

CHAPTER xxxi

An Act to empower the mayor aldermen and burgesses of the county borough of Tynemouth to construct a quay extension to make further provision with reference to the local government of the borough and for other purposes. [14th July 1953.]

WHEREAS the borough of Tynemouth (in the preamble to this Act called "the borough") is a county borough under the local government and management of the mayor aldermen and burgesses of the borough (in the preamble to this Act called "the Corporation"):

And whereas the Corporation are the owners of a fish quay undertaking including quays on the north bank of the river Tyne in the borough together with works and conveniences on the said quays and are authorised to levy and make dues rates and charges in respect thereof:

And whereas it is expedient that the Corporation should be empowered to make and maintain the works authorised by this Act for the purpose of widening and improving the eastern quay and extension jetty (part of their fish quay undertaking) and that the powers contained in this Act should be conferred on the Corporation:

And whereas the Corporation own the Old South Preston or Tynemouth General Burial Ground at Albion Road North Shields which is a disused burial ground and it is expedient that the Corporation should be enabled to develop the land comprised in that disused burial ground and that such provisions as are contained in this Act with respect to the closing and development of that disused burial ground and the removal therefrom of any human remains interred therein be enacted:

And whereas the Corporation own the Church of England chapel which is on consecrated ground in the Preston Cemetery North Shields and it is expedient to provide for the site of the said chapel and an adjacent area being freed from all restrictions which may affect the same by reason of the consecration thereof:

And whereas it is expedient to make further and better provision with regard to the local government of the borough and that the powers of the Corporation with regard thereto should be enlarged as in this Act provided:

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

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

And whereas estimates have been prepared by the Corporation for and in connection with the following purposes and such estimates are as follows:—

	£
The purchase of land	500
The construction of the works authorised by this Act and the works appliances and conveniences in connection therewith	102,000

And whereas the several works included in such estimates are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands which may be acquired under the powers of this Act and a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the town clerk of the borough which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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 (that is to say):—

PART I

PRELIMINARY

1. This Act may be cited as the Tynemouth Corporation Act 1953. Short title.

2. This Act is divided into Parts as follows:— Division of Act into Parts.

Part I.—Preliminary.
Part II.—Lands.
Part III.—Quay extension etc.
Part IV.—Streets.
Part V.—Sanitation and buildings.
Part VI.—Old Preston burial ground.
Part VII.—Finance.
Part VIII.—Miscellaneous.
Part IX.—General.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— Incorporation of Acts.

(*a*) The Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act 1845);

(*b*) The Harbours Docks and Piers Clauses Act 1847 (except sections 6 to 19 23 25 26 50 and 85 to 90):

Provided that for the purposes of this Act the expressions—

(i) " the undertakers " " the promoters of the undertaking " and " the company " in the said Acts shall be construed to mean the Corporation;

(ii) the bonds required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in those sections.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith or by the Public Health Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

(2) In this Act unless the subject or context otherwise requires—

" the Act of 1934 " " the Act of 1939 " and " the Act of 1947 " mean respectively the Tynemouth Corporation Act 1934 the Tynemouth Corporation Act 1939 and the Tynemouth Corporation Act 1947;

PART I —*cont.*

" the Act of 1933 " means the Local Government Act 1933 ;

" the Act of 1936 " means the Public Health Act 1936 ;

" the Act of 1950 " means the Public Utilities Street Works Act 1950 ;

" the borough " means the county borough of Tynemouth ;

" coal industry activities " has the meaning assigned to it by section 63 of the Coal Industry Nationalisation Act 1946 ;

" the commission " means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

" the commissioners " means the Tyne Improvement Commissioners ;

" the Corporation " means the mayor aldermen and burgesses of the borough ;

" the council " means the council of the borough ;

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

" the gas board " means the Northern Gas Board ;

" the general rate fund " means the general rate fund of the borough ;

" the Lands Clauses Acts " means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by this Act ;

" the medical officer of health " means the medical officer of health of the borough ;

" the Minister " means the Minister of Housing and Local Government ;

" the Public Health Acts " means the Public Health Act 1875 and the Acts amending and extending the same prior to the Act of 1936 ;

" the surveyor " means the surveyor of the borough ; and

" the town clerk " means the town clerk of the borough.

PART II

LANDS

Power to take lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter on take and use for and in connection with the construction of the works described in Part III of this Act or for other purposes of this Act such of the lands in the borough delineated on the deposited plans and described in the deposited book of reference as the Corporation may require.

(2) The Corporation may also for and in connection with the construction of the said works enter upon take and use all or any part of the foreshore or bed of the river Tyne and the harbour of the commissioners which is delineated on the deposited plans and described in the deposited book of reference.

(3) The powers granted by this section for the compulsory purchase of lands shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-three.

Correction of errors omissions etc.

6.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the town clerk and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

(4) Any certificate deposited under this section shall be kept by the town clerk with the other documents to which the same relates.

Power to enter for survey and valuation.

7. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Corporation not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land in manner provided by section 285 of the Act of 1936.

PART II —*cont.*

Extinction of private rights of way.

8.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the Corporation so resolve and give notice in writing of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Extinction of rights over certain lands.

9.—(1) (*a*) As from the first day of January one thousand nine hundred and fifty-four all rights enjoyed by the owners or occupiers of lands or premises abutting on the land known as the pleasure ground on the north side of Warkworth Terrace in or over the said pleasure ground shall be extinguished.

(*b*) For the purposes of this section owners or occupiers of premises in Percy Park Road enjoying or claiming to enjoy rights in or over the said pleasure ground shall be deemed to be owners or occupiers of lands or premises abutting thereon.

(2) Any person (being on the said first day of January a person entitled to exercise rights in or over the said pleasure ground) who suffers loss by the extinguishment of any such right under this section and who within a period of three months after the passing of this Act delivers to the Corporation a claim in writing to compensation shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) As from the first day of January one thousand nine hundred and fifty-four the said pleasure ground shall be deemed to be land acquired by the Corporation for the purpose of open spaces and the Corporation may exercise in regard thereto the powers conferred upon them by the Public Health Acts in respect of public parks and pleasure grounds and shall not erect any building on the said land or use the said land for any other purpose except with the consent of the Minister.

(4) Within three months after the final determination of the compensation (if any) payable in respect of any rights extinguished by this section or the date of such extinction (whichever shall be the later) the Corporation shall produce to the Commissioners of Inland Revenue a Queen's Printer's copy

of this Act duly stamped with the ad valorem stamp duty payable upon an instrument (as defined by the Stamp Act 1891) effecting the release upon sale of such rights and in default of any such production as aforesaid the duty with interest thereon at the rate of five per centum per annum from the date of such final determination of the compensation or of such extinction shall be a debt due from the Corporation to Her Majesty.

PART II —*cont.*

PART III

QUAY EXTENSION ETC.

Power to make works.

10. Subject to the provisions of this Act the Corporation may make and maintain in the borough in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections the works hereinafter described (that is to say):—

A widening and improvement of the eastern quay and extension jetty on the south side for a distance of 714 feet commencing at a point on the south-east face of the extension jetty 10 feet or thereabouts north-eastwards of the line of the south-west extremity of the said extension jetty and terminating at the south-west face of the eastern jetty;

together with all necessary and proper piles fenders booms dolphins pontoons caissons staging coffer-dams embankments piers abutments jetties river walls wharves sidings rails junctions signals pipes sewers drains culverts sluices and other apparatus works and conveniences connected therewith.

Limits of deviation.

11.—(1) In the construction of the works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister of Transport Provided also that no such deviation shall be made so as without the consent of the commissioners to cause the works facing the river Tyne to have any projection from the uniform straight or even line thereof except fenders of timber for the protection of vessels thereat.

(2) The Corporation shall not without the consent in writing of the commissioners place or have any works or things except temporarily on any part of the foreshore or bed of the river Tyne to the south of the southern line of the limits of deviation shown on the deposited plans.

PART III —*cont.*

Period for completion of works.

12. If the works authorised by this Part of this Act and shown on the deposited plans and sections are not completed within ten years from the passing of this Act or such extended time as the Minister of Transport may upon the application of the Corporation allow then on the expiration of that period or such extended period (as the case may be) the powers by this Act granted to the Corporation for the making thereof shall cease except as to such of them or so much thereof respectively as shall then be completed Provided that the Corporation may at any time and from time to time within the limits of deviation shown on the deposited plans relating to the said works make and maintain all such extensions improvements and enlargements of those works as they find requisite.

Works affecting river Tyne.

13. Subject to the provisions of this Act the Corporation may construct place and maintain in the river Tyne and the bed banks shores and channels thereof such of the works authorised by this Part of this Act as the Corporation may deem expedient or necessary.

Works below high-water mark to be subject to approval of Minister of Transport.

14.—(1) Subject to the provisions of this Act any work authorised by this Part of this Act shall be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister of Transport and subject to such restrictions and regulations as that Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister of Transport may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt.

Survey of works by Minister of Transport.

15. If at any time the Minister of Transport deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Part of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable

either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt. PART III —*cont.*

Lights on works during construction.

16.—(1) The Corporation shall at or near such part of the works by this Part of this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister of Transport and the commissioners or as (failing agreement between the Minister of Transport and the commissioners) the Minister of Transport shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

Works to be within parish and borough of Tynemouth.

17. So much of any work authorised by this Part of this Act as shall be constructed upon the foreshore and bed of the river Tyne and is not included in any parish shall on and after the completion thereof be deemed to be for all purposes within the parish and borough of Tynemouth.

Works to form part of fish quay undertaking.

18.—(1) The works authorised by this Part of this Act shall for all purposes be deemed to form part of the fish quay undertaking of the Corporation.

(2) The Corporation may and shall be deemed always to have had the power to maintain the quays and other works buildings and properties forming part of the fish quay undertaking as from time to time existing of the Corporation.

(3) Nothing in this Act or in any byelaws at any time made by the Corporation under the powers conferred upon them by this Part of this Act or any Act incorporated for the purposes of such Part shall in any way affect or lessen or interfere with the powers of the harbour-master for the time being of the commissioners and such powers may be exercised in the same manner and to the same extent as if this Act and the said byelaws had not been passed or made.

(4) The Corporation shall indemnify the commissioners against the consequence of any act or omission order or direction of any quay-master under any Act applicable to the fish quay undertaking and of any other person acting under the said byelaws.

PART III —*cont.*

Abatement of work abandoned or decayed.

19.—(1) Where any work constructed by the Corporation under the powers of this Part of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of Transport or the commissioners may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister of Transport or the commissioners may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister of Transport or the commissioners may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date on which notice is served upon the Corporation they have failed to comply with such notice the Minister of Transport or the commissioners may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall if incurred by the Minister of Transport be recoverable as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt or if incurred by the commissioners be recoverable as a debt due to them or if the amount does not exceed twenty pounds summarily.

For protection of Tyne Improvement Commissioners.

20. The following provisions for the protection of the commissioners shall unless otherwise agreed in writing between the Corporation and the commissioners have effect in relation to the works authorised by section 10 (Power to make works) of this Act:—

(1) The widening and improvement of the eastern quay and extension jetty shall be so carried out as to admit of the ground or bed of the river Tyne being removed from time to time by dredging or otherwise to a depth alongside the eastern quay and extension jetty of not less than twenty feet below low-water mark of ordinary spring tides and of not less than thirty-five feet below low water as aforesaid at a distance of seventy feet from the eastern quay and extension jetty:

PART III —*cont.*

(2) The Corporation shall before beginning any work or works temporary or permanent affecting any part of the tidal area of the river Tyne submit to the commissioners for their approval and deliver to the commissioners for their use plans and sections thereof in duplicate and unless the commissioners fail to signify in writing their approval or disapproval of such plans and sections within two months after the receipt thereof the said works shall not be begun until the commissioners shall have expressed in writing their approval of such plans and sections or the same shall have been approved by a single arbitrator to be appointed in case of difference by the Minister of Transport:

(3) All the aforesaid works shall be carried out by the Corporation to the reasonable satisfaction of the commissioners and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe navigation of the river Tyne:

(4) All material excavated from the bed or foreshore of the river Tyne during the execution of the works shall be carefully removed by and at the expense of the Corporation and shall not be allowed to fall or to be washed into the river Tyne:

(5) If any difference shall arise between the Corporation and the commissioners touching anything hereinbefore contained in this section or anything to be done or not to be done under the preceding part of this section such difference shall be settled by a single arbitrator to be appointed (unless otherwise agreed on) by the Minister of Transport on the application of either party:

(6) If there shall be any inconsistency between any plans and sections approved by the commissioners or settled by arbitration under this section and the plans and sections approved by the Minister of Transport under section 14 (Works below high-water mark to be subject to approval of Minister of Transport) of this Act the works shall be executed in accordance with the plans and sections so approved by the Minister of Transport:

(7) The Corporation shall allow the commissioners' engineer or his authorised representative to inspect and survey all or any of the aforesaid works while in course of construction and shall give all reasonable facilities for so doing:

(8) All responsibility in connection with the aforesaid works whether of construction or maintenance or other

PART III —*cont.*

damages occasioned thereby shall as between the commissioners and the Corporation be and remain with the Corporation.

Crown rights.

21. Nothing in this Part of this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of the Commissioners of Crown Lands on behalf of Her Majesty first had and obtained for that purpose.

As to works below high-water mark.

22. Nothing in this Part of this Act shall authorise the Corporation to have and maintain permanently any structure below high-water mark of ordinary spring tides the removal of which by the Corporation the commissioners would but for the passing of this Act have had power to require.

Saving rights of corporation of Newcastle upon Tyne.

23. Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice alter or affect any of the estates lands property and effects of the lord mayor aldermen and citizens of the city and county of Newcastle upon Tyne or any of the tolls rates dues duties issues profits or other income whatsoever of or payable to that corporation or any of the powers authorities franchises customs usages immunities rights or privileges of that corporation.

Revision of rates.

24.—(1) If it is represented by application in writing to the Minister of Transport—

(*a*) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or

(*b*) by any person who in the opinion of that Minister is a proper person to make an application ; or

(*c*) by the Corporation ;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister of Transport if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister of Transport made in pursuance of this subsection.

PART III —*cont.*

(2) An application made to the Minister of Transport under subsection (1) of this section shall be accompanied by such information and particulars as that Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section for an increase or a decrease of the authorised rates or any of them an order has been made or the Minister of Transport has decided not to make an order no further application for an increase or a decrease (as the case may be) of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister of Transport shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Corporation where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Corporation or by any such body or person as aforesaid and is not withdrawn the Minister of Transport unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister of Transport shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Corporation from the fish quays being insufficient or more than sufficient to enable the Corporation with efficient management of the fish quays to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the fish quays including interest on loan capital (regard being had by him to any capital which the Corporation may reasonably be expected to expend) making good depreciation providing for any contributions which the Corporation may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue:

Provided that in any case where the Minister of Transport is satisfied that there are special circumstances affecting the fish quays taking into account the financial position in relation to the fish quays during such period preceding the date on which an application is made under subsection (1) of this section as the Minister of Transport considers to be appropriate that Minister may revise the authorised rates in such manner as he

PART III —*cont.*

thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Corporation from the fish quays being insufficient to enable the Corporation to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum rates which the Corporation were authorised to levy demand and recover under or by virtue of the Tynemouth Corporation Act 1910 as amended by the Tynemouth Corporation Act 1924.

(7) In this section the expression "authorised rates" means the dues rates and charges in connection with the fish quays as from time to time existing of the Corporation which the Corporation are for the time being authorised to levy demand and recover and the expression "fish quays" means the fish quay eastern quay and extension jetty eastern jetty fish landing place and union quay and the western extension and includes the landing steps and beach and foreshore for the time being belonging to the Corporation.

(8) The power of the Minister of Transport to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

PART IV

STREETS

Trees grass verges and gardens.

25.—(1) Subject to the provisions of this section the Corporation shall have power—

(*a*) to plant trees or shrubs in any street in the borough or in tubs placed by them for the purpose in any such street;

(*b*) to lay out grass verges or gardens in any such street;

(*c*) to erect and maintain guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs grass verges or gardens;

(*d*) to cut down any such tree or shrub to remove any such tub and to abolish any such grass verge or garden or enlarge or diminish the area thereof;

(*e*) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

PART IV —*cont.*

(2) Any such notice as is referred to in paragraph (*e*) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(3) Subject to the provisions of this subsection the powers conferred by this section shall not be exercisable except in a street maintainable by and vested in the Corporation or upon land so vested which forms part of a street:

Provided that when carrying out in any street or any part thereof any works under section 150 of the Public Health Act 1875 the Corporation may exercise any such power in the street or that part thereof with the consent of the majority in number and rateable value of the owners of land abutting on the street or that part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

(4) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

(5) Section 1 of the Roads Improvement Act 1925 shall cease to apply to roads maintainable by the Corporation and anything done by the Corporation under that section with respect to such roads before the passing of this Act shall be deemed to have been done under this section.

(6) Nothing in this section shall affect the duty of the Corporation to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

(7) Section 26 (Planting of trees in private streets) of the Act of 1947 is hereby repealed and anything done by the Corporation under that section before the passing of this Act shall be deemed to have been done under this section.

Damage to trees etc. on highways and in open spaces.

26.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway or in any open space to which the public have access within the borough—

(*a*) remove or cut any turf; or

(*b*) pluck any bud blossom flower or leaf of any tree shrub or plant or remove cut or displace any plant if the tree shrub or plant has been planted by the person having control of the highway or open space for the purpose of improving the amenities thereof and a notice stating the effect of this paragraph is conspicuously placed in the neighbourhood of the tree shrub or plant.

PART IV —*cont.*

(2) Any person offending against this section shall be liable to a penalty not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

(3) Nothing in this section shall—

(*a*) apply to any open space vested in or under the control of the Corporation a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty ; or

(*b*) affect any right of any persons authorised by any enactment to open or break up any street or road or any land for the purpose of laying making altering repairing or renewing any main pipe sluice weir sewer electric line duct substation transformer station street-box drain tramway or trolley vehicle equipment or other apparatus.

Variation of width of carriageways and footways.

27.—(1) Subject to the provisions of this section the Corporation may vary the relative widths of the carriageway and footway or footways in any street in the borough being a highway repairable by the inhabitants at large.

(2) The Corporation shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport.

(3) At least twenty-one days before commencing any work under this section which will materially reduce the width of the carriageway or any footway of a classified road the Corporation shall send notice of the proposed work to the Minister of Transport.

(4) The Corporation shall not exercise the powers of this section in relation to so much of any street as is situate upon a bridge over any railway canal or inland navigation or upon the approaches to any such bridge without the consent in writing of the railway canal dock harbour or inland navigation undertakers concerned :

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

Forecourts injurious to amenities of street.

28.—(1) If the council by resolution determine that any stall or other erection on any forecourt in the borough is by reason of its character injurious to the amenities of the street on which the forecourt abuts the Corporation may by notice require the owner or occupier of the forecourt either to make such alterations

PART IV —*cont.*

in the stall or erection as may be necessary to prevent it from being injurious to the amenities of the street or if he so elects to remove it.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) In this section the expression " erection " does not include an advertisement to which regulations made under section 31 of the Town and Country Planning Act 1947 for the time being apply.

Public seats on roadside waste.

29. The places in which seats for the use of the public may be erected and maintained in the borough under section 14 of the Public Health Act 1925 shall include any roadside waste whether a public place or not.

Attachment of street lamps brackets etc.

30.—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps brackets pipes electric lines and apparatus (in this section called " attachments ") as may be required for the purposes of street lighting.

(2) The Corporation shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or disallow the attachments.

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the Corporation any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may require the

PART IV —*cont.*

Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of any building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section the following expressions have the meanings hereby assigned to them:—

"appropriate authority" means a court of summary jurisdiction except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.	The Minister of Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Town and Country Planning Act 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest.	The Minister.
Building owned by a highway authority or railway canal dock harbour or inland navigation undertakers.	The Minister of Transport.
Building owned by electricity or gas undertakers.	The Minister of Fuel and Power.
Building owned by statutory water undertakers.	The Minister.

"building" includes a structure and a bridge or aqueduct over a street;

"owner" means—

(*a*) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired and not forming part of such an aerodrome as aforesaid the occupier of the building;

PART IV —*cont.*

(*b*) in relation to a building forming part of such an aerodrome as aforesaid the person having control of the aerodrome;

(*c*) in relation to any other building the person who is receiving the rack-rent or who would receive the rack-rent if the building were let at a rack-rent;

and the expression "owned" shall be construed accordingly.

(7) The provisions of section 290 of the Act of 1933 shall apply to the determination by any Minister of any question to be determined by him under this section.

Application of building line to walls etc.

31.—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in the borough any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding five pounds.

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected as mentioned in subsection (1) of this section for the purpose of the construction alteration repair or maintenance of any building or works:

Provided that if any such temporary structure is not removed when the construction alteration repair or maintenance of the building or works is completed the person who erected the structure shall be liable to a penalty not exceeding five pounds.

(4) Where any person is convicted of an offence under any of the foregoing provisions of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove the structure or if he so elects to set it back or alter it so that it no longer contravenes the provisions of subsection (1) of this section and if he fails to comply with the order—

(*a*) he shall be liable to a penalty not exceeding twenty shillings for each day on which the failure continues; and

(*b*) the Corporation after giving him notice of their intention so to do may remove the structure and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a penalty for any day after that on which the Corporation have given him notice of their intention to remove the structure.

PART IV —*cont.*

(5) Where after the expiration of five years from the passing of this Act there is on any site in the borough a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

(*a*) the Corporation may by notice stating the effect of paragraphs (*b*) and (*c*) of this subsection require the owner or occupier of the site to remove set back or alter the structure within such time (not being less than seven days) as may be specified in the notice so that it will comply with those provisions;

(*b*) if the owner or occupier complies with the said notice the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing;

(*c*) if the owner or occupier fails to comply with the said notice the Corporation at their own expense may remove the structure but shall if he so requires re-erect it so as not to contravene the said provisions.

(6) In this section the expression "building line" in relation to any land means—

(*a*) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(*b*) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 140 of the Housing Act 1936; or

(*c*) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Corporation) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

(7) The provisions of this section shall not apply to any wall erected on land belonging to any railway dock harbour canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purposes of their railway dock harbour canal or inland navigation undertaking.

Retaining walls.

32.—(1) In this section the expression "retaining wall" means a wall which—

(*a*) serves or is intended to serve as a support for earth or other material on one side only; and

PART IV —*cont.*

(*b*) does not form part of a permanent building;

and this section applies to any length of a retaining wall being a length—

(i) any cross-section whereof is wholly or partly within twelve feet of a street in the borough; and

(ii) which is at any point of a greater height than six feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans sections and specifications approved by the Corporation and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a penalty not exceeding five pounds.

(3) Any person aggrieved by the refusal of the Corporation to approve any plans sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a court of summary jurisdiction.

(4) If any length of a retaining wall to which this section applies—

(*a*) is in such disrepair as to be liable to endanger persons using the street; or

(*b*) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent it being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to—

(*a*) a retaining wall erected by the Minister of Transport on a trunk road; or

(*b*) a length of a wall erected on land belonging to any railway dock harbour canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway dock harbour canal or inland navigation undertaking.

Means of access to buildings.

33.—(1) Where the plans of any new building intended or adapted for use as a house have been deposited with the Corporation in pursuance of building byelaws they may by notice prohibit either the erection of the building or the sale

PART IV —*cont.*

letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a street which either is a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with street byelaws.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

(*a*) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936; or

(*b*) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

(3) If it appears to the Corporation to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Fencing and lighting of obstructions in highways.

34.—(1) Where in any highway in the borough repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of the erection thereon or thereover of any hoarding or scaffolding or the deposit thereon or therein of any material or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression "defective fitting or structure") the surveyor may cause proper boards or fences to be put up for the protection of passengers or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

(2) Any expenses reasonably incurred by the Corporation in erecting or removing any such board or fence or in lighting any such hoarding scaffolding board or fence shall be recoverable

PART IV —*cont.*

from the owner of such hoarding scaffolding or material or of the defective fitting or structure or from the person or persons responsible for the erection of the hoarding or structure or for the deposit of the material on over or in the highway or for the condition of the defective fitting or structure.

(3) The provisions of this section shall not apply in cases where there is a duty to secure the observance of the requirements of paragraphs (*a*) to (*e*) of subsection (1) of section 8 of the Act of 1950.

Mixing of mortar etc. in streets.

35.—(1) No person shall in the borough mix mortar cement plaster or any like substance in any street repairable by the inhabitants at large except upon such board or in such receptacle as will protect the street from such mortar cement plaster or substance:

Provided that this section shall not apply to the mixing in any street of mortar cement plaster or like substance for the purposes of making up maintaining repairing altering or improving such street.

(2) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Crossings over footways.

36.—(1) Where the owner or occupier of any premises in the borough which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the Corporation may by notice to the owner or occupier as the case may be either—

(*a*) require the construction across the grass verge or footway of a carriage-crossing constructed of such materials and in such manner as may be specified in the notice; or

(*b*) in the case of a footway require it to be strengthened or adapted in such manner as may be so specified; or

(*c*) impose such other reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as may be so specified:

Provided that—

(i) the Corporation shall not exercise the powers of this subsection in relation to the grass verge or footway of a trunk road without the consent of the Minister of Transport or otherwise than in accordance with any conditions attached by him to his consent; and

(ii) this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Town and Country Planning Act 1947.

PART IV —*cont.*

(2) Any person aggrieved by a requirement of or a condition imposed by the Corporation under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If the Corporation make any requirement under paragraph (*a*) or paragraph (*b*) of subsection (1) of this section they may but no other person shall execute such works as may be necessary to secure compliance with that requirement and may recover the expenses of so doing from the owner or occupier.

(4) If the Corporation impose any condition under paragraph (*c*) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement made under this section.

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall not be declared to be in force in the borough and the following provisions of this subsection shall have effect in lieu thereof as respects streets in the borough which are repairable by the inhabitants at large:—

(*a*) Any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the Corporation giving particulars of the work proposed;

(*b*) The Corporation may approve the work proposed either with or without modifications or propose alternative work or reject the application:

Provided that the Corporation shall not exercise the powers conferred by this paragraph as respects the grass verge or footway of a trunk road without the consent of the Minister of Transport;

(*c*) The Corporation shall give the applicant notice of their decision under the foregoing paragraph and if they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;

(*d*) The applicant may deposit with the Corporation the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work;

PART IV —*cont.*

(*e*) As soon as practicable after such a deposit has been made the Corporation shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the Corporation by or to the applicant as the case may require.

(7) The code in Part II of the Act of 1950 (which relates to cases where apparatus is affected by road works) shall have effect as if the works approved proposed or required by this section were mentioned in paragraph (*a*) of subsection (1) of section 21 of the said Act.

Maintenance of footpaths etc.

37.—(1) The owner of every house fronting adjoining or abutting on a highway in the borough which is not repairable by the inhabitants at large shall maintain the footpath on the frontage of such house and the approach to such house from the highway (exclusive of so much of such footpath or approach as passes through the garden of or through any land within the curtilage of such house) in accordance with the reasonable requirements of the Corporation.

(2) Any person aggrieved by a requirement of the Corporation under this section may appeal to a court of summary jurisdiction.

(3) Any person who contravenes the provisions of this section after the expiration of a period of twenty-eight days (or such longer period as may be allowed by the Corporation) from the receipt of notice from the Corporation shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

PART V

SANITATION AND BUILDINGS

Abandoned drains to be cut off.

38.—(1) Where after the passing of this Act any person shall—

(*a*) reconstruct any drain in the borough which communicates with any sewer or other drain ;

(*b*) lay such drain in a new position ; or

(*c*) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain ;

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end.

(2) Any person who knowingly contravenes the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART V —*cont.*

Power to cleanse drains etc.

39. The Corporation may on the application of the owner or occupier of any premises in the borough undertake the cleansing of any drains water-closets sinks or gullies in or connected with the premises and may make such charge if any for so doing as they think fit.

Recovery of cost of maintaining sewers.

40. Section 24 (Power of local authority to recover cost of maintaining certain lengths of public sewers) of the Act of 1936 shall within the borough have effect as if the following were substituted for the proviso to subsection (1) of that section:—

"Provided that unless in the opinion of the medical officer of health or the sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice."

Provision of bathrooms.

41.—(1) Where plans of a house are in accordance with building byelaws deposited with the Corporation the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath.

(2) If the Corporation reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been rejected on account of such non-conformity.

Ruinous and dilapidated buildings and neglected sites.

42.—(1) Paragraphs (*b*) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building or part of a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof within a reasonable time specified in the notice—

(*a*) to execute such works of repair or restoration ; or

(*b*) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary for remedying the cause of complaint.

PART V —*cont.*

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in the borough is lying on the site of the building or that part thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the Corporation under this section.

(6) In this section the expression "building" includes any structure.

(7) The provisions of this section shall not apply to any part of the river Tyne within the jurisdiction of the commissioners below high-water mark of ordinary spring tides and situate in the borough.

(8) Section 34 (As to neglected sites) of the Act of 1939 is hereby repealed.

Recovery of expenses of watching dangerous and dilapidated buildings.

43.—(1) Where it appears to the Corporation that any building in the borough or any part of such building is in such a condition as to be dangerous to persons in such building or any adjoining premises or using any street upon which such building abuts the Corporation may until either—

(*a*) the building shall have been taken down secured or repaired in pursuance of section 75 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875; or

(*b*) any order made by a court of summary jurisdiction under section 58 of the Act of 1936 in respect of such building shall have been complied with or executed;

employ and pay watchmen and do all such other acts as may be necessary to watch such building and may recover the expenses reasonably incurred by them in so doing from the owner of the building:

Provided that the Corporation shall forthwith give to the owner of any building notice that they propose to employ and pay watchmen or to do any other act in the exercise of the powers of this section to watch such building.

PART V —*cont.*

(2) In this section the expression "building" includes any structure.

Expenses of executing demolition order to be a charge on property.

44.—(1) Any expenses incurred by the Corporation under subsection (1) of section 13 (Procedure where demolition order made) or subsection (3) of section 26 (Clearance orders) of the Housing Act 1936 in respect of which judgment has been obtained under subsection (4) of the said section 13 together with any costs allowed by the court and interest accrued thereon shall until recovered be a charge on the premises in respect of which the expenses were incurred and on all estates and interests therein.

(2) The Corporation shall for the purpose of enforcing a charge under this section have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver.

Height of new chimneys.

45.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Corporation and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the Corporation shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

(*a*) the purpose of the chimney;

(*b*) the position and description of buildings near thereto;

(*c*) the levels of the neighbouring ground; and

(*d*) any other matters requiring consideration in the circumstances.

(2) If the Corporation reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power or to a chimney of any works of the gas board for the manufacture of gas.

Separate approach for separate tenements.

46.—(1) The powers of the Corporation under section 6 of the Housing Act 1936 shall include power to make byelaws for requiring in the case of houses let in lodgings or occupied by members of more than one family a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

PART V —*cont.*

(2) No byelaw made in pursuance of the powers conferred by this section shall impose any requirement on the owner of a house which without his express consent is let in lodgings or for occupation by more than one family.

PART VI

OLD PRESTON BURIAL GROUND

Power to use certain land for building or other purposes.

47. Notwithstanding anything contained in any enactment or in any agreement conditions of gift or other instrument but subject to the provisions of this Act it shall be lawful for the Corporation to use deal with or dispose of the Old South Preston or Tynemouth General Burial Ground in Albion Road North Shields in the borough (hereinafter in this Part of this Act called " the burial ground ") for building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the purpose of burial of human remains and as if the burial ground were land acquired by the Corporation under the powers of section 60 (Further powers for acquisition of land) of the Act of 1934.

Removal of human remains from burial ground.

48.—(1) Before erecting or causing to be erected any building on the burial ground the Corporation shall remove or cause to be removed therefrom the remains of all deceased persons interred therein.

(2) Before proceeding to remove any such remains the Corporation shall publish in one or more local newspapers circulating in the borough a notice of intention so to do at least once during each of two successive weeks with an interval between each publication of at least six days and display a like notice in a conspicuous place in the burial ground and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person in respect of whose remains the Corporation have published a notice under subsection (2) of this section may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the parish.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined

PART VI —*cont.*

on the application of either party in a summary manner by the North Shields county court and such county court shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same or (as the case may be) the person specified in any order made under subsection (4) of this section shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be interred in a burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose but in case of a churchyard only with the previous consent of the incumbent of the parish.

(7) All memorial stones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and replaced at the place of re-interment of such remains or at such place as the said county court may direct subject in the case of a churchyard to the approval of the incumbent of the parish in which such churchyard is situate on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such memorial stones and of their situation when replaced showing the particulars respecting each memorial stone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) Any jurisdiction or power conferred on the North Shields county court by this section may be exercised by the registrar of the court.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health.

Deposit of objects of interest.

49. All objects of geological or antiquarian interest discovered on or under the burial ground during the execution of any works therein by the Corporation shall subject to the rights of the Crown and except so far as they may be the property of any other person be carefully preserved by the Corporation.

PART VII

FINANCE

Power to borrow.

50.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and the Corporation shall pay off all moneys so borrowed within such periods as they may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose	Amount	Period for repayment
	£	
(*a*) The purchase of land	500	Sixty years from the date or dates of borrowing.
(*b*) The construction of the works authorised by this Act and the works appliances and conveniences in connection therewith.	102,000	Forty years from the date or dates of borrowing.
(*c*) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed by this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

Saving for powers of Treasury.

51. It shall not be lawful to exercise the powers of borrowing conferred by this Act (except the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Insurance fund.

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

PART VII —*cont.*

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

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(*a*) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks ; or

(*b*) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sums as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Corporation may (if they think fit) discontinue the yearly payments to the fund but if the fund be at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the revenue of the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Corporation which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

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

(*b*) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the insurance fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

PART VII —*cont.*

(*c*) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

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

(*b*) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(8) In this section the expression "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation and the expression "statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by the council of any county or county district or by any authority being a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities rentcharges or securities transferable by delivery.

Scheme for equated periods.

53.—(1) The Corporation may at any time and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1933 in regard to the

PART VII —*cont.*

borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this section may be extended amended or annulled by schemes prepared and confirmed in like manner as the original scheme.

Power to charge in respect of establishment expenses.

54. Whenever under any public general Act from time to time in force in the borough (other than the Act of 1936) or under any local enactment the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

PART VIII

MISCELLANEOUS

Chapel freed from consequences of consecration.

55.—(1) The chapel shall by virtue of this Act be free from the act or consequences of the consecration thereof and from all trusts uses obligations disabilities and restrictions whatsoever attributable to such consecration heretofore attaching thereto under ecclesiastical law.

PART VIII —*cont.*

(2) In this section " the chapel " means the Church of England chapel and ancillary buildings in Preston Cemetery North Shields in the borough together with the land comprising the paths and shrubberies surrounding such chapel.

Extension of power to maintain burial grounds.

56.—(1) The powers of the Corporation in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to put and keep in order any grave or tombstone therein and to remove the kerbs surrounding any grave therein subject to the following provisions:—

(*a*) Before exercising the powers of this section the Corporation shall give notice of their intention so to do—

(i) by publishing the notice once in each of two successive weeks in a local newspaper circulating in the borough with an interval between each publication of not less than six clear days; and

(ii) by displaying the notice in a conspicuous position in the burial ground;

(*b*) Any such notice shall—

(i) contain a description of the works intended to be executed; and

(ii) specify the date on which it is intended that those works will be commenced which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid; and

(iii) state the effect of paragraph (*c*) of this subsection;

(*c*) If notice of objection to the execution of any such works and of the ground thereof is given to the Corporation before the date so specified and is not withdrawn before the expiration of fourteen days from that date the works to which the objection relates shall not be executed without the consent of the Minister.

(2) All kerbs and any movable memorials and vases removed by the Corporation under the powers of this section shall remain the property of the owner of the grave from which they have been removed and if such owner does not claim them within a period of three months after the first publication of the advertisement referred to in subsection (1) of this section the Corporation may put the kerbs movable memorials and vases to such use as they may deem appropriate or they may destroy them.

PART VIII —*cont.*

(3) Where any kerbs constitute a memorial the Corporation shall after consultation with any known next-of-kin at their own expense in substitution therefor erect a memorial stone of a value not exceeding twenty-five pounds at the head of the grave.

(4) The Corporation shall cause to be made a record of any kerb surrounding a grave and any movable memorial or vase removed under the powers of this section showing the particulars respecting each kerb and any movable memorial or vase so removed as a separate entry and a copy of such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(5) In the exercise of the powers conferred by this section the Corporation shall not level any grave or remove any kerb surrounding a grave in a closed churchyard unless the sanction of a licence or faculty from the consistory court of the diocese in which the churchyard is situate is first obtained and where in the case of any such churchyard such licence or faculty has been obtained the requirements of paragraphs (*a*) (*b*) and (*c*) of subsection (1) of this section shall not apply.

(6) In this section—

the expression " burial ground " includes a cemetery ;

the expression " grave " includes a grave space ;

the expression " tombstone " includes a monument or other memorial of a deceased person.

(7) Section 59 (As to maintenance of cemeteries &c.) of the Act of 1939 is hereby repealed.

Byelaws as to meat for feeding animals.

57.—(1) The Corporation may make byelaws—

(*a*) requiring the sterilisation in such manner as may be prescribed by the byelaws of animal feeding meat exposed or offered for sale for consumption by dogs cats or other animals ;

(*b*) prohibiting the sale or offer or exposure for sale of animal feeding meat for consumption by dogs cats or other animals unless such meat has been so sterilised ;

(*c*) empowering an authorised officer to examine any animal feeding meat which is offered or exposed for sale for consumption by dogs cats or other animals and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid :

PART VIII —*cont.*

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is supplied to a zoological garden or to a menagerie for consumption by carnivorous animals and which has been examined and passed as fit for animal food by an authorised officer.

(2) In this section the following expressions have the meanings hereby respectively assigned to them:—

"authorised officer" means any officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act; and

"animal feeding meat" means any flesh of cattle horses asses mules swine sheep or goats which is not sold or intended for sale for human consumption and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance; and

"flesh" includes any part of an animal.

Provisions as to motor vehicles let for hire.

58. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire in the borough notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a trolley vehicle or a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

PART VIII —*cont.*

Tipping of spoil and refuse.

59.—(1) The Corporation may make byelaws—

(*a*) for regulating the tipping of spoil and refuse in the borough ; and

(*b*) for prohibiting the use of any spoil or refuse tip in the borough so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

(2) Byelaws made by virtue of this section may—

(*a*) contain provisions for imposing on persons offending against the byelaws penalties not exceeding fifty pounds for each offence and in the case of a continuing offence a daily penalty not exceeding ten pounds ;

(*b*) provide that any spoil or refuse tip placed kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulate or control the tipping of spoil or refuse by railway canal dock harbour or inland navigation undertakers for the purpose of constructing widening or maintaining any railway canal inland navigation dock harbour or wharf works or by the Northumberland and Tyneside River Board for the purpose of land drainage or flood alleviation.

(4) No byelaw under this section shall extend to regulate or control any dust spoil or refuse tip used for or in connection with coal industry activities.

False statements to obtain accommodation rent rebate etc.

60.—(1) If any person for the purpose of obtaining for himself or any other person the occupation of any house belonging to the Corporation or a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any payment due to the Corporation under the Education Acts 1944 to 1948 or any regulations made thereunder—

(*a*) knowingly makes to the Corporation or any of their employees a false statement or false representation relating to his or that other person's need for accommodation or ability to pay the rent or make the payment ; or

(*b*) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular ;

he shall be liable on summary conviction to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such penalty and imprisonment.

PART VIII —*cont.*

(2) If any person is convicted of an offence under this section the court may order him to pay to the Corporation the amount of the rebate or reduction so obtained or (as the case may be) may terminate the tenancy of the house.

Offences in respect of telephone boxes fire hydrants etc.

61.—(1) If any person wilfully and without the consent of the Corporation—

(*a*) obstructs the access to any police telephone call box or installation provided by the Corporation or any shelter or box so provided for the use of police constables ; or

(*b*) removes obliterates alters defaces or obscures any plate or mark provided by the Corporation for indicating the position of any such call box installation shelter or box or the position of any fire hydrant ;

he shall be liable to a penalty not exceeding five pounds and the Corporation may recover from him the expenses of removing the obstruction or replacing or making good the plate or mark.

(2) If any person —

(*a*) telephones or causes to be telephoned from any such call box any statement which he knows to be false ; or

(*b*) for the purpose of requiring the services of the police or an ambulance telephones or causes to be telephoned any such statement from a telephone call box provided in the borough by the Postmaster-General ;

he shall be liable to a penalty not exceeding five pounds.

Interference with refuse bins etc.

62. Any person who shall wilfully remove or otherwise interfere with—

(*a*) any dustbin refuse bin or street orderly bin or other receptacle for the temporary deposit or collection of refuse dust ashes or rubbish ; or

(*b*) any street sand bin ;

belonging to the Corporation shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

Derelict petrol tanks.

63.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises within the borough the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such container.

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used

PART VIII —*cont.*

for the storage of petroleum spirit and is no longer used for that purpose to show him such container and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) Any person failing to comply after due warning with the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the same meaning as in the Petroleum (Consolidation) Act 1928.

Summary recovery of damages for negligence.

64. Any compensation recoverable by the Corporation for damage caused by negligence to any lamp or lamp-post belonging to them or any apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

PART IX

GENERAL

Confirming authority for byelaws.

65. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under section 57 (Byelaws as to meat for feeding animals) of this Act the confirming authority shall be the Minister of Food and in the case of byelaws made under section 83 of the Harbour Docks and Piers Clauses Act 1847 the confirming authority shall be the Minister of Transport.

Appointed day.

66.—(1) For the purposes of this Act the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

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

(*b*) of the general effect of the provisions of this Act coming into operation as from that date;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

PART IX —*cont.*

(4) Either—

(*a*) a copy of any such newspaper containing any such notice; or

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

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

(*b*) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 68 (Appeals) of this Act.

Restriction on right to prosecute.

67. Proceedings in respect of an offence created by or under this Act other than offences created by or under Part III (Quay extension etc.) or section 58 (Provisions as to motor vehicles let for hire) of this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

68.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a court of summary jurisdiction under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Corporation 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 any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time;

PART IX —*cont.*

then until the time for appealing has expired or when an appeal is lodged until the appeal 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 take the action nor shall the Corporation themselves execute the work or take the action; and

(ii) that person may carry on that business and use those premises for that purpose.

Inquiries by Ministers.

69. The Minister the Minister of Transport the Secretary of State the Minister of Food and the Minister of Civil Aviation may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Application of provisions of Act of 1936.

70. The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 271 (Interpretation of "provide");

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 276 (Power of local authority to sell certain materials);

Section 277 (Power of councils to require information as to ownership of premises);

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

Section 289 (Power to require occupier to permit works to be executed by owner);

Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Section 293 (Recovery of expenses &c.);

Section 294 (Limitation of liability of certain owners);

Section 295 (Power of local authority to grant charging orders);

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Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint &c.);

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative);

Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that except as in this Act otherwise provided the said sections (except section 328) shall only apply to the provisions contained in Part IV (Streets) Part V (Sanitation and buildings) and (so far as they may be applicable thereto) to the provisions contained in Part VIII (Miscellaneous) of this Act.

Saving for town and country planning.

71. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

For protection of gas board.

72. For the protection of the gas board the following provisions shall unless otherwise agreed in writing between the Corporation and the gas board apply and have effect:—

(1) In this section "apparatus" means mains pipes and other works and apparatus belonging to or maintained by the gas board and includes any structure constructed for lodging apparatus therein:

(2) The Corporation shall so exercise the powers of section 25 (Trees grass verges and gardens) of this Act as not to cause any damage to or so far as reasonably practicable to render less convenient the access to any apparatus and nothing in paragraph (*e*) of subsection (1) of that section shall affect the rights of the gas board with respect to any apparatus in any such verge or garden as is referred to in that paragraph:

Provided that in exercising such rights the gas board shall not cause or permit except in case of necessity horses or vehicles to enter upon any verge which is maintained in an ornamental condition or mown or any garden:

(3) No byelaw under section 59 (Tipping of spoil and refuse) of this Act shall extend to regulate or control the tipping of spoil or refuse by the gas board on any operational lands within the meaning of the Town and Country Planning Act 1947 of the gas board.

PART IX —*cont.*

For protection of North Eastern Electricity Board.

73. Notwithstanding anything contained in this Act the following provisions for the protection of the North Eastern Electricity Board (in this section referred to as "the board") shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) In this section—

"apparatus" means electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the board; and

"in" in a context referring to apparatus includes under over across along or upon:

(2) Nothing contained in paragraph (*e*) of subsection (1) of section 25 (Trees grass verges and gardens) of this Act shall affect the rights of the board with respect to any apparatus in any such verge or garden as is referred to in that paragraph:

Provided that in exercising such rights the board shall not cause or permit except in case of necessity horses or vehicles to enter upon any verge which is maintained in an ornamental condition or mown or any garden:

(3) The Corporation shall so exercise the powers of the following sections of this Act:—

Section 25 (Trees grass verges and gardens);

Section 29 (Public seats on roadside waste);

Section 30 (Attachment of street lamps brackets etc.);

as not to cause damage to or obstruct or render less convenient the access to any apparatus:

(4) The provisions of section 31 (Application of building line to walls etc.) of this Act shall not apply to land belonging to the board so long as that land is used by the board for the purposes of their undertaking:

(5) The provisions of section 32 (Retaining walls) shall not apply to a wall or a length of a wall erected or to be erected on land belonging to the board so long as that land is used by the board for the purposes of their undertaking:

(6) (*a*) Any difference which may arise between the Corporation and the board under this section shall be referred to and determined by a single arbitrator to be

PART IX —*cont.*

appointed by agreement between the parties or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other:

(*b*) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Costs of Act.

74. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Stamp Act 1891	54 & 55 Vict. c. 39.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Tynemouth Corporation Act 1910	10 Edw. 7 & 1 Geo. 5 c. xxv.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Tynemouth Corporation Act 1924	14 & 15 Geo. 5 c. xcix.
Law of Property Act 1925	15 & 16 Geo. 5 c. 20.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Law of Property (Amendment) Act 1926 ...	16 & 17 Geo. 5 c. 11.
Petroleum (Consolidation) Act 1928 ...	18 & 19 Geo. 5 c. 32.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Tynemouth Corporation Act 1934	24 & 25 Geo. 5 c. lxxv.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Food and Drugs Act 1938	1 & 2 Geo. 6 c. 56.
Tynemouth Corporation Act 1939	2 & 3 Geo. 6 c. liv.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Coal Industry Nationalisation Act 1946 ...	9 & 10 Geo. 6 c. 59.
Tynemouth Corporation Act 1947	10 & 11 Geo. 6 c. xli.
Transport Act 1947	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.

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