**ELIZABETH II**

**1988 CHAPTER xxxi**

An Act to repeal the enactments governing the Town Moor in the city of Newcastle upon Tyne and to make new provision for the administration and management of the Town Moor and in respect of the freemen of the said city; and for other purposes.

[20th December 1988]

WHEREAS the Town Moor in the city of Newcastle upon Tyne is administered and managed under and by virtue of numerous enactments commencing with the Newcastle-upon-Tyne Town Moor Act 1774 and concluding with the Newcastle upon Tyne Corporation Act 1964: 1774 c. cv. 1964 c. xxxv.

And whereas by virtue of section 59 of the Tyne and Wear Act 1980 the said enactments which are specified in column (1) of Part I of Schedule 5 to that Act were continued to the extent specified in column (2) of that Part of that Schedule, notwithstanding the provisions of section 262 (9) of the Local Government Act 1972: 1980 c. xliii. 1972 c. 70.

And whereas it is expedient that the said enactments be repealed and replaced by new provisions for the administration and management of the Town Moor:

And whereas the greater part of the Town Moor is available to the public for air and exercise and it is expedient that provisions should be enacted for and in relation to the enjoyment and improvement of the surface of the Town Moor:

And whereas the Town Moor is subject to certain charitable trusts:

And whereas it is expedient to make provision for the better organisation and regulation of the freemen of the said city:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of section 239 of the said 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:—

Citation.

**1.** This Act may be cited as the Newcastle upon Tyne Town Moor Act 1988.

Interpretation.

**2.**—(1) In this Act, unless the context otherwise requires—

"the charity order" means the Charities (Town Moor Money Charity, Newcastle upon Tyne) Order 1970;

S.I. 1970/685.

"the city" means the city of Newcastle upon Tyne;

"the city council" means the council of the city;

"the freemen" means the freemen of the city who are admitted to the freedom thereof and whose names appear on the roll of freemen of the city pursuant to section 248 of the Local Government Act 1972 and, except where the context otherwise requires, includes the widows of deceased freemen;

1972 c. 70.

"herbage right" means the full right and benefit of herbage vested in the resident freemen and widows to graze cows on the Town Moor;

"intake" means a part of the Town Moor which is inclosed by virtue of a designation of the stewards committee made or deemed to have been made under subsection (1) of section 9 (Intakes) of this Act;

"the resident freemen and widows" means the freemen and the widows of deceased freemen respectively who are for the time being resident in the city;

"the signed plans" means the plans showing the Town Moor of which five copies have been signed by the Right Honourable Lord Aberdare the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and deposited respectively at—

(*a*) the office of the Clerk of the Parliaments;

(*b*) the Private Bill Office of the House of Commons;

(*c*) the office of the Secretary of State for the Environment;

(*d*) the office of the proper officer of the city council; and

(*e*) the office of the secretary of the stewards committee;

"the stewards and wardens" means the stewards and wardens of the companies of freemen of the city as for the time being existing;

"the stewards committee" means the committee of the stewards and wardens continued in office or elected pursuant to section 6 (Stewards committee) of this Act.

(2) Any reference in this Act to a proper officer shall, in relation to any purpose, be construed as a reference to an officer appointed for that purpose by the city council.

Extent of Town Moor.

**3.** Subject to the provisions of section 11 (Exchange of land, etc.) of this Act, the Town Moor shall continue to comprise the several lands edged in red on the signed plans.

Town Moor to continue vested in city council.

**4.**—(1) It is hereby declared that, subject to the provisions of this Act, the Town Moor and the soil thereof shall remain vested in fee simple in the city council, subject to the herbage right which is hereby confirmed.

(2) A copy of the signed plans and a copy of any instrument referred to in subsection (3) below shall at all reasonable times be open to inspection by any ratepayer at the office of the proper officer of the city council and by any freeman at the office of the secretary of the stewards committee.

(3) Where in pursuance of the provisions of this Act any land is taken out of or is added to the Town Moor a copy of the instrument effecting the appropriation or transfer of the land shall be deposited at each of the offices at which the signed plans have been deposited and shall be kept with the said plans.

Roads and footpaths on Town Moor.

**5.**—(1) The existing roads and footpaths on the Town Moor coloured yellow on the signed plans shall remain vested in the city council freed from herbage right.

(2) The said existing roads and footpaths shall be repaired and maintained by the city council who shall continue to be responsible for the lighting thereof.

(3) The city council may, with the concurrence of the stewards committee, construct new roads and footpaths on the Town Moor and the herbage right over any part of the Town Moor on which a new road or footpath is constructed shall be suspended subject to the payment of compensation to be agreed between the city council and the stewards committee or, in default of agreement, determined under and in accordance with the Land Compensation Act 1961.

1961 c. 33.

(4) The said new roads and footpaths shall be repaired and maintained by the city council.

(5) The city council shall continue to maintain the trees on the Town Moor for the time being.

Stewards committee.

**6.**—(1) The committee of stewards and wardens in being immediately before the passing of this Act shall remain in office until the Michaelmas Guild next following when the stewards and wardens assembled in Close Guild shall elect a committee of the stewards and wardens consisting of not less than 9 and not more than 12 persons out of their number (to be known as "the stewards committee") and so on in each year at the same time thereafter.

(2) It shall be the duty of the stewards committee to act for and on behalf of the stewards and wardens and the resident freemen and widows for all purposes in relation to the Town Moor (including, without prejudice to the generality of the foregoing, the administration of all interest of the freemen in the Town Moor and the maintenance of the Town Moor) with power to regulate their own proceedings, including determination of their quorum, and to co-opt any steward to fill any casual vacancy until the Michaelmas Guild next following such vacancy.

(3) (*a*) The stewards committee shall have power to suspend the herbage right over any part of the Town Moor in the interests of good husbandry.

(*b*) Where the herbage right is suspended under paragraph (*a*) above, that right shall continue to exist, but it shall not be exercisable during the period of suspension.

(4) The stewards committee may provide and maintain cattle pens and bull parks together with such agricultural buildings as may be necessary.

(5) The stewards committee may from time to time enter into and carry into effect such agreements as they think fit for the purposes of their functions under this Act.

(6) Clause 3 of the Scheme set out in the appendix to the charity order shall have effect as if for the reference to the committee of stewards and wardens constituted by the Newcastle-upon-Tyne Improvement Act 1870 there were substituted a reference to the stewards committee as defined in this Act. 1870 c. cxx.

(7) In this section "maintenance of the Town Moor" means the care and supervision of top soil and of the exercise of herbage right over the Town Moor and the husbandry, draining, fencing and cleaning of and the carrying on of agriculture on the Town Moor for the purposes of grassland management and the employment of persons for those purposes.

Byelaws.

**7.**—(1) Subject to the provisions of this Act, the city council may with the concurrence of the stewards committee make byelaws for the regulation of persons using the Town Moor including byelaws for all or any of the following purposes:—

(*a*) the protection of the herbage right;

(*b*) the regulation, restriction or prohibition of the use of land for any purpose other than in pursuance of the herbage right;

(*c*) the prevention of damage to land and property including roads and footpaths across the Town Moor;

(*d*) the restriction of the use of bicycles and mechanically propelled vehicles or other similar vehicles on the Town Moor and on footpaths across the Town Moor;

(*e*) the preservation of order and the regulation of the conduct of persons, and the restriction of the riding of horses and the carrying on of other recreational activities on the Town Moor;

(*f*) the protection of wildlife.

(2) Notwithstanding the repeal of any enactment by this Act, every byelaw made under that enactment with respect to the Town Moor and in force immediately before the passing of this Act shall, until revoked, continue to have effect as if made under this section.

Town Moor to be free from encroachments.

**8.**—(1) The Town Moor shall be maintained as an area of open space in the interests of the inhabitants of the city, so that it shall continue both to satisfy the herbage right and to afford air and exercise for the enjoyment of the public; and accordingly, subject to the provisions of this Act, no person shall enclose, encroach upon or build upon any part of the Town Moor.

(2) The stewards committee shall use their best endeavours to remove or secure the removal of all unlawful enclosures, encroachments or buildings whatsoever upon the Town Moor.

(3) The city council may with the concurrence of the stewards committee and the consent by order of the Charity Commissioners grant any lease, tenancy, licence or wayleave affecting the herbage on any part of the Town Moor which is not suitable for grazing and which cannot reasonably be made suitable for grazing and during the period of any such lease, tenancy, licence or wayleave the herbage right and any rights, restrictions and obligations attaching to the land by virtue of its forming part of the Town Moor may thereby be suspended.

(4) The powers of the city council under subsection (3) above shall include the power, with the like concurrence and consent, to authorise the construction of buildings and structures.

(5) The city council may, with the concurrence of the stewards committee—

(*a*) appropriate, enclose and use for sports, shows, exhibitions, entertainments or similar public purposes such parts of the Town Moor as it thinks fit and may charge or authorise others to charge for admission to any part of the Town Moor so appropriated, enclosed or used or in respect of such use;

(*b*) engage in tree conservation which shall include the planting, felling, cutting and lopping of trees and shrubs and the fencing around of newly planted trees or groups of trees;

(*c*) protect any part of the Town Moor, erect fences therefor and construct earthworks and ditches;

(*d*) maintain any part of the Town Moor not for the time being used for grazing;

(*e*) permit parts of the Town Moor to be used as allotments or as playgrounds for periods not exceeding 7 years;

(*f*) provide and maintain recreational facilities on the Town Moor for periods not exceeding 7 years:

Provided that—

(i) no part of the Town Moor shall be appropriated, enclosed or used under paragraph (*a*) above for more than 16 consecutive days;

(ii) the powers conferred on the city council by paragraphs (*e*) and (*f*) above shall only be exercised within the outlying parts of the Town Moor or on those parts of the Town Moor which are not suitable for grazing;

(iii) the powers conferred on the city council by paragraphs (*e*) and (*f*) above may be exercised repeatedly notwithstanding the expiry of any period fixed thereunder.

(6) All enclosures, buildings, structures and parking places lawfully made or constructed and existing on the Town Moor at the date of the passing of this Act shall be deemed to have been made or constructed under the authority of this Act and the herbage right over the site thereof shall be deemed to have been suspended for so long as they remain in situ.

Intakes.

**9.**—(1) Subject to the provisions of this Act, the stewards committee may designate as intakes any parts of the Town Moor (other than any parts of the Town Moor shown hatched black on the signed plans).

(2) The intakes designated under subsection (1) above together with the intakes the leases of which are confirmed under subsection (4) below and which shall be deemed to have been so designated shall not exceed in the whole 40·5 hectares.

(3) The city council may, with the concurrence of the stewards committee, grant leases of intakes by public auction or tender for a term not exceeding 21 years or, with the consent by order of the Charity Commissioners, for a term exceeding 21 years but not exceeding 99 years.

(4) Notwithstanding the repeal of any enactment by this Act, the leases of intakes in force at the date of the passing of this Act are hereby confirmed (subject to the same terms, conditions and restrictions as were imposed in respect of them when they were granted) for the residue of the terms of such leases which at that date remain unexpired.

(5) Where it is proposed to grant leases of intakes under this section, the stewards committee shall determine the terms of the leases which may be offered to prospective lessees (including, where appropriate, provision requiring the erection of stock-proof fencing) and every such lease shall contain a proviso reserving the rights of the city council as owners of the subsoil and minerals of the Town Moor.

(6) (*a*) At least 7 days before the day of auction or the last day for the reception of tenders, as the case may be, the city council shall publish notice of its intention to grant a lease of any intake in a newspaper or newspapers circulating in the city.

(*b*) The notice referred to in paragraph (*a*) above shall contain a description of the land designated as an intake and shall state that the details of the terms of the lease or leases to be granted, the security to be given by the successful bidder and the procedure to be followed at the auction are available for public inspection at the offices of the city council.

(*c*) The amount of security to be given and the procedure to be followed at the auction shall be determined by the stewards committee.

(*d*) As soon as reasonably practicable after the day of auction or the acceptance of a tender, as the case may be, the city council shall cause its common seal to be affixed to such lease or leases and the lessee or lessees shall execute a counterpart or counterparts thereof.

Stints.

**10.**—(1) The stewards committee shall have power, subject to the provisions of this Act, to regulate the stintage of the Town Moor, that is to say, the allocation of grazing rights and the conduct of grazing and they may make such rules for that purpose as may from time to time be required.

(2) (*a*) The stewards committee shall decide the number of cows not exceeding 800 which may be depastured on the Town Moor in any year having regard to the conditions and capacity of the areas available.

(*b*) No cow shall be depastured except under the authority of a stint ticket issued by the stewards committee to a resident freeman or widow or his or her transferee on payment of a reasonable sum to be fixed by the stewards committee and applied towards the cost of herding, administration or other provision for depasturing cows on the Town Moor.

(3) Each resident freeman and widow shall be entitled to apply before 1st April in any year for stints (each of which shall be in respect of the right to depasture one cow) and, if the number of applicants exceeds the number of stints available calculated in accordance with subsection (5) (*c*) below or the number of stints available calculated as aforesaid exceeds the number of applicants, a ballot shall be held by the stewards committee to allocate the stints among the applicants:

Provided that no applicant shall be allocated more stints than any other until every applicant has been allocated so far as the total number of stints admits an equal number of stints.

(4) Resident freemen and widows who have been allocated stints (other than notional stints) may—

(*a*) depasture their own cows in which case they shall notify the stewards committee accordingly and the appropriate number of stint tickets shall be issued to them; or

(*b*) transfer the right to depasture to any person residing in the city for such consideration as they may think fit in which case they shall notify the stewards committee accordingly and the appropriate number of stint tickets shall be issued to the transferee; or

(*c*) authorise the stewards committee to sell and transfer on their behalf all or any of the stints which they have been allocated in the ballot. The net proceeds of any such sales shall be accounted for by the stewards committee to the persons to whom such stints were allocated.

(5) (*a*) Holders (including transferees) of stint tickets shall be entitled to depasture one cow for each stint ticket on the Town Moor excluding—

(i) any intake;

(ii) any area in respect of which the herbage right is suspended;

(iii) any area which the stewards committee may decide is unsuitable or impracticable for grazing.

(*b*) Where any rent or other annual payment is received by the city council or the stewards committee in respect of any area where cows might otherwise be depastured a proportion of such payment to be agreed between the city council and the stewards committee or, in default of agreement, settled by arbitration as representing the grazing value of the area in its current condition together with any income arising under proviso (*a*) to section 14 (4) of this Act shall be paid to the stewards committee and shall be divided by them between all resident freemen and widows who have been allocated notional stints under subsection (3) above.

(*c*) The number of stints available for the year shall be calculated by adding together the number of cows decided in accordance with paragraph (*a*) of subsection (2) above and the number of notional stints available for allocation in accordance with paragraph (*d*) below.

(*d*) The number of notional stints available for allocation in any year shall be calculated by taking the grazing value received or receivable by the stewards committee under paragraph (*b*) above and dividing it by the value of one stint ticket as determined by the stewards committee.

(6) (*a*) The stewards committee may impound any cattle, horses, sheep, pigs or other domestic animals at large on the Town Moor without lawful authority.

(*b*) For the purposes of section 7 of the Animals Act 1971 the stewards committee shall be deemed to be the occupiers of the Town Moor. 1971 c. 22.

Exchange of land, etc.

**11.**—(1) The city council, with the concurrence of the stewards committee, may, subject to the provisions of this Act, upon and subject to such terms and conditions and for such

consideration as it may think fit appropriate or transfer any part of the Town Moor for any purposes including the provision of a public park or parks or for the adjustment of boundaries, freed and discharged from all herbage right, and upon the date of such appropriation or the execution of such transfer the herbage right and all private rights of way and rights of user and all rights, restrictions or obligations whatsoever in, upon or over the land so appropriated or transferred by virtue of its having formed part of the Town Moor shall, by virtue of this Act, be wholly extinguished:

Provided that—

(*a*) the powers of this subsection shall not be exercised without the consent by order of the Charity Commissioners nor (unless the Charity Commissioners otherwise determine) shall those powers be exercised unless arrangements have been or will be made whereby other land, not being less in area, is provided in exchange for the land to be appropriated or transferred and that the holding of that other land as part of the Town Moor will be equally advantageous to the persons entitled to use it;

(*b*) such other land so provided shall by virtue of this Act be held by the city council upon and for the same uses, intents and purposes and under and subject to the same terms and conditions, rights (including the herbage right), powers and privileges upon, for, under and subject to which the Town Moor is by virtue of this Act vested in and held by it and shall for all purposes be deemed part thereof;

(*c*) there may be included in a transfer of land under this section a covenant on the part of the transferee for himself and his successors in title providing in the absence of such a fence for the erection of a stock-proof fence along such of the boundaries of the land transferred as abut on lands which from and after the transfer shall form part of the Town Moor and for the maintenance of such fence for so long as his interest therein subsists.

(2) A covenant under paragraph (*c*) of the proviso to subsection (1) above shall be binding not only upon the transferee but also upon his successors in title and shall be a local land charge.

(3) So much of the Town Moor as is used at the passing of this Act for allotments and is shown coloured green on the signed plans shall not be used for any other purpose without the consent of the Secretary of State, which consent may be given unconditionally or subject to such conditions as the Secretary of

State thinks fit, but shall not be given unless he is satisfied that adequate provision will be made for allotment holders displaced by the action of the city council or that such provision is unnecessary or not reasonably practicable.

(4) If the lands coloured orange on the signed plans shall cease to be used for the purpose of or in connection with the Royal Victoria Infirmary they shall revert to and revest in the city council and be subject again to the right of herbage and for all purposes become part of the Town Moor.

Car parking.

**12.**—(1) The herbage right over the blue lands shall be suspended so long as the city council is providing a parking place thereon under the provisions of subsection (2) below.

(2) The city council may without other sanction or authority upon the whole or any part of the blue lands and the brown lands provide, maintain and manage a parking place together with all necessary buildings, conveniences and appurtenances and may from time to time vary the position and size of such parking place.

(3) Without prejudice to the generality of the provisions of subsection (2) above the city council may exercise the following powers upon and in respect of the whole or any part of the blue lands and the brown lands:—

(*a*) it may enclose and lay out those lands and adapt the same for use as a parking place and may erect fences and construct and provide roads, paths, ramps, steps, gardens and lighting;

(*b*) it may provide and maintain cloakrooms, waiting rooms, shelters, offices, information bureaux and displays, lavatories and conveniences;

(*c*) it may make reasonable charges for the use of the parking place and may erect such devices for the collection of charges and controlling such use as it may think fit;

(*d*) it may make byelaws as to the use of the parking place and in particular as to the vehicles or class of vehicles which may be entitled to use the same and the conditions upon which such parking place may be used.

(4) The city council may upon such terms and conditions and subject to such restrictions and for such period as it may think fit license or permit any person to collect and retain such reasonable charges for the use of the said parking place, buildings or structures as the city council may approve.

(5) Nothing in this section shall empower the city council—

(*a*) to sell or supply motor vehicles or fuel, lubricants, accessories, spare parts or equipment for motor vehicles; or

(*b*) to carry on the business of maintaining or repairing motor vehicles.

(6) The city council shall not construct any building or erection on the blue lands under the powers of this section except to such extent and in such manner as may be agreed between the city council and the stewards committee.

(7) In this section—

"the blue lands" means the lands forming part of the Town Moor containing 1·52 hectares or thereabouts adjoining Claremont Road in the city and coloured blue on the signed plans;

"the brown lands" means the lands containing 1·78 hectares or thereabouts adjoining Barrack Road in the city and coloured brown on the signed plans;

"parking place" has the meaning assigned to that expression by section 32 of the Road Traffic Regulation Act 1984.

1984 c. 27.

Powers of Charity Commissioners in respect of Town Moor. 1960 c. 58.

**13.** The trusts affecting the herbage right may, on the application of the stewards committee, be modified or superseded by a scheme made by the Charity Commissioners under section 18 of the Charities Act 1960.

Provision as to moneys.

**14.**—(1) (*a*) Rents arising from the grant of the lease of any intake shall be paid by the city council to the trustees of the Town Moor Money Charity referred to in the charity order.

(*b*) Income from stint tickets under section 10 (Stints) of this Act and any such receipt or other income as is mentioned in subsection (5) (*b*) of that section shall be dealt with in accordance with the provisions of that section.

(*c*) Capital receipts shall be dealt with in accordance with subsection (4) below.

(*d*) All income arising from the Town Moor not mentioned above and received by the stewards committee or the city council after the commencement of this Act (whether originating before or after the passing of this Act but without apportionment) shall (after deduction of all proper expenditure) be treated for accounting purposes as a single fund to be known as the Town Moor fund for division between the stewards committee and the city council in accordance with the provisions of this section.

(2) (*a*) One-half (or such other proportion as may be agreed between the stewards committee and the city council) of the income credited to the Town Moor fund shall be paid to the stewards committee and shall be applied by them for the maintenance of the Town Moor other than those areas which are for the time being maintained by the city council and in defraying the general expenses of the stewards committee and any balance remaining shall be applied by them for the improvement of the Town Moor.

(*b*) The remaining one-half (or balance) of such income shall be paid to the city council and credited by it together with the city council's investment income from capital receipts to the general rate fund of the city.

(*c*) Such payments or adjustments between the stewards committee and the city council as may be necessary shall be effected at three-monthly intervals.

(3) (*a*) The stewards committee shall by 30th November in any year make an estimate of the amount they consider they will expend on the maintenance and improvement of the Town Moor and in defraying the general expenses of the stewards committee in the year ending 29th September next following; and of the amount they consider they will receive under subsection (2) (*a*) above and from interest on investments they have derived from moneys received under subsection (4) below. If the estimated expenditure including any reasonable adjustment in respect of identified reserved balances exceeds the estimated income, after taking into account any excess or shortfall of income over expenditure in the preceding years, then the stewards committee shall forthwith submit a copy of such estimates for agreement by the city council.

(*b*) If the city council does not agree the estimates submitted to it in accordance with paragraph (*a*) above it may refer the matter for determination by arbitration.

(*c*) The city council shall pay from the general rate fund to the stewards committee, for the maintenance of the Town Moor, an amount equal to the deficit agreed or determined by arbitration as aforesaid.

(*d*) The city council may also pay to the stewards committee for the purposes of maintaining or improving the Town Moor such further sums as it thinks fit.

(4) Any capital moneys arising out of the Town Moor after the passing of this Act shall (after deduction of all proper expenditure) be divided equally between the stewards committee and the city council (or in such other proportion as may be agreed between the stewards committee and the city council) and shall be used by them to finance improvements to

the Town Moor or shall be invested until required for that purpose in any securities in which trustees are for the time being authorised by law to invest trust money:

Provided that—

(*a*) when the said capital money arises out of a transaction which causes a diminution in the number of stints referred to in section 10 (Stints) of this Act a proportion of such capital money representing the capitalised annual value of such diminution shall prior to the division of such capital money as aforesaid be paid to the stewards committee and invested by them, the income therefrom being added to any income applicable as notional stints under section 10 (5) (*b*), the said capitalised annual value being agreed between the city council and the stewards committee or determined by arbitration;

(*b*) any capital payment consisting of any premium arising in respect of the grant of a lease of an intake under section 9 (Intakes) of this Act shall be paid to the trustees of the Town Moor Money Charity referred to in the charity order and invested by them as an endowment for, and the income arising therefrom applied to the purposes of, the said charity.

(5) An arbitrator under this section shall be appointed by agreement between the stewards committee and the city council or, failing agreement, by the President of the Royal Institution of Chartered Surveyors.

(6) In this section "maintenance of the Town Moor" shall have the same meaning as in section 6 (7) of this Act, "improvements to the Town Moor" means such improvements as are agreed by the city council and the stewards committee so to be, and cognate expressions shall be construed accordingly.

Continuance of payments of certain rents and obligations.

**15.**—(1) The city council shall continue to pay to the stewards committee the following perpetual yearly rents in respect of the lands hereinafter mentioned which were formerly part of the Town Moor and shall continue to maintain them as ornamental or recreation grounds at all times:—

(*a*) Nun's Moor Recreation Ground—£100 by equal half-yearly payments on 29th September and 25th March in each year;

(*b*) Hoyle's Intake—£14·73 by equal half-yearly payments on 29th September and 25th March in each year;

(*c*) Part of Castle Leazes other than such part as is authorised for use as a car park—£14·50 by equal half-yearly payments on 29th September and 25th March in each year.

(2) The city council may with the concurrence of the stewards committee and subject to the consent by order of the Charity Commissioners commute any rent payable under this section at a price determined in accordance with the regulations for the time being in force under section 27 (4) of the Charities Act 1960. 1960 c. 58.

Court of Guild.

**16.**—(1) The Court of Guild shall be held as heretofore consisting of the Close Guild at which the companies of freemen shall be represented by the stewards and wardens thereof and the Open Guild at which the lord mayor of the city or his deputy shall preside and all freemen shall be entitled to attend.

(2) The Court of Guild may—

(*a*) regulate its own proceedings (including determination of its quorum);

(*b*) elect such committees as it may from time to time require;

(*c*) elect or appoint and remunerate such officers or employees as it may from time to time require;

(*d*) regulate all matters affecting the freemen (other than matters which are the statutory responsibility of the city council or the stewards committee or the lord mayor of the city or relate solely to the domestic affairs of any company of freemen) including the admission of freemen.

(3) Nothing in this section shall affect the provisions of section 248 or section 262 (12) of the Local Government Act 1972. 1972 c. 70.

For protection of British Telecommunications plc.

**17.** —(1) The powers conferred by this Act shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any telecommunication apparatus of British Telecommunications plc, and paragraph 23 of the telecommunications code contained in Schedule 2 to the Telecommunications Act 1984 shall apply to the stewards committee for the purposes of any works authorised by this Act. 1984 c. 12.

(2) In this section "telecommunication apparatus" shall have the same meaning as in paragraph 1 (1) of the said telecommunications code and includes such apparatus belonging to or used by British Telecommunications plc and any works constructed for the lodging therein of telecommunication apparatus.

Repeals.

**18.** The Acts specified in the Schedule to this Act are hereby repealed to the extent specified in that Schedule.

Section 18.

## SCHEDULE

### ENACTMENTS REPEALED

| Chapter (1) | Short title (2) | Extent of repeal (3) |
|---|---|---|
| 14 Geo. 3. c. cv. | An Act for confirming to the resident Freemen or Burgesses, and resident Widows of deceased Freemen or Burgesses of the Town of Newcastle-upon-Tyne, their full Right and Benefit to the Herbage of The Town Moor, Castle Leazes, and Nun's Moor, within the Liberties of the said Town, for two Milch Cows each, in such manner as has been used; and for improving the Herbage of the said Town Moor, Castle Leazes, and Nun's Moor, respectively. | The whole Act. |
| 7 Will. 4 & 1 Vict. c. lxxii (1837). | An Act for regulating and improveing the Borough of Newcastle-upon-Tyne. | Sections 123 and 155. |
| 28 & 29 Vict. c. ccl. | Newcastle - upon - Tyne Improvement Act 1865. | Sections 12, 13 and 14. |
| 33 & 34 Vict. c. cxx. | Newcastle - upon - Tyne Improvement Act 1870. | Sections 6 to 22, 24, 25, 29, Schedule 2, Schedule 3 and Schedule 4. |
| 45 & 46 Vict. c. clxxii. | Newcastle - upon - Tyne Improvement Act 1882. | Sections 14, 52, 53, 57, 77 and Schedule 2. |
| 55 & 56 Vict. c. ccxxxvi. | Newcastle - upon - Tyne Improvement Act 1892. | Sections 104, 105, 106, 108 and 120. |
| 61 & 62 Vict. c. ccxxvii. | Newcastle-upon-Tyne Corporation (New Infirmary Site) Act 1898. | Sections 2 to 4 and 6 to 8. |
| 62 & 63 Vict. c. cclxv. | Newcastle-upon-Tyne Tramways and Improvement Act 1899. | Section 33. |
| 4 Edw. 7. c. ccxx. | Newcastle-upon-Tyne Corporation Act 1904. | Sections 105 and 106. |
| 1 & 2 Geo. 5. c. cxix. | Newcastle-upon-Tyne Corporation Act 1911. | Sections 43 to 48. |
| 7 & 8 Geo. 5. c. lvi. | Royal Victoria Infirmary Newcastle-upon-Tyne Act 1917. | Sections 2, 3 and 4. |

SCH.— *cont.*

| Chapter (1) | Short title (2) | Extent of repeal (3) |
|---|---|---|
| 16 & 17 Geo. 5. c. cii. | Newcastle-upon-Tyne Corporation Act 1926. | Section 35 and the Schedule. |
| 25 & 26 Geo. 5. c. cxxiv. | Newcastle-upon-Tyne Corporation (General Powers) Act 1935. | Section 115 and Schedule 3. |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. xl. | Newcastle upon Tyne Corporation Act 1952. | Section 58. |
| 2 & 3 Eliz. 2. c. xxv. | Newcastle upon Tyne Corporation Act 1954. | Sections 2 and 3. |
| 4 & 5 Eliz. 2. c. lxxxi. | Newcastle upon Tyne Corporation Act 1956. | Sections 4, 5 and 6. |
| 8 & 9 Eliz. 2. c. xli. | Newcastle upon Tyne Corporation Act 1960. | Sections 4, 5 and 6. |
| 1964 c. xxxv. | Newcastle upon Tyne Corporation Act 1964. | Sections 4, 5, 6 and 7. |
| 1980 c. xliii. | Tyne and Wear Act 1980. | Part I of Schedule 5. |

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# Newcastle upon Tyne Town Moor Act 1988

CHAPTER xxxi

## ARRANGEMENT OF SECTIONS

Section


1. Citation.
2. Interpretation.
3. Extent of Town Moor.
4. Town Moor to continue vested in city council.
5. Roads and footpaths on Town Moor.
6. Stewards committee.
7. Byelaws.
8. Town Moor to be free from encroachments.
9. Intakes.
10. Stints.

Section
11. Exchange of land, etc.
12. Car parking.
13. Powers of Charity Commissioners in respect of Town Moor.
14. Provision as to moneys.
15. Continuance of payments of certain rents and obligations.
16. Court of Guild.
17. For protection of British Telecommunications plc.
18. Repeals.

SCHEDULE—Enactments repealed.