

Tyne and Wear Act 1980

CHAPTER xliii

LONDON
HER MAJESTY'S STATIONERY OFFICE

Tyne and Wear Act 1980

CHAPTER xliii

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ELIZABETH II



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An Act to re-enact with amendments and to extend certain local enactments in force within the county of Tyne and Wear; to confer further powers on the county council of Tyne and Wear and the councils of the city of Newcastle upon Tyne and the boroughs of Gateshead, North Tyneside, South Tyneside and Sunderland; to make further provision in regard to the environment, local government, improvement and finances of the county and those councils; and for other purposes. [13th November 1980]

WHEREAS—

(1) By virtue of the Local Government Act 1972 (hereinafter referred to as " the Act of 1972 ") the county of Tyne and Wear (hereinafter referred to as " the county ") was constituted on 1st April 1974 so as to consist of an area comprising the following districts described by reference to administrative areas existing immediately before the passing of the Act of 1972:— 1972 c. 70.

District (a)

The county borough of Newcastle upon Tyne—

In the administrative county of Northumberland—

the urban districts of Gosforth and Newburn;

in the rural district of Castle Ward, the parishes of Brunswick, Dinnington, Hazlerigg, North Gosforth and Woolsington;

the Moot Hall and Precincts, Newcastle upon Tyne:

District (b)

The county borough of Tynemouth—

In the administrative county of Northumberland—

the borough of Wallsend;

so much of the borough of Whitley Bay as lies south of the boundary referred to in paragraph 4 of Part III of Schedule 1 to the Act of 1972;

the urban district of Longbenton;

in the urban district of Seaton Valley, the wards of Backworth, Earsdon and Shiremoor:

District (c)

The county borough of Gateshead—

In the administrative county of Durham—

the urban districts of Blaydon, Felling, Ryton and Whickham;

in the rural district of Chester-le-Street, the parish of Lamesley and the parish of Birtley except the part in district (e):

District (d)

The county borough of South Shields—

In the administrative county of Durham—

the borough of Jarrow;

the urban districts of Boldon and Hebburn:

District (e)

The county borough of Sunderland—

In the administrative county of Durham—

the urban districts of Hetton, Houghton-le-Spring and Washington;

in the rural district of Chester-le-Street, so much of the parishes of Birtley, Harraton and South Biddick as lie within the designated area of Washington New Town and also so much of the said parish of Harraton as lies west of the designated area and north of the boundary referred to in paragraph 5 of Part III of Schedule 1 to the Act of 1972;

in the rural district of Easington, the parishes of Burdon and Warden Law:

(2) Numerous local enactments were in force in parts of the said area and by section 262 of the Act of 1972 it was provided that, subject to certain modifications, certain local statutory provisions should continue to apply to the area, things or persons to which or to whom they applied before that date:

(3) It was further provided by the said section 262 that certain local statutory provisions should cease to have effect at the end of 1979:

(4) It is expedient that certain of the said enactments should be re-enacted with amendments and applied to the whole of the county or to parts of the county:

(5) It is expedient at the same time to extend and enlarge in various respects the powers of the county council of Tyne and Wear and the councils of the city of Newcastle upon Tyne and the boroughs of Gateshead, North Tyneside, South Tyneside and Sunderland:

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

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

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

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

PART I

PRELIMINARY

Citation. 1976 c. xxxvi.

1.—(1) This Act may be cited as the Tyne and Wear Act 1980 and the Tyne and Wear Act 1976 and this Act may be cited together as the Tyne and Wear Acts 1976 and 1980.

(2) This Act shall come into operation on 30th December 1980.

Interpretation.

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

" the Act of 1936 " means the Public Health Act 1936; 1936 c. 49.

" the Act of 1957 " means the Housing Act 1957; 1957 c. 56.

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" the Act of 1961 " means the Public Health Act 1961;

1961 c. 64. " the Act of 1971 " means the Town and Country Planning Act 1971;

1971 c. 78. " the Act of 1972 " means the Local Government Act 1972;

1972 c. 70. " the Act of 1976 " means the Local Government (Miscellaneous Provisions) Act 1976;

1976 c. 57. " the Act of 1980 " means the Highways Act 1980;

1980 c. 66. " apparatus " in relation to the electricity undertakers, means any electric line or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity undertakers and includes any works constructed for the lodging therein of apparatus;

1882 c. 56. " the appointed day " has the meaning given by section 3 (Appointed day) of this Act;

" contravention " includes a failure to comply, and " contravene " shall be construed accordingly;

" the county " means the county of Tyne and Wear;

" the county council " means the council of the county;

" daily fine " means a fine for each day on which an offence is continued after conviction thereof;

" district " means a district in the county;

" district council " means the council of a district;

" electricity undertakers " means the Central Electricity Generating Board and the North Eastern Electricity Board, or either of them, as the case may be;

" enactment " includes an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the county;

" functions " includes powers and duties;

" house " means a dwelling-house, whether a private dwelling-house or not;

" local authority " means the county council or a district council;

" officer " includes servant;

" owner " has the meaning given by section 343 of the Act of 1936;

" premises " includes messuages, buildings, lands, easements and hereditaments of any tenure;

" public service vehicle " has the meaning given by section 117 of the Road Traffic Act 1960;

1960 c. 16.

" statutory undertakers " means the electricity undertakers, the British Gas Corporation and the water undertakers,

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or any of them as the case may be, and " statutory undertaker " shall be construed accordingly;

" street " has the meaning given by section 329 of the Act of 1980;

" walkway " has the meaning given by section 35 of the Act of 1980;

" water undertakers " means the Northumbrian Water Authority, the Newcastle and Gateshead Water Company and the Sunderland and South Shields Water Company, or any of them.

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

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

Appointed day.

3.—(1) In this Act " the appointed day ", in relation to any provision, means such day (not earlier than 30th December 1980) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council or, as the case may be, a district council.

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

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

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

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

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

PART II

LANDS AND BUILDINGS

Recovery of costs of weather-proofing walls.

4. Where a district council—

(*a*) serve a notice under section 29 (1) of the Act of 1961 (requirements on demolition of buildings) in respect of a building or structure for the demolition of which either—

(i) they have made an order under section 17 of the Act of 1957 (duty of local authority to make demolition order where no undertaking accepted); or

PART II —*cont.*

(ii) a court of summary jurisdiction has made an order under section 58 of the Act of 1936 (dangerous or dilapidated buildings and structures) requiring the demolition of a building or structure; or

(iii) they have served a notice under section 27 of the Act of 1961 (ruinous and dilapidated buildings and neglected sites); and

(*b*) enter and demolish that building or structure in pursuance of a statutory power;

they may take any action required by the notice to weatherproof the surfaces of, or make good damage to, an adjacent building and the expenses incurred in taking any such action shall be recoverable in accordance with the provisions of section 29 of the Act of 1961.

Byelaws for private open spaces maintained by local authority. 1957 c. 56.

5. Section 9 of the Act of 1976 (byelaws about certain land held in pursuance of Part V of the Housing Act 1957) shall have effect in the county as if after " accommodation) " there were inserted the words " or has been provided by the developer of housing accommodation as amenity land for that accommodation and is land maintained by the local authority ".

Securing unoccupied buildings.

6.—(1) If it appears to a district council that any unoccupied building in the district is derelict and is not effectively secured against unauthorised entry, and by reason thereof is a cause of annoyance to the inhabitants of any part of the district, the district council may, after giving to each person who is an owner of the building not less than 48 hours' notice that they propose to do so, do such works in connection with the building as may be reasonably necessary for the purpose of preventing unauthorised entry to the building.

(2) This section does not apply to a building in respect of which there is in force such an undertaking or closing order as is mentioned in section 8 of the Act of 1976.

(3) (*a*) Where the district council do any works in connection with any building under subsection (1) above, they may recover the expenses reasonably incurred in so doing from any person on whom notice of the proposal to do those works was served under that subsection.

(*b*) In proceedings to recover expenses under this subsection the court may inquire whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings and, subject as provided in paragraph (*c*) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

PART II —*cont.*

(*c*) The court shall not order the expenses or any part of them to be borne—

(i) by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard; or

(ii) by any person for whom the district council are, by any statutory provision, required to provide housing accommodation.

(4) When a district council give notice under subsection (1) above they shall serve a copy of the notice on the statutory undertakers in whose area of supply the building is situated.

(5) Nothing in this section shall prejudice the rights of statutory undertakers to enter upon a building in exercise of their statutory powers in that behalf but, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, any such undertakers, in exercising their powers of entry in respect of any unoccupied building, shall ensure that it is not left less secure against unauthorised entry by reason of the exercise of those powers.

(6) Any person entering on any operational railway line of the British Railways Board in pursuance of a notice under subsection (1) above shall comply with the reasonable requirements of that board for the protection of their undertaking.

PART III

HIGHWAYS

Highway amenities.

7.—(1) Subject to the modifications specified in subsection (2) below, section 213 of the Act of 1971 (provision of amenity for highway reserved to pedestrians) shall in the county apply to—

(*a*) footpaths within the meaning of the Act of 1980;

(*b*) subways constructed under section 69 of that Act;

(*c*) bridges constructed under section 70 of that Act;

(*d*) roads the use of which by vehicular traffic is prohibited by a traffic regulation order made under section 1 (3) of the Road Traffic Regulation Act 1967; and 1967 c. 76.

(*e*) walkways;

as it applies to a highway in relation to which an order has been made under section 212 (2) of the Act of 1971.

(2) The modifications referred to in subsection (1) above are—

(*a*) the omission from section 213 (1) of the words " giving effect to the order or of ";

PART III —*cont.*

(*b*) the substitution in section 213 (3) (*a*), for the words " the order under section 212 of this Act was made ", of the words " the powers were exercised ";

(*c*) the substitution in section 213 (3) (*d*), for the words from " permitted " to the end, of the words " lawful; or ";

(*d*) the substitution in section 213 (5) for the words " consulted the highway authority (if different) and " of the words " obtained the consent of the highway authority (if different) and consulted ".

(3) For the purpose of subsection (1) (*d*) above, use by vehicular traffic is prohibited where the prohibition applies to the whole width of the road and is so prohibited notwithstanding that the traffic regulation order permits certain vehicles or classes of vehicle to use the road or permits vehicles or classes of vehicle to use the road at certain times or on certain days or during certain periods.

(4) In section 213 (2) of the Act of 1971 as it has effect in the county, the power to provide facilities for recreation or refreshment includes power, subject to subsections (7) and (8) below to permit their provision by any person on such conditions as the competent authority think fit:

Provided that, except where such facilities are provided on land belonging to the competent authority, the authority shall only make such charge for permission to provide such facilities as will reimburse the authority for their reasonable expenses in connection with granting their permission, but this provision shall not prejudice the right of the authority to require payment in respect of, or indemnities against, claims, liabilities, and obligations arising by reason of the provision of such facilities, and costs incurred by the authority in connection therewith and the removal or alteration of such facilities when required by the authority.

(5) Nothing in this section shall be taken to relieve any person from liability for damage caused by him to any apparatus belonging to, or maintained or used by, statutory undertakers.

(6) A competent authority shall not exercise the powers of section 213 of the Act of 1971 so far as extended by this section in relation to any highway belonging to or repairable by, or any operational land or disused railway belonging to, the British Railways Board except with the consent of that Board, which consent shall not be unreasonably withheld and any question whether consent is unreasonably withheld shall be determined by arbitration.

(7) Where a competent authority propose—

(*a*) to exercise the powers of section 213 of the Act of 1971 to provide facilities in any footpath or any such road as is mentioned in subsection (1) (*d*) above; or

PART III —*cont.*

(*b*) to consider an application for permission to provide facilities for recreation or refreshment pursuant to subsection (4) above for more than 28 days in a calendar year;

they shall give notice of their proposal or, as the case may be, the application, specifying the nature of the facilities and the place where it is proposed that they be provided and the period, not less than 6 weeks after giving the notice, during which representations regarding their proposal or, as the case may be, the application may be made to them:

Provided that notice shall not be required where the application is for renewal of permission previously given.

(8) Notice for the purpose of subsection (7) above shall be given—

(*a*) by fixing the notice in a conspicuous position at or near the place where it is proposed to provide the facilities; and

(*b*) by serving the notice on the occupier of any premises appearing to the competent authority to be likely to be affected by the facilities, addressed to him by name or, if his name is not known, by delivering the notice at the premises addressed to him as " The Occupier ".

(9) The competent authority shall not proceed with any proposal to exercise any such powers, or to grant any such permission, as are mentioned in subsection (7) above until they have taken into consideration all representations made in accordance with that subsection.

(10) The competent authority shall take such steps as they think necessary for affording to any organisation appearing to them to represent the interests of persons trading in shop premises which may be affected by the provision of facilities under this section an opportunity to make representations to the authority about any such proposal as is mentioned in subsection (7) above.

Power to provide kiosks, etc.

8.—(1) The appropriate authority may provide in any street in the county kiosks, show cases or other similar structures for the sale of articles, the display of articles for sale or the display of posters, and may let any such structure on such terms and conditions as they think fit.

(2) For the purposes of this section, section 213 (3) of the Act of 1971 (restrictions of access to highway) shall apply subject to the following modifications:—

(*a*) the substitution in paragraph (*a*), for the words from " the order " to the end, of the words " the powers were exercised; or "; and

PART III —*cont.*

(*b*) the substitution for paragraph (*d*) of the following:—

"(*d*) obstruct any use of vehicles which is lawful; or".

(3) The power exercisable by the appropriate authority under subsection (1) above to provide kiosks, show cases or other structures includes power to permit their provision by any person on such conditions as the appropriate authority think fit.

(4) Nothing contained in this section shall authorise the appropriate authority themselves to undertake or engage in the business of newspaper vendors or any other business at or in connection with any structures provided under this section.

(5) Subsection (5) of section 7 (Highway amenities) of this Act shall apply to this section.

(6) Subsections (7) to (9) of the said section 7 shall apply to any proposal of the appropriate authority to exercise the powers of subsection (1) or (3) above for the provision of any structure in a street as if that structure were provided in exercise of the powers of section 213 of the Act of 1971 as having effect in accordance with the said section 7.

(7) The appropriate authority for the purposes of this section means, in relation to a street in a district, the county council or the district council, but neither council shall exercise the powers conferred by this section except after consultation with the other and the said powers shall not be exercised—

(*a*) by the district council in relation to a street which is a highway, without the consent of the highway authority; or

(*b*) by the county council in relation to a street which is a highway for which they are not the highway authority, without the consent of the Minister of Transport.

(8) An appropriate authority shall not exercise the powers of this section in relation to any street belonging to or repairable by the British Railways Board or any part of a street which is carried over any railway of that board by means of a bridge or which abuts on any retaining wall or cutting slope forming part of any such railway or which is directly beneath the arch or span of a bridge carrying any such railway over that street except with the consent of that board, which consent shall not be unreasonably withheld and any question whether consent is unreasonably withheld shall be determined by arbitration.

Regulation of placing things in the footway.

9.—(1) The highway authority may permit, either unconditionally or subject to such conditions as may be specified in the permission, any person to place on the footway of any street

PART III —*cont.*

which is a highway in the county any structure or article which in the opinion of the highway authority will not unreasonably impede the passage of vehicles or pedestrians.

(2) The conditions which may be imposed under subsection (1) above shall include, in relation to the structure or article, conditions relating to—

(*a*) its siting;

(*b*) its dimensions;

(*c*) its maintenance;

(*d*) its visibility to pedestrians; and

(*e*) its removal at the end of the period of the permission.

(3) Subsections (7) to (9) of section 7 (Highway amenities) of this Act shall apply to any proposal of the highway authority to exercise the powers of subsection (1) above for the placing of any structure or article on a footway as if that structure or article were placed in exercise of the powers of section 213 of the Act of 1971 as having effect in accordance with the said section 7.

(4) Where a structure or article has been placed on the footway in accordance with a permission granted under this section, the person to whom the permission is granted shall secure that any condition imposed on the permission is complied with and if he fails to do so without reasonable excuse he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(5) Where a person places a structure or article on a footway in accordance with a permission granted under this section or contravenes any condition subject to which that permission was granted he shall not thereby be guilty of an offence under section 28 of the Town Police Clauses Act 1847. 1847 c. 89.

(6) The highway authority shall not exercise the powers of this section in relation to any footway belonging to or repairable by the British Railways Board or any part of a footway which is carried over any railway of that board by means of a bridge or which abuts on any retaining wall or cutting slope forming part of any such railway or which is directly beneath an arch or span of a bridge carrying any such railway over that footway except with the consent of that board, which consent shall not be unreasonably withheld and any question whether consent is unreasonably withheld shall be determined by arbitration.

(7) Nothing in this section shall relieve the highway authority, or any person acting in accordance with a permission or requirement of the highway authority, from liability for damage caused to works or apparatus belonging to or maintained or used by

PART III —*cont.*

statutory undertakers, and the powers of this section shall be so exercised as not unreasonably to obstruct or render less convenient the access to any such works, apparatus or operational land of statutory undertakers.

PART IV

PUBLIC HEALTH

Control of dogs in certain areas.

10.—(1) A district council may make byelaws for preventing the fouling by dogs of such footways, walkways and of such grass verges managed or maintained in an ornamental condition or mown by a local authority as may be specified in the byelaws.

(2) A byelaw under this section prohibiting the fouling by a dog of any such footway, walkway or grass verge may provide for the imposition on the owner or keeper of the dog, on summary conviction, of a fine not exceeding £50 for contravention of the byelaw; but in any proceedings for an offence under the byelaw it shall be a defence to show that—

(*a*) all reasonable steps were taken by the defendant to prevent the commission of the offence; or

(*b*) the dog is a dog kept and used solely by a blind person for his guidance.

(3) In this section "footway" has the meaning given by section 329 of the Act of 1980.

Control of stray dogs. 1906 c. 32.

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

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

(*a*) the substitution of the following for subsection (1):—

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

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

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(*c*) the substitution in subsection (6) for " of a police area " of " and the district council " and for " in that area " of " by him or them respectively "; and

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

(3) Section 3 of the Dogs Act 1906, as that section has effect in accordance with this section, is set out in Schedule 1 to this Act. 1906 c. 32.

Tattooists.

12.—(1) As from the appointed day in any district a person shall not in that district carry on the business of a tattooist unless he is registered by the district council under this section in respect of that business and he shall not carry on that business on premises occupied by him unless the premises are so registered.

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

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

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

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

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

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

(6) A court ordering the suspension or cancellation of registration under subsection (5) above may suspend the operation of the order until the expiration of the period prescribed under section 14 of the Courts Act 1971 for giving notice of appeal to the Crown Court: 1971 c. 23.

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

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

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

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

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

(9) Nothing in this section shall extend to the practice of tattooing by or under the supervision of a person who is a registered medical practitioner or to premises on which the practice of tattooing is carried on by or under the supervision of such a person.

Nuisance from feral pigeons and gulls.

13.—(1) Subject to the provisions of the Protection of Birds Acts 1954 and 1967 and subject to subsection (2) below if in the opinion of a district council the habitual nesting, roosting or alighting of feral pigeons or gulls on part of a building or structure fronting upon a highway or footpath in the district is a source of nuisance or inconvenience to pedestrians using that highway or footpath, the district council may serve upon the owner or occupier of such building or structure a notice requiring him within such reasonable time (not being less than 21 days) as may be specified in the notice to take such measures as may be therein specified for the purpose of preventing or minimising the habitual nesting, roosting or alighting of feral pigeons or gulls on that part of the building or structure.

(2) The measures which may be specified in a notice served under subsection (1) above may include the erection of baffles or the laying of gel on the building or structure or other measures of a like nature but shall not include any method prohibited by the Protection of Birds Acts 1954 to 1967.

(3) Any person aggrieved by a notice under subsection (1) above may appeal to a magistrates' court and the court may make

PART IV —*cont.*

such order either confirming or quashing or varying the notice as it thinks fit but shall not so vary the notice that it is more onerous than the notice given by the district council.

(4) Subject to any order made on appeal under subsection (3) above any person who fails without reasonable excuse to comply with a notice under subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(5) A district council which serve a notice on the owner or occupier under this section shall reimburse him the reasonable expenses incurred by him in compliance with the notice.

(6) This section shall not apply in the borough of South Tyneside.

Definition of "inhabitant" in Act of 1936. 1956 c. 52.

14.—(1) In section 92 (1) (*d*) of the Act of 1936 (statutory nuisances) and in section 16 of the Clean Air Act 1956 (abatement of smoke nuisances) in their application to a district the expression "inhabitants of the neighbourhood" includes persons who work within the neighbourhood.

(2) Nothing in this section shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974. 1974 c. 37.

Extension of summary power to remedy stopped-up drains.

15. Section 17 of the Act of 1961 shall have effect in the county as if after the word "water-closet" there were inserted the words "waste pipe" and as if after the words "stopped up" there were inserted the words "or otherwise defective".

Supply of water to premises where supply cut off.

16.—(1) Where any premises in a district have ceased to be supplied with water, by reason of the absence or defective state of any apparatus from or, as the case may be, on the premises or the cutting off of the supply of water, for a reason other than that mentioned in paragraph (*a*) of section 33 (1) of the Act of 1976 or the absence or defective state of any fittings the district council may, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the apparatus or execute such works and provide or repair such fittings and do such other things as they may consider necessary to secure that the supply of water to the premises is restored and may recover from the owner of the premises the expenses necessarily incurred by them in so doing not exceeding £200 or such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(2) In any proceedings for the recovery of expenses under subsection (1) above the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred

PART IV —*cont.*

and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

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

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

(4) (*a*) The powers conferred by this section shall not be exercised without the consent of the water undertakers within whose area of supply the premises are situated, which consent shall not be unreasonably withheld, and in giving their consent the water undertakers may—

(i) attach such reasonable conditions as they think fit; and

(ii) without prejudice to any action or proceedings which they may take under any other enactment, elect to carry out on behalf of the district council any repair, renewal or other works proposed by the district council, in which case the expenses reasonably incurred by the water undertakers in so doing shall be repaid to them by the district council.

(*b*) Any difference which may arise between the water undertakers and a district council under this subsection shall be determined by arbitration.

PART V

PUBLIC ORDER AND PUBLIC SAFETY

Safety of stands.

17.—(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 Act of 1961.

(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

PART V —*cont.*

this section applies for the accommodation of 20 or more 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 5 weeks after the submission of particulars under subsection (3) (*b*) above, or 4 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 5 weeks, or, as the case may be, the said period of 4 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 dismiss or allow the appeal, or may vary any requirement of the district council, and may make directions for giving effect to its decisions.

PART V —*cont.*

(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.

Byelaws with regard to certain temporary structures.

18.—(1) A district council may, after consultation with the fire authority, make byelaws with regard to temporary structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto, including byelaws for securing—

(*a*) the provision of safe and adequate means of ingress to and egress from the structure;

(*b*) the provision of first-aid fire-fighting equipment;

(*c*) the provision of proper and sufficient passages or gangways in the structure and between the structure and another building or structure;

(*d*) the stability of the structure;

(*e*) the proper arrangement of any seating accommodation to be provided in the structure.

(2) This section applies to any tent, marquee or other similar structure which is erected in a district and to which the public are admitted, whether with or without any charge for admission, for the purposes of or in connection with any fair, show, exhibition, game, sport, athletic or other contest or public entertainment or any political, religious or other public meeting except any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Act of 1961.

PART V —*cont.*

Touting, hawking, photographing, etc.

19.—(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, walkway, 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 shop, for a theatre or other place of amusement or recreation, for a hackney carriage, public service vehicle or other conveyance or for a ship or boat; or

(*b*) without the consent of the district council or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale any thing; or

(*c*) without the consent of the district council or in breach of any condition subject to which the council's consent is given—

(i) photographs any person by way of trade or business; or

(ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

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

(3) The conditions of consent referred to in subsection (2) (*b*) and (*c*) above may 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.

PART V *—cont.*

(4) A person aggrieved by—

(*a*) the withholding by the district council of consent referred to in subsection (2) (*b*) or (*c*) above;

(*b*) the conditions subject to which the council give such consent; or

(*c*) the revocation of such consent under subsection (3) above;

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

(5) (*a*) Before designating any place for any of the purposes of subsection (2) above the district council shall give notice of their proposal by advertisement in a newspaper circulating in the district, and by posting a copy of the notice in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the council within a time, not less than 28 days after the giving of the notice, specified in the notice.

(*b*) After taking into consideration any objections made in accordance with paragraph (*a*) above, the district council may by resolution designate as places to which this section applies for any of the purposes of subsection (2) above all or any, or any part, of the places specified in the notice given under that paragraph.

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

(7) This section shall not prohibit—

(*a*) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier;

(*b*) the selling or offering or exposing for sale of anything 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

PART V —*cont.*

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 anything in a highway, the district council shall consult the highway authority.

Control of demolitions.

20.—(1) As from the appointed day in a 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*) at the end of subsection (5) (*b*) there were inserted " and to make good any damage to adjacent premises ";

PART V —*cont.*

(*e*) 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 sewer, drain or water or gas pipe in or under the building to be demolished,

(*e*) to remove any such sewer, drain or water or gas pipe and seal any sewer, drain or water or gas pipe with which the sewer, drain or pipe to be removed is connected,";

(*f*) 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,

(*h*) to maintain watch on the site at all times from the commencement of the demolition until the completion thereof,

(*i*) to make arrangements with the electricity undertakers for the disconnection of the supply of electricity to the building to be demolished,

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may prescribe the 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) In addition to a notice served under subsection (1) of this section, the local authority may, by a notice served under this subsection, within twenty-eight days after the service of notice under subsection (3) (*a*) of this section, 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 who contravenes a requirement made under subsection (5A) of this section 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.";

(*g*) in subsection (6), after " under " there were inserted " paragraph (*b*), except so far as it relates to the weather-proofing of surfaces, or ";

(*h*) in subsection (7) after the word " from " there shall be inserted the letter " (*a*) " and at the end of the subsection there shall be inserted the words " or (*b*) any obligations with respect to the disconnection, removal

PART V —*cont.*

or other alteration of a gas pipe under any regulations having effect under section 31 of the Gas Act 1972 "; and

1972 c. 60.

(*i*) 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 (except subsection (12) thereof which is spent) is set out in Schedule 2 to this Act, as that section has effect in accordance with subsection (1) above.

Trespass on school and sports premises.

21.—(1) This section applies to—

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

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

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

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

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

(*a*) may be removed from the premises concerned;

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

Control of fly-posting.

22. A district council may remove or obliterate any bill, placard or poster which has been posted in contravention of any regulations made or having effect as if made under sections 63 and 109 of the Act of 1971.

PART VI

FIRE PRECAUTIONS

Prescription of signs to be used on certain buildings.

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

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

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

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

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

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

Access for fire brigade.

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

(*a*) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

PART VI —*cont.*

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

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

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

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

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

PART VII

STORAGE OF FLAMMABLE MATERIAL

Interpretation of Part VII.

25.—(1) For the purposes of this Part—

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

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

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

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

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

(*a*) it is unobstructed; and

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

PART VII —*cont.*

Stacks to which Part VII applies.

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

(*a*) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and

(*b*) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

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

(*a*) paper or cardboard;

(*b*) plastics;

(*c*) rags;

(*d*) rubber, whether natural or synthetic, including rubber tyres; and

(*e*) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

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

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

(i) 3 metres in height;

(ii) 50 cubic metres in capacity;

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

(i) 5 metres in height;

(ii) 450 cubic metres in capacity;

(iii) 20 metres in any horizontal dimension;

(iv) 235 square metres in any horizontal section;

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

(i) 5 metres in height;

(ii) 750 cubic metres in capacity;

(iii) 20 metres in any horizontal dimension;

(iv) 235 square metres in any horizontal section;

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

(i) 10 metres in height;

(ii) 1,370 cubic metres in capacity;

(iii) 20 metres in any horizontal dimension;

(iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) (*b*) to (*d*) above are—

(*a*) there is no other stack to which this Part applies within 4 metres;

(*b*) there is an unobstructed access at least 4 metres wide round three of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;

(*c*) no street is within 5 metres;

(*d*) none of the following is on the same premises and within 6 metres, namely:—

(i) a furnace or incinerator;

(ii) a building;

(iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;

(iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

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

(*a*) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or

(*b*) it forms the load or part of the load of a railway wagon or of a mechanically propelled vehicle or of a trailer drawn or to be drawn by such a vehicle or is in a container to be carried on such a wagon, vehicle or trailer; or

(*c*) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit of cargoes, has been unloaded from, or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock or quay; or

(*d*) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for purposes of or in connection with their undertaking.

PART VII —*cont.*

Unlawful stacks.

27.—(1) Subject to subsection (2) of section 31 (Transitional provisions for Part VII) of this Act, as from the appointed day in the county it is unlawful for a stack to which this Part applies to be on any premises in the county without the consent of the fire authority or in breach of any condition subject to which such consent is given.

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

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

(4) Where the fire authority have given a consent under this section to the stacking of materials on any premises—

(*a*) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates or, as the case may be, increases the fire risks;

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

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

(5) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the fire authority to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it

PART VII —*cont.*

breaks out and to facilitate fire fighting, including the provision of water for fire-fighting purposes:

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

Part VII appeals.

28. A person aggrieved by the fire authority's refusal of consent, or by any condition imposed on such a consent, under section 27 (Unlawful stacks) of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the fire authority a copy of that statement.

Powers of entry for Part VII.

29.—(1) In its application to this Part, section 287 of the Act of 1936 shall have effect as if the references to " a council " and " the council " were references to the fire authority.

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

Offences under Part VII.

30. Where a stack is on any premises in contravention of sub-section (1) of section 27 (Unlawful stacks) of this Act, the owner of the stack and the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Transitional provisions for Part VII.

31.—(1) Where application for a consent under section 27 (Unlawful stacks) of this Act to the stacking of any materials on any premises has been duly made before the appointed day fixed for the purposes of that section it shall be lawful to stack those materials on those premises in accordance with the consent applied for until the fire authority notify the applicant of their decision and, if the decision is adverse, during such further time as is provided by section 48 (Suspension of proceedings pending appeal) of this Act.

(2) Where under subsection (5) of the said section 27 the fire authority impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the

PART VII —*cont.*

person concerned by the fire authority or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(3) Where the owner of a stack or the occupier of premises has represented to the fire authority that the appointed day fixed for the purposes of the said section 27 does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the fire authority may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

(4) A person aggrieved by a decision under subsection (3) above may appeal to the Secretary of State and section 28 (Part VII appeals) of this Act shall apply to such an appeal with the necessary modifications.

PART VIII

CIVIL AVIATION

Aerodrome undertaking.

S.I. 1974/1351.

32.—(1) In connection with Newcastle Airport which was transferred to and vested in them by the Local Authorities, etc. (Miscellaneous Provision) (No. 4) Order 1974 the county council may provide services and facilities and may make reasonable charges in respect of the use of any such services and facilities.

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

1949 c. 67.

Purchase of land for works for mitigation of aircraft noise.

33.—(1) The county council may for the purpose of the construction of works for the measurement or mitigation of aircraft noise purchase by agreement or may be authorised by means of an order made by the county council and submitted to and confirmed by the Secretary of State to acquire compulsorily land within or outside the county.

(2) The provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land under this section, and accordingly shall have effect as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

1946 c. 49.

PART VIII —*cont.*

Works for mitigation of aircraft noise.

34. The county council may upon any land owned by them or in which they have a sufficient interest, construct and maintain works for the measurement or mitigation of aircraft noise.

Part VIII power of entry.

35. Subject to the provisions of this section any authorised officer of the county council shall, on producing if so required some authenticated document showing his authority, have a right to enter at all reasonable hours any land for the purpose of taking measurements of aircraft noise:

Provided that admission to any land shall not be demanded as of right unless at least 48 hours' notice of the intended entry has been given to the occupier.

Operation of Part VIII.

36.—(1) The powers conferred on the county council under this Part shall be exercised by them on behalf of the Northumberland County Council, the Durham County Council and the Tyne and Wear County Council acting jointly as the North East Regional Airport Committee.

(2) In this Part, " aircraft noise " means noise and vibration attributable to aircraft using Newcastle Airport.

PART IX

NORTH TYNESIDE PROVISION

Power to make ice.

37. The North Tyneside Borough Council may provide, acquire, equip and operate plants for making ice, and may sell any ice so made or may use the ice for or in connection with the sale, storing, packing and other dealing with fish and other goods, wares and merchandise landed or shipped at the fish quays in the borough of North Tyneside and for other purposes connected with the fish trade of the borough or incidental thereto, and may in respect of the use thereof and for any other accommodation provided and services rendered by the said Council in connection with the matters aforesaid make such reasonable charges as they may think fit.

PART X

SOUTH TYNESIDE PROVISION

Application of Part III of Food and Drugs Act 1955.

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

38.—(1) In this section—

" the council " means the South Tyneside Borough Council;

" the market " means any market carried on by the council within the borough of South Tyneside;

" the markets undertaking " means the markets undertaking of the council.

PART X —*cont.*

(2) The market shall be deemed to have been established by the council under section 49 of the Food and Drugs Act 1955 and accordingly the provisions of Part III of the said Act of 1955 shall apply to the market and the markets undertaking shall be held by the council under and subject to those provisions.

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

PART XI

PORT OF SUNDERLAND PROVISIONS

Interpretation of Part XI.

39. In this Part—

" the council " means the Sunderland Borough Council;

" the docks ", " harbour master " and " the port " have the meanings respectively assigned to those expressions in the Sunderland Act;

" the Sunderland Act " means the Sunderland Corporation Act 1972.

1972 c. xxiii.

Quay line.

40.—(1) Part IV (The quay line and meer stones) of the Sunderland Act shall have effect as if for the words " between the quay line and the meer stones " (wherever those words occur) there were substituted the words " within 20 metres of, and on the landward side of, the quay line ".

(2) In section 40 (Penalty for removing posts or meer stones) of the Sunderland Act the words " any of the meer stones or " shall be omitted.

Notice before entry of dangerous goods.

41. Section 59 (Notice on entry of dangerous goods) of the Sunderland Act shall have effect as if—

(1) in subsection (1) after the word " vessel " where that word first occurs there were inserted the words " which it is intended to bring into the port ";

(2) for the words " when that vessel enters the port " there were substituted the words " not less than 48 hours before the intended entry of the vessel into the port, or in the case of a voyage of less than 48 hours not later than the commencement of that voyage ";

(3) the following subsection was added:—

" (3) In this section ' dangerous goods ' means any goods defined as dangerous goods by rules for the time being in force under section 23 of the Merchant Shipping (Safety Convention) Act 1949.".

1949 c. 43.

Removal of vehicles.

42.—(1) If a vehicle is left without the permission of the council—

(*a*) in any place where it is likely to obstruct or interfere with the use of the docks; or

PART XI —*cont.*

(*b*) in any part of the docks where the parking of vehicles is prohibited and notice of such prohibition has been erected by the council;

the council may remove the vehicle, or cause it to be removed.

(2) Any notice erected under subsection (1) (*b*) above shall be conspicuously posted in or in proximity to the place to which it relates.

(3) Where the council in exercise of the powers of this section remove a vehicle or cause it to be removed, the expenses of and incidental to the removal shall be recoverable from the owner of the vehicle by the council.

(4) If the council in exercise of the powers of this section remove a vehicle to a place not readily visible from the place whence it is so removed they shall, if and as soon as it is reasonably practicable to do so, send to the owner of the vehicle at his last known address, his registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this section and of the place to which the vehicle has been removed.

(5) A notice stating the general effect of subsection (1) above shall be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the docks and shall be endorsed on any ticket issued to a person leaving a vehicle in any part of the docks.

(6) The powers of this section shall not be exercised—

(*a*) in relation to any vehicle used by statutory undertakers in the performance of their statutory functions; or

(*b*) in relation to a motor vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes.

(7) In this section, " the owner of the vehicle " means the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1971 or any other regulations having the like effect for the time being in force. S.I. 1971/450.

43. Section 63 (Power to make general byelaws) of the Sunderland Act shall have effect as if after subsection (1) (*r*) of that section there were added— Byelaws.

" (*s*) for, or in relation to, the purposes of preventing theft or the unlawful removal of goods from the port to confer powers on the harbour master to search any vehicle in the port ".

PART XII

MISCELLANEOUS

Recovery of rates from certain owners. 1967 c. 9.

44.—(1) This section applies in the case of any hereditament in a district where—

(*a*) section 55 of the General Rate Act 1967 (rating of owners instead of occupiers) does not apply by virtue of a resolution of the district council, and there is no agreement in force between the owner of the hereditament and the district council pursuant to section 56 of that Act (agreement for payment or collection of rates by owner); and

(*b*) the owner of the hereditament has agreed with the occupier of all or any part of the hereditament that the owner shall pay the general rate charged on the hereditament; and

(*c*) in pursuance of such an agreement a payment equal to all or any part of that general rate, whether expressed as a payment of rent or rates, has been made by the occupier to the owner (in this section referred to as " the specified payment ").

(2) Without prejudice to any other remedy available to them for the recovery of the general rate, the district council may recover a sum not exceeding the specified payment from the owner of the hereditament in like manner and subject to the like conditions as rates payable by the occupier of a hereditament (not being an occupier by whom a notice under section 50 (1) of the General Rate Act 1967 has been given and is for the time being in force) are recoverable from the occupier.

(3) Any sum recovered under subsection (2) above shall be set off against any general rate outstanding in respect of the hereditament at the date when the specified payment was made by the occupier to the owner.

(4) In this section " owner " has the same meaning as in section 55 of the General Rate Act 1967.

PART XIII

GENERAL

Disputes about compensation.

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

PART XIII —*cont.*

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

(3) Nothing in this section shall prejudice the operation of section 115 of the County Courts Act 1959 (removal into the High Court of proceedings commenced in a county court). 1959 c. 22.

Local inquiries.

46. A 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, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Appeals to magistrates' court.

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

Suspension of proceedings pending appeal.

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

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

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

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

(i) no proceedings shall be taken in respect of any failure to execute the work, or to take the action, nor shall the local authority themselves execute the work or take the action; and

(ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

Appeals to Secretary of State.

49.—(1) On an appeal to the Secretary of State under any provision of this Act mentioned in subsection (2) below, the Secretary of State may at his discretion afford to the appellant

PART XIII —*cont.*

and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

Section 28 (Part VII appeals);

In section 31 (Transitional provisions for Part VII), subsection (3).

(3) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and, in the case of an appeal under the said section 28 may give directions for the granting of a consent subject to such conditions as the fire authority may impose under section 27 (Unlawful stacks) of this Act.

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

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

1925 c. 49.

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

Arbitration.

50. Where under section 16 (Supply of water to premises where supply cut off) of this Act any question is to be determined by arbitration, then, unless otherwise provided, the question shall be referred to, and settled by, a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Restriction on right to prosecute.

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

PART XIII —*cont.*

Liability of directors, etc.

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

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

Penalty for obstruction.

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

Defence of due diligence.

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

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

Section 9 (Regulation of placing things in the footway);
Section 12 (Tattooists);
Section 17 (Safety of stands);
Section 18 (Byelaws with regard to certain temporary structures);
Section 19 (Touting, hawking, photographing, etc.);
Part VI (Fire precautions);
Section 27 (Unlawful stacks).

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

Application of general provisions of Act of 1936.

55.—(1) The sections of the Act of 1936 mentioned in Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

PART XIII —*cont.*

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

Section 17 (Safety of stands);

Section 22 (Control of fly-posting);

Part VII (Storage of flammable material):

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

Saving for Health and Safety at Work etc. Act 1974. 1974 c. 37.

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

(*a*) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;

(*b*) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

(2) Nothing in section 20 (Control of demolitions) of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974.

Saving for Fire Precautions Act 1971. 1971 c. 40.

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

Repeals and transitional provisions.

58.—(1) The Acts specified in Part 1 of Schedule 4 to this Act, the Orders specified in Part II of that Schedule and the confirmation Acts relating to any of those Orders specified in that Part are hereby repealed to the extent specified in that Schedule.

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

PART XIII —*cont.*

(3) (*a*) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act relating to the same matter as if begun under that last-mentioned provision.

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

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

(5) Nothing in this section shall affect the operation of the Interpretation Act 1978 or of section 254 of the Act of 1972. 1978 c. 30.

Continuance of certain enactments.

59.—(1) The enactments specified in column (1) of Schedule 5 to this Act shall continue to have effect to the extent specified in column (2) of that Schedule and to that extent section 262 (9) of the Act of 1972 shall not apply to those enactments.

(2) Where any enactment referred to in Schedule 4 to this Act is material for the purposes of interpreting any enactment referred to in subsection (1) above, the repeal of the first-mentioned enactment shall not affect the interpretation of the other enactment.

SCHEDULES

Section 11.

SCHEDULE 1

1906 c. 32.

SECTION 3 OF THE DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 11 (CONTROL OF STRAY DOGS) OF THIS ACT

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

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

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

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

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

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

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

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

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

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs

unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection at all reasonable times by the public on payment of a fee not exceeding one shilling. SCH. 1 —*cont.*

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

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

SCHEDULE 2

Section 20.

SECTION 29 OF ACT OF 1961 AS HAVING EFFECT IN ACCORDANCE WITH SECTION 20 (CONTROL OF DEMOLITIONS) OF THIS ACT

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

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

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

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

(*c*) without prejudice to the last foregoing paragraph, of an agricultural building (as defined in section two of the Rating and Valuation (Apportionment) Act, 1928) unless it is contiguous to another building which is not itself of a kind mentioned in this or the last foregoing paragraph. 1928 c. 44.

(3) 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:

Provided that notice need not be served under paragraph (*a*) of this subsection of a demolition undertaken to comply with any requirement contained in—

SCH. 2 —*cont.*

(*a*) a notice, order or other instrument issued by, or on the application of, the local authority in pursuance of any power conferred by or under an Act of Parliament, or

(*b*) an injunction or other direction given in legal proceedings brought by the local authority,

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

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

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

(*a*) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and

(*b*) in the case of a demolition undertaken to comply with a requirement contained in a demolition order under the Housing Act, 1957, at any time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and

1957 c. 56.

(*c*) in any other case, within six weeks from the beginning of the demolition.

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

(*a*) to shore up adjacent buildings,

(*b*) to weatherproof any surfaces of an adjacent building which are exposed by the demolition and to make good any damage to adjacent premises,

(*c*) to remove material or rubbish resulting from the demolition and clearance of the site,

(*d*) to disconnect and seal at such points as the local authority may reasonably require any sewer, drain or water or gas pipe in or under the building to be demolished,

(*e*) to remove any such sewer, drain or water or gas pipe and seal any sewer, drain or water or gas pipe with which the sewer, drain or pipe to be removed is connected,

(*f*) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (*d*) or paragraph (*e*) of this subsection,

(*g*) to take such precautions as the local authority may after consultation with the fire authority reasonably require with regard to the burning on the site of materials or rubbish or of any structure,

SCH. 2 —*cont.*

(*h*) to maintain watch on the site at all times from the commencement of the demolition until the completion thereof,

(*i*) to make arrangements with the electricity undertakers for the disconnection of the supply of electricity to the building to be demolished,

and with a view to preserving the safety and amenities of the public in the vicinity of the demolition may prescribe the 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) In addition to a notice served under subsection (1) of this section, the local authority may, by a notice served under this subsection, within twenty-eight days after the service of notice under subsection (3) (*a*) of this section, 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 who contravenes a requirement made under subsection (5A) of this section 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.

(6) No one shall be required under paragraph (*b*), except so far as it relates to the weatherproofing of surfaces, or paragraph (*d*) or paragraph (*e*) of subsection (5) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement. 1936 c. 49.

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

(*a*) the obligation to obtain any consent required under section sixty-eight of the Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus), or under any similar enactment; or 1945 c. 42.

(*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. 1972 c. 60.

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

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

SCH. 2 —*cont.*

(10) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under subsection (1) of this section shall be— 1936 c. 49.

(*a*) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up, and

(*b*) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, or any damage to any adjacent premises to be made good, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces or of making good that damage.

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

Section 55.

SCHEDULE 3

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

SCHEDULE 4

Section 58.

ENACTMENTS REPEALED

PART I

LOCAL ACTS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1814 c. cix ...	An Act for cleansing, lighting, and otherwise improving certain Streets and Places within and near the Town and Borough of Gateshead, in the County of Durham	The whole Act.
1822 c. lvi ...	An Act for facilitating the Collection of certain Tolls payable to the Mayor and Burgesses of Newcastle-upon-Tyne	The whole Act.
1828 c. xxxvii ...	North Shields Improvement Act 1828	The whole Act.
1837 c. lxxii ...	Newcastle-upon-Tyne Improvement Act 1837	The whole Act except the provisions referred to in Schedule 5 to this Act and sections LXIV to LXVIII and XCI to XCIII.
1841 c. lxxi ...	Newcastle-upon-Tyne Improvement Act 1841	The whole Act except sections 2 to 10.
1846 c. cxxi ...	Newcastle-upon-Tyne Improvement Act 1846	The whole Act.
1850 c. lxxvii ...	Newcastle-upon-Tyne Improvement Act 1850	The whole Act.
1851 c. lxvii ...	The Borough of Sunderland Act 1851	The whole Act.
1851 c. lxxiii ...	North Shields Quay Act 1851	Section 41.
1853 c. lxxxiii ...	South Shields Improvement Act 1853	The whole Act.
1853 c. clxxxii ...	Newcastle-upon-Tyne Improvement Act 1853	The whole Act except section 51.
1855 c. xcix ...	Newcastle-upon-Tyne Improvement Act 1855	The whole Act except sections 33, 34 and 37.
1861c. xxiii ...	South Shields Improvement Amendment Act 1861	The whole Act except sections 9 and 10.
1865 c. lxx ...	Sunderland Corporation Act 1865	The whole Act.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1865 c. ccl ...	Newcastle-upon-Tyne Improvement Act 1865	The whole Act, except the provisions referred to in Schedule 5 to this Act and sections 15 to 18.
1866 c. li	Tynemouth Improvement Act 1866	The whole Act.
1867 c. vii ...	Saint Mary Magdalene Hospital Act 1867	The whole Act.
1867 c. lxxix ...	Sunderland Ferry Act 1867 ...	The whole Act.
1867 c. lxxxiii ...	Gateshead Improvement Act 1867	The whole Act.
1867 c. cxvii ...	Sunderland Extension and Improvement Act 1867	The whole Act.
1870 c. cxx ...	Newcastle-upon-Tyne Improvement Act 1870	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1871 c. cxxxv ...	Newcastle-upon-Tyne Improvement Act 1871	The whole Act.
1877 c. cxlii ...	Gateshead Improvement Act 1877	The whole Act.
1877 c. cli ...	Newcastle-upon-Tyne Tramways and Improvement Act 1877	The whole Act.
1878 c. cxx ...	Jarrow Improvement Act 1878 ...	The whole Act.
1882 c. clxxii ...	Newcastle-upon-Tyne Improvement Act 1882	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1882 c. ccxxxix ...	Tynemouth Corporation Loans Act 1882	The whole Act.
1884 c. cxxxiv ...	Jarrow Improvement Act 1884 ...	The whole Act except the provisions referred to in Schedule 5 to this Act.
1885 c. clxxxiii ...	Borough of Sunderland Act 1885	The whole Act.
1892 c. ccxxxvi ...	Newcastle-upon-Tyne Improvement Act 1892	The whole Act, except the provisions referred to in Schedule 5 to this Act and sections 18 to 25.
1894 c. cxl ...	Newcastle-upon-Tyne Corporation (Byker Bridge &c.) Act 1894	The whole Act.
1896 c. 1	South Shields Corporation Act 1896	The whole Act except the provisions referred to in Schedule 5 to this Act and sections 39 and 40.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1898 c. ccxxvii ...	Newcastle-upon-Tyne Corporation (New Infirmary Site) Act 1898	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1899 c. cxc ...	Sunderland Corporation Act 1899	The whole Act except the provisions referred to in Schedule 5 to this Act.
1899 c. cclxv ...	Newcastle-upon-Tyne Tramways and Improvement Act 1899	The whole Act, except the provisions referred to in Schedule 5 to this Act and section 102.
1900 c. clviii ...	South Shields Corporation Act 1900	The whole Act except the provisions referred to in Schedule 5 to this Act and section 13.
1900 c. cclviii ...	Sunderland Corporation Act 1900	The whole Act except the provisions referred to in Schedule 5 to this Act.
1901 c. ccxxxviii ...	Tyneside Tramways and Tramroad Act 1901	The whole Act except the provisions referred to in Schedule 5 to this Act.
1903 c. ccxxii ...	South Shields Corporation Act 1903	The whole Act except section 35.
1903 c. cclii ...	Gateshead Corporation Act 1903	The whole Act.
1904 c. cvii ...	Tynemouth Corporation Act 1904	The whole Act.
1904 c. ccv ...	Tyneside Tramways and Tramroads Act 1904	The whole Act.
1904 c. ccxx ...	Newcastle-upon-Tyne Corporation Act 1904	The whole Act, except the provisions referred to in Schedule 5 to this Act and sections 26, 31, 33, 38, 42, 73 and 74.
1905 c. clxxii ...	Newcastle-upon-Tyne Corporation (Tolls) Act 1905	The whole Act.
1907 c. c	Sunderland Corporation Act 1907	The whole Act.
1910 c. xxv ...	Tynemouth Corporation Act 1910	The whole Act except sections 2 and 10 to 14.
1911 c. xxii ...	Hebburn Urban District Council Act 1911	The whole Act.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1911 c. cxix ...	Newcastle-upon-Tyne Corporation Act 1911	The whole Act, except the provisions referred to in Schedule 5 to this Act and sections 35 and 50.
1914 c. clviii ...	Newcastle-upon-Tyne Corporation Act 1914	The whole Act except the provisions referred to in Schedule 5 to this Act.
1915 c. xlvii ...	Sunderland Corporation (Wearmouth Bridge) Act 1915	The whole Act except section 22.
1915 c. lxiii ...	South Shields Corporation Act 1915	The whole Act except section 13 so far as it applies sections 39 and 40 of the South Shields Corporation Act 1896 and sections 19 and 24.
1916 c. xli ...	Tynemouth Corporation Act 1916	The whole Act, except sections 1, 3, 4, 6 to 19, 22 to 26, 29, 32, 35 to 37, 39 to 41, 45 to 52, 54, 59 and 60, and Schedules 1 and 2.
1917 c. lvi ...	Royal Victoria Infirmary Newcastle-upon-Tyne Act 1917	The whole Act except the provisions referred to in Schedule 5 to this Act.
1919 c. lvi ...	Tynemouth Corporation Act 1919	The whole Act, except sections 1, 4 and 62 to 65 and Schedule 3.
1920 c. xxxviii ...	Tyneside Tramways and Tramroads Act 1920	The whole Act.
1920 c. xci ...	Newcastle-upon-Tyne Corporation Act 1920	The whole Act except the provisions referred to in Schedule 5 to this Act.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1921 c. cxviii ...	South Shields Corporation Act 1921	The whole Act except sections 75 and 84.
1924 c. xxxiv ...	Sunderland Corporation Act 1924	The whole Act.
1924 c. xcix ...	Tynemouth Corporation Act 1924	The whole Act, except sections 1, 4, 5 to 10, 13 to 20, 25, 26, 28, 34, 35 and 75(3) and (4).
1926 c. cii ...	Newcastle-upon-Tyne Corporation Act 1926	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1927 c. lxxix ...	Newcastle-upon-Tyne Corporation Act 1927	The whole Act.
1927 c. xcvii ...	Sunderland Corporation Act 1927	The whole Act except sections 99 to 102, 149, 150 and 259.
1928 c. i	Sunderland Corporation Act 1928	The whole Act.
1929 c. xxxvi (20 & 21 Geo. 5) ...	Tyneside Tramways and Tramroads Act 1929	The whole Act.
1930 c. cxciii ...	Newcastle-upon-Tyne Corporation (Quay Extension &c.) Act 1930	Sections 19 and 34.
1932 c. lxxvii ...	Gateshead Extension Act 1932 ...	The whole Act.
1934 c. lxxvi ...	Tynemouth Corporation Act 1934	The whole Act, except the provisions referred to in Schedule 5 to this Act and sections 1, 4 and 6 to 14, 43, 49, 83, 98, 102, 208, and Schedules 2 and 3.
1935 c. xxviii ...	Newcastle-upon-Tyne Corporation (Quay Extension) Act 1935	Sections 18, 38 and 39.
1935 c. xcvi ...	South Shields Corporation Act 1935	The whole Act, except sections 50 and 146.
1935 c. civ ...	Easington Rural District Council Act 1935	The whole Act, except section 38.
1935 c. cxxiv ...	Newcastle-upon-Tyne Corporation (General Powers) Act 1935	The whole Act, except the provisions referred to in Schedule 5 to this Act.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1935 c. cxxv ...	Sunderland Corporation Act 1935	The whole Act, except the provisions referred to in Schedule 5 to this Act and sections 75, 91, 94 and 193.
1938 c. xlii ...	Gateshead Corporation Act 1938	The whole Act.
1939 c. liv ...	Tynemouth Corporation Act 1939	The whole Act, except sections 1, 4 and 5 to 13, 15, 16 and 20 to 22, 26 and Schedule 2.
1939 c. lxiii ...	Jarrow Corporation Act 1939 ...	The whole Act.
1939 c. lxvi ...	Sunderland Corporation Act 1939	The whole Act, except sections 31 and 38.
1943 c. iv ...	Sunderland Corporation Act 1943	The whole Act.
1945 c. xiv (8 & 9 Geo. 6)	South Shields Corporation Act 1945	The whole Act, except sections 18, 24 and 33.
1946 c. xxvii ...	Newcastle-upon-Tyne Corporation Act 1946	The whole Act.
1947 c. xxxii ...	Sunderland Corporation Act 1947	The whole Act, except sections 18 and 19 and section 38 so far as it applies sections 99 and 101 of the Sunderland Corporation Act 1927.
1947 c. xli ...	Tynemouth Corporation Act 1947	The whole Act, except sections 1, 3, 4 to 11, and 13.
1950 c. liv ...	Sunderland Extension Act 1950 ...	The whole Act.
1950 c. lix ...	South Shields Extension Act 1950	The whole Act.
1951 c. xxxvi ...	Sunderland Corporation Act 1951	The whole Act except the provisions referred to in Schedule 5 to this Act.
1952 c. xl	Newcastle upon Tyne Corporation Act 1952	The whole Act, except the provisions referred to in Schedule 5 to this Act and sections 10, 17 and 18.
1953 c. xxvii ...	Gateshead Extension Act 1953 ...	The whole Act.

SCH. 4
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1953 c. xxxi ...	Tynemouth Corporation Act 1953	The whole Act, except the provisions referred to in Schedule 5 to this Act and section 18.
1954 c. xxv ...	Newcastle upon Tyne Corporation Act 1954	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1956 c. lxxxi ...	Newcastle upon Tyne Corporation Act 1956	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1957 c. xi	Sunderland Corporation Act 1957	The whole Act, except sections 8 and 9.
1960 c. xli ...	Newcastle upon Tyne Corporation Act 1960	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1963 c. xxxvii ...	Durham County Council Act 1963	The whole Act, so far as it applies within the county.
1964 c. xxxv ...	Newcastle upon Tyne Corporation Act 1964	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1968 c. xxxviii ...	Durham County Council Act 1968	The whole Act, so far as it applies within the county.
1968 c. xlii ...	Newcastle upon Tyne Corporation Act 1968	The whole Act, except the provisions referred to in Schedule 5 to this Act.
1970 c. 1	Northumberland County Council Act 1970	The whole Act, so far as it applies within the county.
1970 c. lxviii ...	Gateshead Corporation Act 1970	The whole Act.

SCH. 4
—cont.

PART II

CONFIRMATION ACTS AND ORDERS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1851 c. 98 ...	Public Health Supplemental Act 1851 No. 2	The Order relating to Gateshead.
1868 c. lxxxiv ...	Local Government Act 1868 (No. 2)	The Order relating to Sunderland.
1876 c. cciii ...	Local Government Board's Provisional Orders Confirmation (Bilbrough, &c.) Act 1876	The Orders relating to Felling and Sunderland.
1877 c. cxxxii ...	Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act 1877	The Order relating to Sunderland.
1878 c. cv	Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Act 1878	The Order relating to Newcastle - upon - Tyne.
1878 c. cix ...	Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act 1878	The Order relating to Sunderland.
1878 c. ccxxxi ...	Tramways Orders Confirmation (No. 1) Act 1878	The Sunderland Tramways Order 1878.
1879 c. cxciii ...	Tramways Orders Confirmation Act 1879	The Sunderland Corporation Tramways Order 1879.
1880 c. lxxxvi ...	Local Government Board's Provisional Orders Confirmation (Aberavon, &c.) Act 1880	The Order relating to Sunderland.
1880 c. clxxii ...	Tramways Orders Confirmation (No. 1) Act 1880	The Sunderland Tramways (Use of Mechanical Power) Order 1880.
1881 c. cv ...	Tramways Orders Confirmation (No. 1) Act 1881	The South Shields Corporation Tramways Order 1881.
1882 c. lxx ...	Tramways Orders Confirmation (No. 2) Act 1882	The Sunderland Tramways (Extension) Order 1882.
1883 c. xciii ...	Tramways Orders Confirmation (No. 4) Act 1883	The South Shields Corporation Tramways (Amendment) Order 1883.

SCH. 4
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1886 c. xvi (50 Vict.)	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1886	The Gateshead Order 1886.
1888 c. lxxii ...	Local Government Board's Provisional Orders Confirmation (Highways) Act 1888	So much of the Act and Schedule thereto as relates to the County of Durham.
1891 c. l	Electric Lighting Orders Confirmation (No. 2) Act 1891	The Tynemouth Corporation Electric Lighting Order 1891.
1891 c. lii	Electric Lighting Orders Confirmation (No. 4) Act 1891	The South Shields Electric Lighting Order 1891.
1894 c. xlv ...	Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) (No. 2) Act 1894	The Order relating to Sunderland.
1895 c. xcii ...	Local Government Board's Provisional Orders Confirmation (No. 13) Act 1895	The Order relating to Sunderland.
1900 c. clxxxii ...	Local Government Board's Provisional Orders Confirmation (No. 13) Act 1900	The Order relating to Sunderland.
1901 c. xlii ...	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1901	The Order relating to Sunderland.
1901 c. clxviii ...	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1901	The South Shields (Extension) Order 1901.
1902 c. lxxxiii ...	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1902	The Order relating to Sunderland.
1902 c. ccii ...	Tramways Orders Confirmation (No. 1) Act 1902	The Sunderland Corporation Tramways Order 1902.
1903 c. lix ...	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1903	The Order relating to Castle Ward Rural.
1903 c. lxi ...	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1903	The Order relating to Whitley and Monkseaton.
1903 c. lxii ...	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1903	The Tynemouth Order.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1904 c. lxii ...	Local Government Board's Provisional Orders Confirmation (No. 1) Act 1904	The Order relating to Sunderland.
1904 c. cxix ...	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1904	The Order relating to the North-East Durham Joint Small-pox Hospital District.
1904 c. clxii ...	Local Government Board's Provisional Orders Confirmation (No. 13) Act 1904	The Newcastle-upon-Tyne (Extension) Order 1904 and the county borough of Tynemouth Order 1904.
1904 c. clxxxi ...	Tramways Orders Confirmation (No. 2) Act 1904	The Sunderland Corporation Tramway Order 1904.
1905 c. lxxv ...	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1905	The Order relating to the Houghton-le-Spring and Hetton Joint Small-pox Hospital District.
1907 c. clxii ...	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1907	The Sunderland Order 1907.
1908 c. cxlvi ...	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1908	The Gateshead Order 1908.
1910 c. lxxxvi ...	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1910	The Newcastle-upon-Tyne Corporation Order 1910.
1910 c. lxxxvii ...	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1910	The Order relating to the North-East Durham Joint Small-pox Hospital District.
1910 c. lxxxix ...	Local Government Board's Provisional Order Confirmation (No. 15) Act 1910	The whole Act.
1911 c. cliv ...	Education Board Provisional Orders Confirmation (Durham &c.) Act 1911	The Order relating to Durham.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1912 c. cxxviii ...	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1912	The Order relating to Gosforth.
1914 c. xlvii ...	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1914	The Tynemouth Order 1914.
1914 c. xlviii ...	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1914	The Order relating to the North East Durham Joint Small-pox Hospital District.
1914 c. cxxxii ...	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1914	The Order relating to Newcastle-upon-Tyne.
1920 c. xvii ...	Ministry of Health Provisional Order (1919) Confirmation (Housing) Act 1920	The whole Act.
1920 c. cxii ...	Ministry of Health Provisional Orders Confirmation (No. 5) Act 1920	The Tynemouth Order 1920.
1920 Cmd. 1019 ...	The South Shields Corporation Light Railway Order 1920	The whole Order.
1921 c. lxii ...	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1921	The Order relating to Whitley and Monkseaton.
S.R. & O. 1922/ 1167	Newcastle-upon-Tyne Corporation Light Railway Order 1922	The whole Order.
S.R. & O. 1923/ 704	Newcastle-upon-Tyne Corporation Light Railways (Extension) Order 1923	The whole Order.
S.R. & O. 1925/ 537	The Sunderland Corporation Light Railways Order 1925	The whole Order.
1926 c. xxi ...	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1926	The Order relating to Sunderland.
1928 c. xviii ...	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1928	The Order relating to Wallsend.
1929 c. i	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1929	The Gateshead Order 1929.
S.R. & O. 1929/ 373	The Sunderland Corporation Light Railways (Extension) Order 1929	The whole Order.
S.R. & O. 1931/ 721	The Sunderland Corporation Light Railways (Extension) Order 1931	The whole Order.
1932 c. xlviii ...	Newcastle-upon-Tyne Fire Brigade Provisional Order Confirmation Act 1932	The whole Act.
—	Newcastle-upon-Tyne (Consolidated Loans Fund) Order 1935	The whole Order.

SCH. 4 —*cont.*

Chapter (1)	Title or short title (2)	Extent of repeal (3)
1937 c. cx ...	Ministry of Health Provisional Order Confirmation (Tynemouth) Act 1937	The whole Act.
S.R. & O. 1937/879	The Newcastle-upon-Tyne Corporation Tramways and Light Railways Order 1937	The whole Order.
1939 c. xlviii ...	South Shields Corporation (Trolley Vehicles) Order Confirmation Act 1939	The whole Act.
1940 c. xxxviii ...	Newcastle-upon-Tyne (Trolley Vehicles) Order Confirmation Act 1940	The whole Act.
—	The Sunderland Corporation Tramways (Increase of Charges) Order 1940	The whole Order.
1945 c. i	Newcastle-upon-Tyne Corporation (Trolley Vehicles) Order Confirmation Act 1945	The whole Act.
S.R. & O. 1947/1315	The Sunderland Corporation Light Railways (Extension) Order 1947	The whole Order.
S.I. 1951/782 ...	Newcastle upon Tyne (Amendment of Local Enactment) Order 1951	The whole Order.
S.I. 1953/470 ...	South Shields (Amendment of Local Enactments) Order 1953	The whole Order.
S.I. 1954/1433 ...	The Jarrow (Amendment of Local Enactment) Order 1954	The whole Order.
S.I. 1955/190 ...	The Sunderland (Amendment of Local Enactment) Order 1954	The whole Order.

SCHEDULE 5

Section 59.

ENACTMENTS CONTINUED

PART I

NEWCASTLE TOWN MOOR

(1) Enactment	(2) Extent of provisions saved	
The Newcastle-upon-Tyne Town Moor Act 1774	The whole Act.	1774 c. cv.
Newcastle-upon-Tyne Improvement Act 1837	Sections CXXIII and CLV.	1837 c. lxxii.
Newcastle-upon-Tyne Improvement Act 1865	Sections 12, 13 and 14.	1865 c. ccl.
Newcastle-upon-Tyne Improvement Act 1870	Sections 6 to 22, 24, 25, 29, the Second Schedule, the Third Schedule and the Fourth Schedule.	1870 c. cxx.
Newcastle-upon-Tyne Improvement Act 1882	Sections 14, 52, 53, 57, 77 and the Second Schedule.	1882 c. clxxii.
Newcastle-upon-Tyne Improvement Act 1892	Sections 104, 105, 106, 108 and 120.	1892 c. ccxxxvi.
Newcastle-upon-Tyne Corporation (New Infirmary Site) Act 1898	Sections 2 to 4 and 6 to 8.	1898 c. ccxxvii.
Newcastle-upon-Tyne Tramways and Improvement Act 1899	Section 33.	1899 c. cclxv.
Newcastle-upon-Tyne Corporation Act 1904	Sections 105 and 106.	1904 c. ccxx.
Newcastle-upon-Tyne Corporation Act 1911	Sections 43 to 48.	1911 c. cxix.
Royal Victoria Infirmary Newcastle-upon-Tyne Act 1917	Sections 2, 3 and 4.	1917 c. lvi.
Newcastle-upon-Tyne Corporation Act 1926	Section 35 and the Schedule.	1926 c. cii.
Newcastle-upon-Tyne Corporation (General Powers) Act 1935	Section 115 and the Third Schedule.	1935 c. cxxiv.
Newcastle upon Tyne Corporation Act 1952	Section 58.	1952 c. xl.
Newcastle upon Tyne Corporation Act 1954	Sections 2 and 3.	1954 c. xxv.
Newcastle upon Tyne Corporation Act 1956	Sections 4, 5 and 6.	1956 c. lxxxi.
Newcastle upon Tyne Corporation Act 1960	Sections 4, 5 and 6.	1960 c. xli.
Newcastle upon Tyne Corporation Act 1964	Sections 4, 5, 6 and 7.	1964 c. xxxv.

SCH. 5
—cont.

PART II

POWER TO GRANT ALLOWANCES IN CERTAIN CASES

	(1) Enactment	(2) Extent of provisions saved
1937 c. xciv.	Newcastle-upon-Tyne Corporation Act 1937	The whole Act.
1960 c. xli.	Newcastle upon Tyne Corporation Act 1960	Section 17.
1968 c. xlii.	Newcastle upon Tyne Corporation Act 1968	Section 71.

PART III

ENACTMENTS FOR THE BENEFIT OF THE BRITISH RAILWAYS BOARD EXCLUDED FROM REPEAL

	(1) Enactment	(2) Extent of provisions saved
1882 c. clxxii.	Newcastle-upon-Tyne Improvement Act 1882	Section 11 so far as it relates to works for the new street in continuation of Camden Street.
1884 c. cxxxiv.	Jarrow Improvement Act 1884	Section 21.
1892 c. ccxxxvi.	Newcastle-upon-Tyne Improvement Act 1892	Section 14.
1896 c. 1.	South Shields Corporation Act 1896 ...	Sections 12 and 13.
1899 c. cxc.	Sunderland Corporation Act 1899 ...	Section 48.
1899 c. cclxv.	Newcastle-upon-Tyne Tramways and Improvement Act 1899	Section 31.
1900 c. clviii.	South Shields Corporation Act 1900 ...	Section 10.
1900 c. cclviii.	Sunderland Corporation Act 1900 ...	Section 4 and the Second Schedule.
1901 c. ccxxxviii.	Tyneside Tramways and Tramroad Act 1901	Section 51.
1904 c. ccxx.	Newcastle-upon-Tyne Corporation Act 1904	Section 19.
1911 c. cxix.	Newcastle-upon-Tyne Corporation Act 1911	Section 17.
1914 c. clviii.	Newcastle-upon-Tyne Corporation Act 1914	Section 26.
1920 c. xci.	Newcastle-upon-Tyne Corporation Act 1920	Sections 11 and 21.
1934 c. lxxvi.	Tynemouth Corporation Act 1934 ...	Section 103 (3).
1935 c. cxxv.	Sunderland Corporation Act 1935 ...	Section 76.
1951 c. xxxvi.	Sunderland Corporation Act 1951 ...	Section 9 (4).
1953 c. xxxi.	Tynemouth Corporation Act 1953 ...	Section 30 (4) and (5).
1968 c. xlii.	Newcastle upon Tyne Corporation Act 1968	Sections 43 (1) and 44 (3).

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