

PART V
—cont.

in respect of the sale or offer or exposure for sale of any food in any such premises.

(6) In this section—

“container” includes any basket, pail, tray, box or other receptacle of any kind, whether open or closed;

“food” does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination;

“premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with the building;

“stall” includes any stand, mobile canteen, vehicle (whether movable or not) or barrow from which food is sold.

23.—(1) In every dwelling in a district, which is let for human habitation and to which a supply of electricity has been made available, adequate means of lighting shall be provided and maintained in every habitable room, stairway or passage in that dwelling.

(2) If adequate means of lighting are not so provided and maintained the district council may serve on the owner a notice requiring him within such time, not being less than 21 days, as may be specified in the notice to execute such works as may be necessary to comply with subsection (1) above.

(3) The provisions of section 290 of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of work shall apply in relation to a notice given under subsection (2) above as they apply in relation to the notices mentioned in subsection (1) of that section and as if—

(a) the following paragraph were inserted at the end of subsection (3):—

“(g) that, having regard to the period during which the dwelling is likely to continue to be used for human habitation, it is unreasonable to require the execution of the works”; and

(b) in subsection (6) the words from “and” where it secondly occurs to the end of the subsection were omitted.

(4) In this section—

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

(a) the supply of electricity; or

(b) the provision of lamps;

Artificial lighting in habitable rooms, etc.

Repeated

PART V
—cont.

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

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

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

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

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

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

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

24. Where any court or yard is appurtenant to, or any passage gives access to, industrial premises in any district as well as to a house or houses, the district council may exercise the powers of section 56 of the Act of 1936 (paving and draining of courts, yards and passages) in respect of any such industrial premises as if they were a house. Paving of yards and passages.

PART VI

PUBLIC ORDER AND PUBLIC SAFETY

25.—(1) A local authority may make byelaws for all or any of the following purposes:— Byelaws as to leisure centres.

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

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

(c) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a road as defined in section 257 of the Road Traffic Act 1960. 1960 c. 16.

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

PART VI
—cont.

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

Control of
demolitions.

26.—(1) As from the appointed day in any district, section 29 of the Act of 1961 (requirements on demolition of buildings) shall have effect as if—

(a) for the words in subsection (3) preceding the proviso there were substituted the following:—

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

(a) a notice specifying the building and the works of demolition intended to be carried out has been served on 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 service of notice under paragraph (a) of this subsection,

and a person contravening this subsection shall be liable to a fine not exceeding £500:";

(b) in the proviso to subsection (3) for the words "given under this subsection" there were substituted the words "served under paragraph (a) of this subsection";

(c) after subsection (3) there were inserted the following subsection:—

"(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.";

(d) in subsection (4) (a) for the words "was given" there were substituted the words "has been served on the local authority";

(e) at the end of subsection (5) (b) there were inserted the words "and to make good any damage to adjacent premises";

(f) for subsection (5) (d) and (e) there were substituted—

"(d) to disconnect and seal at such points as the local authority may reasonably require any

PART VI
—cont.

sewer, drain or water or gas pipe in or under the building to be demolished and to render any electric line or apparatus in or under the building electrically dead,

(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,";

(g) at the end of subsection (5) there were added—

"(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,

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may prescribe the manner in which, and the conditions 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 service of notice under subsection (3) (a) 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.

(5B) A person contravening such a notice requiring the deferment of part of the demolition shall be liable to a fine not exceeding £500, 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.";

(h) in subsection (6) after the word "under" there were inserted "paragraph (b) except so far as it relates to the weatherproofing of surfaces or";

(i) in subsection (7) after the word "from" there were inserted the letter "(a)" and at the end of the subsection there were added—

"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,

PART VI
—cont.

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.”;

(j) after subsection (7) there were inserted the following subsection:—

“(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 for the rendering of any electric line or apparatus electrically dead, they shall send a copy of the notice, so far as it relates to that requirement, to the statutory undertakers.”;

(k) in subsection (10) (b) after the word “weatherproofed” there were inserted “or any damage to any adjacent premises to be made good” and at the end there were added “or of making good that damage”.

(2) Section 29 of the Act of 1961 as that section has effect in accordance with subsection (1) above is set out in Part II of Schedule 1 to this Act.

(3) In this section “the Act of 1961” means the Public Health Act 1961.

1961 c. 64.

Protection of damaged buildings.

27.—(1) Where it appears to a district council that a building in their district is, by reason of damage to the building, not secured against entry by trespassers and that the occupier of the building is absent from the building, the district council may do such things as are reasonably required to render the building secure and recover from the owner or occupier the expenses reasonably incurred by them in so doing.

(2) The district council shall not exercise their powers under subsection (1) above without the consent of the owner or occupier of the building unless, having regard to all the circumstances, it is not reasonably practicable to obtain such consent within a reasonable time.

(3) Nothing in this section shall apply to premises to which section 8 of the Act of 1976 applies (unoccupied houses subject to closing orders or undertakings against use for human habitation).

Repealed:
Loc Govt (Misc Prov) Act 1982
Local Auths (Respect) Order 1988

Notice of street processions.

28.—(1) (a) No person shall organise or conduct a procession through any street in a district unless there has been served on the chief officer of police at any police station in the district through

Repealed. Public Order Act 1986

PART VI
—cont.

which the procession is intended to pass, a notice stating the route by which and the date and time on and at which it is intended that it should pass.

(b) Notice under paragraph (a) above shall be served at a time not less than 72 hours before the procession starts to pass through any street or as soon as reasonably practicable after that time.

(2) If any procession passes through any street in a district by a route or at a time which has not been stated in a notice relating to that procession delivered in accordance with subsection (1) above, except in accordance with directions given by the chief officer of police under section 3 of the Public Order Act 1936 or other directions given by the senior police officer, if any, attending the procession, any person organising or conducting the procession shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200. 1936 c. 6 (1 Edw. 8 & 1 Geo. 6).

(3) Nothing in this section shall apply to a procession—

(a) commonly or customarily held; or

(b) organised or conducted for the purpose of a funeral by a person acting in the normal course of his business where his business is that of a funeral director.

(4) For the furtherance of co-operation between the organisers of processions and the police, the chief constable shall issue a code of practice giving guidance to the organisers of processions on any matters which he deems to be relevant, and in particular drawing attention to—

(a) the desirability of notifying the police as early as possible when a procession is planned and publicised; and

(b) the need to make arrangements for stewarding and to agree the route with the police.

(5) Proceedings shall not be instituted for any offence under this section unless the proceedings are instituted by or with the consent of the Director of Public Prosecutions.

29.—(1) This section applies to a stand for the accommodation of spectators of, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand—

(a) comprising a work of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations; or

(b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961.

1961 c. 64.

(2) As from the appointed day in any district no person shall in the district make available or permit the use of, a stand to which this section applies for the accommodation of 20 or more

Repealed

Repealed

PART VI
—cont.

persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

(3) Any person who intends to erect in the district a stand to which this section applies for the accommodation of 20 or more persons shall—

(a) give to the district council notice of his intention, stating the period for which the stand is intended to remain erected; and

(b) submit for approval by the district council such particulars of the intended stand as the council may require.

(4) On receipt of a notice under subsection (3) (a) above the district council shall consult the fire authority.

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the district council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.

(6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the district council may give to the person by whom the particulars, plan or section were submitted notice specifying—

(a) such modifications of any plan, section and particulars submitted to them as they may require; and

(b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the district council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of five weeks or as the case may be, the said period of four weeks, the district council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the district council under this section may appeal to a magistrates' court which may

PART VI
—cont.

dismiss or allow the appeal, or may vary any requirement of the district council and may make directions for giving effect to its decisions.

(9) If any person—

(a) contravenes subsection (2) above; or

(b) contravenes such requirements as are mentioned in subsection (6) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(10) Where it appears to a district council that any stand to which this section applies has been erected or is in use in the district in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

(a) to remedy the condition of the stand; or

(b) to prevent the continued use of the stand until its condition has been remedied; or

(c) to dismantle the stand;

as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

30.—(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 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) importunes any person by touting for a hotel, lodging house, restaurant or other place of refreshment, for a

Touting,
hawking,
photographing,
etc.

PART VI
—cont.

shop, for a theatre, or a 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 under this subsection.

(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 it 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.

PART VI
—cont.

(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 the 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 owner or operator of a public service vehicle from touting for passengers for that vehicle at any bus station;
- (d) 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;

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.

31. Nothing in section 298 of the Act of 1936 or any other Enforcement enactment prohibits a police officer from taking proceedings in respect of an offence consisting of a breach of byelaws made by a local authority.