ELIZABETH II



1970 CHAPTER 1

An Act to confer further powers on the Northumberland County Council in relation to industry, lands and highways and the local government, improvement, health and finances of the county; and for other purposes. [23rd July 1970]

WHEREAS—

(1) It is expedient that further and better provision should be made with reference to industry, lands and highways and for the local government, improvement, health and finances of the administrative county of Northumberland and that the powers of the county council of that administrative county should be enlarged and extended as by this Act provided:

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

PART I —*cont.*

" revenues " and " sanctioning authority " have the same meaning as in section 218 of the Act of 1933;

" signature " includes a facsimile of a signature by whatever process reproduced;

" statutory securities " means any securities (whether of the Council or of other persons) in which trustees are for the time being authorised by law to invest trust moneys or in which the Council are by this Act authorised to invest money forming part of the superannuation fund;

" the superannuation fund " means the superannuation fund maintained by the Council under Part I of the Local Government Superannuation Act 1937;

1937 c. 68.

" verge " includes land situate between two carriageways and any part of a street which is not a carriageway, footway or cycle track.

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

PART II

INDUSTRIAL DEVELOPMENT AND LAND

Acquisition of land for development.

4.—(1) The Council may purchase by agreement land in the county for the purpose of facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such undertaking (including the requirements arising from the needs of persons employed or to be employed therein).

(2) In this section " undertaking " means any trade or business, or any other activity providing employment.

Disposal of land.

5. In respect of land acquired by the Council under any enactment for the benefit, improvement or development of the county section 165 of the Act of 1933 shall have effect with the omission of the words " and which is not required for the purpose for which it was acquired or is being used ".

Loans for erection, etc., of buildings.

6.—(1) The Council may advance money to—

(*a*) any person for the purpose of enabling or assisting him to purchase or lease any land in the county; or

PART II —*cont.*

(*b*) the owner, purchaser or lessee of any land in the county for the purpose of enabling or assisting him to build or carry out works on such land, or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed nine-tenths of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) For the purposes of this section the provisions of subsections (2), (4) and (5) of section 3 of the Local Authorities (Land) Act 1963, regulating the form and conditions of advances made by a local authority for the erection of buildings on land sold or let by them, shall apply and have effect as if for references therein to an advance made under the said section 3 there were substituted references to an advance made under subsection (1) of this section and subject to any other necessary modifications. 1963 c. 29.

(3) Any person acting on behalf of the Council and authorised in writing by their clerk shall have power at all reasonable times to enter any land, building or works in respect of which an advance is made under this section for the purpose of ascertaining whether the conditions subject to which the advance is made are being complied with.

(4) The borrower may with the permission of the Council (which shall not be unreasonably withheld) at any time transfer his interest in the land in respect of which the advance was made, but any such transfer shall be made subject to the terms of the mortgage securing the advance.

(5) In this section " owner " means the person (other than a mortgagee not in possession) entitled, either with or without the consent of any other person, to dispose of the fee simple of the land.

Power to Council to guarantee rents, etc., of industrial buildings.

7.—(1) The Council may, if requested to do so by any person who is the owner or intended owner or lessee of any industrial building in the county or part of such an industrial building or of land in the county on which it is proposed that any industrial building should be erected, guarantee or contract to secure the payment of—

(*a*) any rent or other sum payable in respect of the building or part thereof;

(*b*) any sums payable to any statutory undertakers in respect of the provision or maintenance of any works, facilities, supplies or services for the purpose of any trade or business carried on or to be carried on in the building.

PART II —*cont.*

(2) Nothing in this section shall prejudice or affect any rights, obligations or liabilities in respect of any guarantee given or contract made under this section.

Power to Council to assist industry.

8. The Council may, if requested to do so by any person who is the owner or intended owner or lessee of land in the county on which any industrial building is to be built or of any industrial building in the county or any part of such building, carry out any work required in relation to the preparation or improvement of the site for that industrial building or for the provision or improvement of services or facilities on which any trade or business carried on or intended to be carried on in such industrial building depends and may make—

(1) grants or loans towards the cost of such works or of the provision or improvement of such services or facilities;

(2) such charges as may be agreed for the carrying out of such work or for the provision or improvement of those services and facilities:

Provided that nothing in this section shall authorise the Council to carry out works outside the curtilage of the building or proposed building for the provision or improvement of services which it is the function of statutory undertakers to provide or improve.

Suspension of restrictive covenants.

9.—(1) If the Council—

(*a*) acquire land by agreement; or

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

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

(*d*) appropriate (whether before or after the passing of this Act) land which has been previously acquired by agreement;

for a purpose for which they are for the time being or could under any enactment for the time being in force (including this Act) be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant as to the user thereof or the building thereon, the Council may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

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

(3) The Council shall—

(*a*) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice

PART II —*cont.*

stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time (not being less than three months from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made;

(*b*) on or before the date of the first publication of the said notice—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them, after diligent enquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

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

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

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

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

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

(7) The Council shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence

1965 c. 56

PART II —*cont.*

thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961.

1961 c. 33.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates or (if the Council convey the land to any body for any of the purposes of the Education Acts 1944 to 1970) so long as the land is used by that body for the purpose of those Acts and if compensation is paid by the Council under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1970 remain unenforceable only so long as the land is used for that purpose.

(9) If the Council dispose of any land to which the restriction suspended under the powers of this section relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(10) Nothing in this section shall apply to—

(*a*) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(*b*) any restriction imposed by covenant or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave, agreement or other instrument and imposed by or enuring for the benefit of the National Coal Board for the purpose of safety;

(*c*) any restriction for—

(i) the protection of, or for securing access to, or preventing interference with the use of, operational land or apparatus of any statutory undertakers or local authority, or the Post Office; or

(ii) the prevention of pollution of water which any statutory water undertakers are for the time being authorised to take;

contained in any deed, wayleave agreement or other instrument.

PART II —*cont.*

(11) In this section—

" the appropriate Minister " means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire or appropriated that land;

" statutory water undertakers " has the same meaning as in the provisions of the Water Act 1945 other than those contained in Part II of that Act. 1945 c. 42.

Compulsory acquisition of easements.

10.—(1) The Council by means of an order made by the Council and submitted to and confirmed by the confirming authority may be authorised to create in favour of the Council in or over any land which under any enactment (including this Act) the Council may be authorised to acquire compulsorily any easement or other right in or over or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any buildings owned or occupied, or intended to be owned or occupied, by the Council for the purposes of any of their undertakings, powers or duties.

(2) The confirming authority shall not confirm any order under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in or over or in relation to which it is proposed to be created or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act and as if— 1946 c. 49.

(*a*) the expression " compulsory purchase of land " in the said Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and

(*b*) paragraphs 9 and 10 of Schedule 1 to the said Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1) whether it is created in, over or under any land to which either of those paragraphs relates or in, over or under any other land in which the person entitled to the benefit of the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within section 8 of the Compulsory Purchase Act 1965. 1965 c. 56.

PART II —*cont.*

(5) In this section " confirming authority " means the authority having power to authorise the purchase compulsorily of the land for the enjoyment or use of which the easement or other right is required or which would have had such power if such land were not already owned by the Council.

Crown rights.

11. Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Council to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land or hereditaments or any rights of whatsoever description—

(1) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(2) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

PART III

HIGHWAYS

Sale of food and articles on verges, etc.

12.—(1) No person (other than a person selling, offering or exposing for sale or depositing for sale any food, goods, provisions, articles or things at any market or fair for which a toll, stallage or rent is payable) shall use any shed, hut, shelter, booth, stall, shop or other erection, whether on wheels or not, or any vehicle or any container used, with or without a stall, on the verge of any road to which this section applies, or on any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, a road to which this section applies, for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things whatsoever, other than newspapers.

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

(3) This section applies to roads in the county of any of the following descriptions:—

(*a*) all trunk roads and roads (except claimed county roads) which are classified as principal roads by the Minister under the Local Government Act 1966;

1966 c. 42.

(*b*) any other county road, or part of a county road (except a claimed county road), in the county to which the highway authority may by order apply this section.

PART III —*cont.*

(4) (*a*) An order under subsection (3) of this section shall not be made except with the consent of the Minister:

Provided that if no objections are duly made in accordance with the provisions of this subsection or if any so made are withdrawn the consent of the Minister shall not be required and the order shall have effect without modification.

(*b*) Before making application for a consent under this subsection, the highway authority shall publish once at least in each of two successive weeks in a local newspaper circulating in the locality in which the road is situated a notice stating the general effect of the order, and stating that within a period specified in the notice (not being less than twenty-eight days from the first publication of the notice) any person may object to the application by sending notice of his objection and of the grounds thereof to the Minister and by sending a copy thereof to the highway authority.

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

(5) The Minister may, in consenting to any order submitted to him for his consent under this section, consent to it in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the highway authority in question and other persons likely to be concerned.

(6) Nothing in this section shall apply to—

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

(*b*) any building erected or work constructed with the consent of the Minister of Housing and Local Government in pursuance of section 194 of the Law of Property Act 1925, or of any other statutory provision or any scheme made pursuant to a statute; or 1925 c. 20

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

PART III —*cont.*

(7) In this section—

"container" includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

"private property" does not include common land or unenclosed moorland.

Extension of power to provide public conveniences.

13.—(1) The provisions of subsection (2) of section 87 of the Act of 1936 shall extend so as to authorise the Council to provide public sanitary conveniences in, on or under any land which is adjacent to but which does not form part of a county road or a trunk road in the county and the provisions of subsection (3) of that section shall apply accordingly:

Provided that the powers of this subsection shall not be exercised in relation to a trunk road or in relation to any land acquired by the Minister in connection with a trunk road under subsection (5) or subsection (6) of section 214 of the Act of 1959, or under section 215 of that Act, without the consent of the Minister.

(2) The Council may enter into an agreement—

(*a*) with any person for the provision by him of any public sanitary conveniences which the Council have power to provide; and

(*b*) with the owner and occupier of any such premises as are referred to in subsection (1) of section 89 of the Act of 1936 or the owner and occupier of any premises comprising a petroleum filling station as defined in the Petroleum (Consolidation) Act 1928 for the provision by him, in addition to any sanitary conveniences provided for the use of persons employed at or frequenting such premises, of additional sanitary conveniences for the use of members of the public;

1928 c. 32.

and any such agreement may contain such incidental and consequential provisions as appear to the Council to be necessary or expedient for the purposes of the agreement, including in particular but without prejudice to the generality of the foregoing, provision for—

(i) a contribution, whether by way of a loan or otherwise, by the Council towards the reasonable expenses incurred by any person in providing and maintaining sanitary conveniences for the use of members of the public;

(ii) the charges to be made to persons making use of any such conveniences, other than urinals;

(iii) the regulation of the use of any such conveniences.

(3) In this section "sanitary conveniences" has the same meaning as in section 90 of the Act of 1936.

PART III —*cont.*

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

Restriction on right to prosecute.

PART IV
FINANCE

15.—(1) The Council may borrow— Power to borrow.

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

(*b*) without the consent of any sanctioning authority—

(i) such sums as may be necessary for paying the costs, charges and expenses of this Act;

(ii) such sums as may be requisite for the purpose of lending to an authority under section 19 (Power to Council to lend money to certain authorities, etc.) of this Act;

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

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

(3) It shall not be lawful to exercise the power of borrowing conferred by paragraph (*a*) or sub-paragraph (ii) of paragraph (*b*) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

16. In addition to the modes of borrowing prescribed by the Act of 1933 or any other enactment the Council may raise money— Power to Council to raise money by issue of bills.

(1) for any purpose for which the Council are authorised to borrow;

(2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

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

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

PART IV —*cont.*

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

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

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

(*e*) The Council may make regulations providing for—

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

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

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

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

(v) the amendment or revocation of any regulations previously made or deemed to have been made under this paragraph:

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

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

(i) the sum of one million seven hundred and fifty thousand pounds; or

(ii) one-fifth of the amount estimated to be produced by the levying of rates in the county during the then current financial year to meet liabilities falling to be discharged by the Council; or

(iii) one-fifth of the aggregate for the then current financial year of—

(A) the amount estimated to be produced by the levying of rates in the county during that financial year to meet liabilities falling to be discharged by the Council;

PART IV —*cont.*

(B) the amount of the net expenses referred to in sub-paragraph (1) of paragraph 1 of Schedule 2 to the Northumberland Police (Amalgamation) Order 1969; and

(C) the amount payable by local authorities pursuant to paragraph 5 of Schedule 5 to the Criminal Justice Act 1948 in respect of the expenses incurred by the Newcastle and Northumberland Probation and After-Care Committee; 1948 c. 58.

whichever is the greater:

(*h*) Subject to the provisions of the last preceding paragraph the Council may renew a bill at maturity:

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

Power to raise money by bearer bonds.

17. In addition to any other method by which the Council may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to raise money abroad.

18.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) The powers conferred by the foregoing subsection shall not be exercised except with the consent of the Treasury, and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Council to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there was substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there was substituted a reference to the sum expressed in terms of the foreign currency (adjusted, where necessary, to produce an amount which the Council consider appropriate having regard to all the circumstances of the transaction).

(4) Nothing in this section shall be taken as exempting the Council from the provisions of any order under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

PART IV —*cont.*

Power to Council to lend money to certain authorities, etc.

19.—(1) The Council may lend to any local authority, and a local authority may borrow from the Council upon such terms and conditions as may be agreed, such money as the Council think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed, and any money so lent shall be repaid to the Council by the local authority within the period prescribed by the sanctioning authority or otherwise for the repayment by the local authority of the money they are authorised to borrow.

(2) Any sum borrowed by the Council for the purpose of this section shall be repaid within a period to expire not more than one year after that for which the same was lent by them to the local authority.

(3) Where any sum is borrowed by the Council for the purposes of this section it shall be lawful for the Council for such periods as they may think fit to suspend any annual provision required to be made by virtue of any enactment for the time being in force for the repayment of the sum borrowed.

(4) The Council shall be entitled to charge such rate of interest in respect of any particular loan under this section as may be agreed between the Council and the borrower:

Provided that the Council shall ensure so far as it is reasonably practicable to do so that having regard to all the circumstances existing at the time the loan is made the rate of interest agreed is such that no loss is incurred by the Council in respect of the loan.

(5) All costs, charges and expenses incurred by the Council in respect of any particular loan under this section shall be met by the borrower.

(6) In this section " local authority " means the council of any county district in the county and any other authority having jurisdiction within the county, being a local authority as defined by section 34 of the Local Loans Act 1875 and includes any joint board if all the constituent authorities are such local authorities as aforesaid, the Northumberland Police Authority (or any other police authority of which the Council are a constituent council), the Coquet Water Board, the Cumberland River Authority and the Northumbrian River Authority.

1875 c. 83.

General insurance fund.

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

PART IV —*cont.*

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

(3) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Council shall discontinue the appropriations to that fund under subsection (4) of this section but if that fund is at any time reduced below the prescribed amount the Council shall recommence and continue such appropriations until that fund be restored to the prescribed amount and if at any time the Council reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed, such moneys shall be transferred to the county fund and, if any sums shall have been appropriated from the fund or moneys of any undertaking, department or service under the said subsection (4), to the fund or moneys of the undertaking, department or service, in such proportions as the Council consider equitable and any moneys so transferred to the county fund shall be apportioned between the several accounts of that fund in such proportions as the Council consider equitable.

(4) The Council may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the county fund or (in the case of an undertaking, department or service the accounts of which do not form part of the county fund) from the fund or moneys of that undertaking, department or service and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking, department or service of the Council which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(5) (*a*) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks, all moneys for the time being standing in the credit of that fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities, and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund.

(*b*) The Council shall in every financial year, so long as the insurance fund is less than the prescribed amount, carry to the credit of that fund out of the revenue moneys of the county fund an amount equal to the interest and other annual proceeds carried to the county fund in pursuance of the last foregoing paragraph.

PART IV —*cont.*

(*c*) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings, departments or services liable to contribute to the insurance fund or (in the case of an undertaking, department or service the accounts of which do not form part of the county fund) transferred to the fund or moneys of that undertaking, department or service in such shares or proportions as may be equitable.

(6) For the purposes of this section the Council may, if they deem it expedient, include in the specified risks, risks of accident to any teacher, caretaker or other person employed in any voluntary school in the county.

(7) (*a*) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Council in respect of the specified risks in the order of the dates on which such losses, damages, costs or expenses become ascertained, and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses, the Council may, with the sanction of the Minister, borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(*b*) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund or as the case may require out of the fund or moneys of the undertaking, department or service and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings, departments or services of the Council, and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

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

(9) In the event of the insurance fund ceasing to be required to meet losses, damages, costs and expenses in respect of the specified risks, the insurance fund may be carried to and form part of any capital fund established by the Council under section 1 of the Local Government (Miscellaneous Provisions) Act 1953, or (if the Council so determine) shall be applied in such other manner as the Minister may approve towards the discharge of any debt of the Council or otherwise for any purpose for which capital money may properly be applied.

1953 c. 26.

(10) In this section—

" insurance office " means—

(*a*) an insurance company; or

(*b*) an underwriter being a member of an association of underwriters;

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

PART IV —*cont.*

Snow clearance reserve fund.

21.—(1) The Council may (if they think fit) establish a fund to be called " the snow clearance reserve fund " to which they may apply from the county fund any sum not exceeding in any financial year the equivalent of three times the product of a penny rate as ascertained or estimated for the purpose of Part II of the General Rate Act 1967 and the maximum amount standing to the credit of such fund shall from time to time be determined by the Council:

1967 c. 9.

Provided that such maximum amount shall not at any time exceed a sum equivalent to twelve times the product of a penny rate as so ascertained or estimated.

(2) (*a*) Pending the application of the moneys in the snow clearance reserve fund to the purposes authorised by subsection (3) of this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(*b*) Any income arising from the investment of the moneys in the snow clearance reserve fund in the manner provided by the foregoing paragraph and any income arising from the application of that fund to the purposes authorised shall be carried to the county fund and (subject to the limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the snow clearance reserve fund.

(3) The snow clearance reserve fund shall be applicable to the removal of snow, the making good damage to highways, walls or fences arising from the falling or removal of snow and the provision and use of snow clearing equipment and so that if at any time that fund be reduced it may thereafter be again restored to the maximum sum determined by the Council and so from time to time as often as such reduction happens.

(4) Resort may be had to the snow clearance reserve fund under the foregoing provisions although that fund may not at the time have reached or may have been reduced below the maximum sum determined by the Council.

PART IV —*cont.*

(5) In the event of the snow clearance reserve fund ceasing to be required for the purposes mentioned in subsection (3) of this section the said fund may be carried to and form part of any capital fund established by the Council under section 1 of the 1953 c. 26. Local Government (Miscellaneous Provisions) Act 1953, or (if the Council so determine) shall be applied in such other manner as the Minister may approve towards the discharge of any debt of the Council or otherwise for any purpose for which capital money may properly be applied.

Investment of superannuation fund moneys in acquisition, etc., of land.

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

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

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

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

Further extension of power to invest superannuation fund moneys.

23.—(1) Part II of Schedule 1 to the Act of 1961, in its application to the investment by the Council of any property belonging to the narrower-range part of the superannuation fund, shall have effect subject to the following modifications:—

(*a*) for paragraphs 3 and 4 thereof there shall be substituted the following paragraphs:—

"3. In fixed-interest securities issued by any public, municipal or local authority, or any publicly controlled or nationalised industry or undertaking, whether established within or outside the United Kingdom.

PART IV —*cont.*

4. In fixed-interest securities issued by the government of any territory outside the United Kingdom.";

(*b*) for paragraph 6 thereof there shall be substituted the following paragraph:—

"6. In debentures issued by a company incorporated in the United Kingdom or established under the law of any territory outside the United Kingdom.";

(*c*) in paragraph 9 thereof, the words "in the United Kingdom", where first occurring, shall not apply, and the following sub-paragraph shall be added at the end of that paragraph:—

"(*g*) any public, municipal or local authority established outside the United Kingdom.".

(2) Paragraph 1 of Part III of the said Schedule 1, in its application to the investment by the Council of any property belonging to the wider-range part of the superannuation fund, shall have effect as if for the words "and not being securities falling within Part II of this Schedule" there were substituted the words "or in any securities issued by a company established under the law of any territory outside the United Kingdom, and not being in either case securities falling within Part II of this Schedule.".

(3) The following sub-paragraph shall be substituted for sub-paragraph (*a*) of paragraph 3 of Part IV of the said Schedule 1 in the application of that paragraph to the investment by the Council of property belonging to the superannuation fund:—

"(*a*) securities or debentures of a company of which the total issued and paid-up share capital is less than five hundred thousand pounds, or (as the case may be) an equivalent sum in any foreign currency in which such share capital is issued at the rate of exchange current at the time when the investment is made;".

(4) Paragraph 1 and sub-paragraph (*a*) of paragraph 2 of Part IV of the said Schedule 1 shall not apply in relation to any investment by the Council which is authorised by virtue of the provisions of the three foregoing subsections in any securities issued by a company established under the law of any territory outside the United Kingdom.

(5) Notwithstanding anything in the Act of 1961, the Council may invest any property belonging to the wider-range part of the superannuation fund in any manner specified in Part III of the said Schedule 1, as amended by this section, and may also from time to time vary any such investments:

PART IV —*cont.*

Provided that no such moneys as aforesaid shall be so invested at any time when the value of all the investments made in the manner specified in Part III of the said Schedule 1 as so amended equals or exceeds three-quarters of the total value of the superannuation fund.

(6) For the purposes of the last foregoing subsection the value of any investment shall be deemed to be the value of the investment at the time at which it was made.

Section 21 (3) of Local Government Superannuation Act 1937 not to limit foregoing powers. 1937 c. 68.

24. The provisions of the last two foregoing sections shall have effect notwithstanding anything in subsection (3) of section 21 of the Local Government Superannuation Act 1937.

Expenses of investment of superannuation fund.

25. All costs, charges and expenses incurred by the Council in investing moneys forming part of the superannuation fund, or otherwise in relation thereto, shall be paid by the Council out of that fund.

Saving for Exchange Control Act 1947. 1947 c. 14.

26. Nothing in this Act shall be taken as exempting the Council from the provisions of the Exchange Control Act 1947.

PART V

MISCELLANEOUS

As to use of computer equipment of Council.

27.—(1) The Council may provide services and facilities for the processing of data by computer or by any other equipment of the Council which the Council may possess for any person and the Council may make such charges as may be agreed for the provision of those services and facilities.

(2) Information obtained by any employee of the Council in the course of the provision of such services or facilities shall not without the consent of the person from whom it was obtained be disclosed by that employee except for the purpose of performing his duties in relation to those services and facilities or in such cases as may be required by law.

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

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

PART VI

GENERAL

Local inquiries.

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

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

Application of general provisions of Act of 1936.

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

Costs of Act.

31. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

SCHEDULE

Section 30.

SECTIONS OF ACT OF 1936 APPLIED

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

PRINTED IN ENGLAND BY THE OYEZ PRESS
PRINT DIVISION OF THE SOLICITORS' LAW STATIONERY SOCIETY, LTD.
FOR C. H. BAYLIS
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
2*s.* 6*d.* [12½p] net

SBN 10 515070 3

Northumberland County Council Act 1970

CHAPTER 1

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

INDUSTRIAL DEVELOPMENT AND LAND

4. Acquisition of land for development.
5. Disposal of land.
6. Loans for erection, etc., of buildings.
7. Power to Council to guarantee rents, etc., of industrial buildings.
8. Power to Council to assist industry.
9. Suspension of restrictive covenants.
10. Compulsory acquisition of easements.
11. Crown rights.

PART III

HIGHWAYS

Section
12. Sale of food and articles on verges, etc.
13. Extension of power to provide public conveniences.
14. Restriction on right to prosecute.

PART IV

FINANCE

15. Power to borrow.
16. Power to Council to raise money by issue of bills.
17. Power to raise money by bearer bonds.
18. Power to raise money abroad.
19. Power to Council to lend money to certain authorities, etc.
20. General insurance fund.
21. Snow clearance reserve fund.
22. Investment of superannuation fund moneys in acquisition, etc., of land.
23. Further extension of power to invest superannuation fund moneys.
24. Section 21 (3) of Local Government Superannuation Act 1937 not to limit foregoing powers.
25. Expenses of investment of superannuation fund.
26. Saving for Exchange Control Act 1947.

PART V

MISCELLANEOUS

27. As to use of computer equipment of Council.
28. Protection of members and officers of Council from personal liability.

PART VI

GENERAL

29. Local inquiries.
30. Application of general provisions of Act of 1936.
31. Costs of Act.

SCHEDULE—Sections of Act of 1936 applied.