Trolley Vehicles) Order 1930	Section 6 (in so far as it applies section 33 of the Order of 1903).
1936 c. lxxv	Rochester Corporation Act 1936	Section 218.
1946 c. xlvi	Maidstone Corporation (Trolley Vehicles) Order 1946	Section 6 (in so far as it applies section 33 of the Order of 1903).
1958 c. xxx	Maidstone Corporation (Trolley Vehicles) Order 1958	Section 6 (in so far as it applies section 33 of the Order of 1903).
1962 c. xxxv	Maidstone Corporation (Trolley Vehicles) Order 1962	Section 6 (in so far as it applies section 33 of the Order of 1903).

Commencement

Sch. 7(III) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 7(III) para. 1: England

PART IV

PROVISIONS OF THE KENT COUNTY COUNCIL ACT 1958 WHICH APPLY IN THE LONDON BOROUGHS OF BEXLEY AND BROMLEY SAVED FROM REPEAL AS SO APPLIED

Law In Force

Section 1	(Short title).
Section 4	(Interpretation).

Section 5	(The appointed day).
Section 18	(Trees grass verges and gardens).
Section 33	(Pavement lights ventilators pipes etc.).
Section 50	(Sale of food and articles on verges etc.).
Section 57	(Prohibition on solicitation of school children to sell or exchange articles etc. at schools).
Section 61	(Fire hydrants and alarms).
Section 62	(Firemen's switches for luminous tube signs).
Section 63	(Prescription of signs etc. to be used on certain buildings).
Section 64	(Fire appliances at camping grounds).
Section 96	(Recovery of rates etc. from persons removing).
Section 109	(Return of library books etc.).
Section 111	(Supply of goods by Council to other authorities).
Section 114	(False statements to obtain benefits).
Section 126	(For protection of certain statutory undertakers).
Section 132	(Breach of conditions of consent).
Section 133	(Apportionment of expenses in case of joint owners).
Section 134	(Damages and charges to be settled by court).
Section 138	(Restriction on right to prosecute).
Section 142	(Power to charge in respect of establishment expenses).

Commencement

Sch. 7(IV) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 7(IV) para. 1: England

SCHEDULE 8

ENACTMENTS REPEALED FROM DATE OF TRANSFER

PART I

LOCAL ACTS

Law In Force

	Short title (1)	Extent of repeal (2)
1812 c. clxxxvi	An Act for separating the Management of the Harbour of Margate, in the County of Kent, from the Paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in a joint Stock Company of Proprietors	The unrepealed provisions.
1826 c. xxxi	An Act to amend an Act for separating the management of the Harbour of Margate, in the County of Kent, from the paving and Lighting of the Town of Margate, and for vesting the future Management of the said Harbour in a joint Stock Company of Proprietors	The unrepealed provisions.
1871 c. cxx	Margate Pier and Harbour Act 1871	The whole Act.
1889 c. cxxxii	Margate Coal Dues Act 1889	The whole Act.
1900 c. cxxxvii	Margate Pier and Harbour Act 1900	The whole Act.

Commencement

Sch. 8(I) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 8(I) para. 1: England

PART II

CONFIRMATION ACTS AND ORDERS

Law In Force

	Short title (1)	Extent of repeal (2)
1851 c. 98	Public Health Supplemental Act 1851 (No.2)	The unrepealed provisions of the Order relating to the parish of St. John the Baptist, Margate.
1878 c. cxiv	Pier and Harbour Orders Confirmation Act 1878 (No.1)	The Margate Pier and Harbour Order 1878.
1958 c. xvii	Pier and Harbour Order (Margate) Confirmation Act 1958	The whole Act.

Commencement

Sch. 8(II) para. 1: November 1, 1981 (1981 c. xviii Pt I s. 1(2))

Extent

Sch. 8(II) para. 1: England

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