

ELIZABETH II



1963 CHAPTER xxxvii

An Act to confer further powers on the Durham County Council and on local authorities in the administrative county of Durham in relation to industry, lands and highways and the local government, improvement, health and finances of the county and of the boroughs and districts therein; and for other purposes.

[31st July 1963]

WHEREAS—

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

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

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

(4) 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:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and

with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

- Short title.** 1. This Act may be cited as the Durham County Council Act 1963.
- Division of Act into Parts.** 2. This Act is divided into Parts as follows:
- Part I.—Preliminary.
 - Part II.—Lands.
 - Part III.—Highways.
 - Part IV.—Public order and public safety.
 - Part V.—Lectures, cultural activities, records, etc.
 - Part VI.—Finance.
 - Part VII.—County quarter sessions.
 - Part VIII.—Miscellaneous.
 - Part IX.—General.
- Interpretation.** 3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 294 and 295 of the Act of 1959 have the same respective meanings unless there be something in the subject or context repugnant to such construction.
- (2) In this Act, unless otherwise expressly enacted or unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—
- “ Act of 1925 ” means the Rating and Valuation Act, 1925;
 - “ Act of 1933 ” means the Local Government Act, 1933;
 - “ Act of 1936 ” means the Public Health Act, 1936;
 - “ Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act, 1946;
 - “ Act of 1950 ” means the Public Utilities Street Works Act, 1950;
 - “ Act of 1959 ” means the Highways Act, 1959;
 - “ Act of 1960 ” means the Road Traffic Act, 1960;
 - “ Act of 1962 ” means the Town and Country Planning Act, 1962;
 - “ appointed day ” has the meaning assigned to that expression by section 5 (The appointed day) of this Act;
 - “ authorised officer ” has the same meaning as in section 343 of the Act of 1936;

“ authorised security ” means any mortgage, stock, bond or other security which the Council are for the time being authorised to grant, create or issue or upon or by means of which the Council are for the time being authorised to raise money;

“ Council ” means the county council of the county;

“ county ” means the administrative county of Durham;

“ county fund ” means the county fund of the Council;

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

“ district ” means a borough or an urban or rural district in the county;

“ fire authority ” has the same meaning as in section 38 of the Fire Services Act, 1947;

“ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district;

“ highway authority ” means—

(a) in the case of a trunk road, the Minister of Transport or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;

(b) in the case of a county road in the county, except a claimed county road, and in the case of any other highway for the time being maintained by the Council, the Council; and

(c) in the case of any other highway, the local authority for the district in which the highway is situate;

“ industrial building ” has the same meaning as in the Local Employment Act, 1960;

“ land ” includes any interest in land or any easement or right in, to or over land;

“ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;

“ local authority ” means the council of a district;

“ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952;

“ Minister ” means the Minister of Housing and Local Government;

“ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946;

“ officer ” includes servant;

PART I
—cont.

“parish council” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish;

“police authority” means the Durham county police authority constituted by the Durham Police (Amalgamation) Order, 1948;

“private street” has the same meaning as in Part IX of the Act of 1959;

“Railways Board” means the British Railways Board;

“rural district” means a rural district in the county;

“rural district council” means the council of a rural district;

“statutory undertakers” means any company, body or person authorised by an Act of Parliament or order having the force of an Act to supply electricity, gas or water;

“street works authority” has the same meaning as in Part IX of the Act of 1959;

“telegraphic line” has the same meaning as in the Telegraph Act, 1878;

“urban district” means a borough or an urban district in the county;

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

“voluntary organisation” means any organisation not carried on for profit not being an organisation carried on by a public authority or by any local authority as defined in section 295 of the Act of 1959.

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

Incorporation
of Lands
Clauses Acts.

4. The Lands Clauses Acts, except sections 127 to 132 and 150 and 151 of the Lands Clauses Consolidation Act, 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act), are hereby incorporated with and form part of this Act:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section.

The appointed
day.

5.—(1) In this Act the expression “the appointed day” means such day as may be fixed by resolution of a local authority 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 local authority shall cause to be published in a local newspaper circulating in the district notice—

PART I
—cont.

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

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

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

(4) Either—

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

(b) a photostatic or other reproduction certified by the clerk of the local authority 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 publication.

PART II

LANDS

6.—(1) The Council may purchase by agreement and (in any case where the Council are unable to acquire land by agreement on terms which in their opinion are reasonable) may be authorised by means of an order made by the Council and submitted to the Minister and confirmed by him to purchase compulsorily land in the county for the purpose of—

Acquisition
of land for
development.

(a) development by the erection of any building or the construction or carrying out of works on land for the benefit or improvement of the county; or

(b) facilitating the provision of premises for occupation by any undertaking carried on or to be carried on there or for otherwise meeting the requirements of such undertaking (including the requirements arising from the needs of persons employed or to be employed therein).

(2) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) In this section the expression “undertaking” means any trade or business, or any other activity providing employment.

7.—(1) The Council may be authorised, by means of an order made by the Council and submitted to the Minister and confirmed by him, to purchase compulsorily land in the county which is required for the purpose of bringing into use or improving the appearance of any land in the county which is derelict, neglected or unsightly and is likely to continue in that condition.

Acquisition
and
reclamation
of land.

PART II
—cont.

(2) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) The Council may enter into and carry into effect agreements with any person for carrying out such work as appears to them expedient for enabling derelict, neglected or unsightly land to be brought into use or for improving the appearance of the neighbourhood of such land.

(4) Nothing in this section shall authorise the compulsory purchase by the Council of any land—

(a) for the time being lawfully used for or in connection with the display of advertisements; or

(b) which the owner, lessee or occupier satisfies the Council (or in case of dispute a magistrates' court) is intended to be used by him for or in connection with the display of advertisements:

Provided that in the case of any such land consent for the display of advertisements thereon has not been refused.

Compensation
may be in
land.

8.—(1) The Council when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works, land or money, but in the case of land for the alienation of which the consent of any government department is required only with such consent.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rents, covenants, restrictions, reservations, terms or conditions made payable by or contained in any conveyance, lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any persons from or through whom the Council have derived title to it.

Disposal of
land.

9. Any land acquired under section 6 (Acquisition of land for development) of this Act may be disposed of under section 165 of the Act of 1933 as if it were land which was not required for the purpose for which it was acquired.

Power to
reinstate
owners or
occupiers of
property.

10. The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired by the Council under this Act with respect to his reinstatement elsewhere and any such agreement may provide for the exchange of land, and for that purpose the Council may pay or receive money for equality of exchange.

Power as to
re-housing.

11. The Council may enter into and carry into effect agreements with any local authority for the provision by that local authority of houses for the purpose of providing for the re-housing of

persons from any land acquired by the Council by agreement under any enactment and such agreement may provide for the making of contributions by the Council towards the whole or any part of the expense thereby incurred by the local authority.

PART II
—cont.

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

- (a) any person for the purpose of enabling or assisting him to purchase or lease any land in the county; or
- (b) the purchaser or lessee of any land in the county for the purpose of enabling or assisting him to build on the land or to extend or improve any existing building thereon:

Loans for
erection, etc.,
of buildings.

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

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Council by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein; and the instrument securing the advance shall—

- (a) make provision as to the rate of interest to be paid, being a rate not less than one-quarter per centum in excess of the rate of interest which at the date on which the terms of the advance are settled was the rate fixed by the Treasury under section 1 of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance or such other rate as may be approved by the Minister either generally or in respect of the particular advance;
- (b) fix the period within which the advance is to be repaid, being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made, being intervals not exceeding half a year;
- (e) authorise the borrower, at any such days in the year as may be specified in the instrument, after one month's notice and on paying all sums due on account of interest, to repay the whole of the outstanding principal of the advance, or any part thereof being one hundred pounds or such less sum as may be provided in the said instrument or as the Council may be prepared to accept, or a multiple of one hundred pounds or of such less sum as aforesaid;

PART II
—cont.

- (f) where the repayment is to be made by an annuity of principal and interest combined, provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
- (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Council and to produce to them when required the receipts for the premiums paid in respect of the insurance; or
 - (ii) if the Council elect themselves to insure the said building against fire, to repay to them the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Council and authorised in writing by their clerk shall have power at all reasonable times, after giving not less than seven days' notice to the occupier to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section "lessee" includes a person to whom the owner has agreed to grant a lease, and "lease" shall be construed accordingly.

Application
of certain
provisions of
the Housing
Act, 1957.

13.—(1) For the purposes of this Part of this Act the provisions of sections 64 and 65 of the Housing Act, 1957, shall extend and apply as if—

- (a) the Council were a local authority for the purposes of the said Act of 1957;
- (b) land acquired by the Council under this Part of this Act had been acquired by the Council under Part III of the said Act of 1957; and
- (c) any works executed by the Council upon such land were executed under powers exercisable by the Council by virtue of that Part of the said Act of 1957;

and accordingly the said sections as so extended and applied shall have effect as if for the words "this Part of this Act" wherever those words occur there were substituted the words "Part II of the Durham County Council Act 1963":

Provided that the said section 65 as so extended and applied shall have effect subject to the following further modifications:—

- (i) in subsection (1) the words "the foregoing provisions of" shall be omitted;

- (ii) in subsection (2) after the word “ subsection ” there shall be inserted the words “ or to execute under the powers conferred by Part II of the Durham County Council Act 1963, any works near to or likely to affect any apparatus ” and before the words “ the undertakers may ” there shall be inserted the words “ in any case where the local authority intend to remove or alter any apparatus ”; and
- (iii) in subsection (4) after the words “ by reason of ” there shall be inserted the words “ the exercise of any powers conferred by Part II of the Durham County Council Act 1963, in respect of any land purchased under or appropriated for any of the purposes of the said Part II or ”.

(2) On or before the date of publication of notice of the making of the order under the said section 64 as extended and applied by subsection (1) of this section the Council shall serve a copy of the notice on the statutory undertakers in whose area or limits of supply the land to which the order relates is situate and on any other statutory undertakers who appear to the Council to be concerned.

(3) Where in pursuance of an order made by the Council under the said section 64 as extended and applied by subsection (1) of this section a public right of way is extinguished, the following provisions of this subsection shall have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land over which the said right existed (in this subsection referred to as “ the affected line ”), that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding that the said right is extinguished, so however that the said power shall not be exercisable, as respects the whole or any part of the affected line, after the expiration of a period of three months from the date of the sending of the notice referred to in the next following subsection unless before the expiration of that period the Postmaster General has given notice to the Council of his intention to remove the affected line or that part thereof, as the case may be;
- (b) The Postmaster General may by notice in that behalf to the Council abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

PART II
—cont.

- (c) The Postmaster General shall be entitled to recover from the Council the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require;
- (d) Where under paragraph (b) of this subsection the Postmaster General has abandoned or is deemed to have abandoned the whole or any part of the affected line, it shall vest in the Council and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(4) As soon as practicable after such an order as is mentioned in subsection (3) of this section has been approved by the Minister the Council shall by notice to the Postmaster General inform him of the making of the order.

Enforcement
of restrictive
covenants
relating to
land acquired
for open
spaces.

14.—(1) Where the Council have either before or after the passing of this Act contributed or agreed to contribute towards or in connection with the acquisition or utilisation by the council of any other county or of any county borough, borough, urban or rural district (whether or not in the county) or any other public body (in this section referred to as an “authority”) or by any person or any trustees of land for the purpose of a public or private open space, recreation or pleasure ground, public walk, sports ground or playing fields, or towards the layout or maintenance of such land and such authority, person or trustees have or has, either before or after the passing of this Act, in consideration of such contribution or of an agreement to make such contribution, entered into a covenant with the Council restrictive of the user of such land, the Council shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against such authority, person or trustees and against the persons deriving title under them or him in the like manner and to the like extent as if the Council were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

(2) Where an authority have either before or after the passing of this Act contributed towards or in connection with the acquisition or utilisation by the Council of land for the purpose of a public or private open space, recreation or pleasure ground, public walk, sports ground or playing fields, or towards the layout or maintenance of such land and the Council have either before or after the passing of this Act in consideration of such contribution or of an agreement to make such contribution entered into

a covenant with such authority restrictive of the user of such land, such authority shall have power (in addition to any other rights or remedies under the instrument containing such covenant) to enforce such covenant against the Council and the persons deriving title under them in the like manner and to the like extent as if such authority were possessed of adjacent land capable of being benefited by such covenant and as if such covenant had been expressed to be entered into for the benefit of such adjacent land.

PART II
—cont.

(3) (a) For the purposes of section 15 of the Land Charges Act, 1925, any covenant referred to in this section shall be deemed to be a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

(b) This section shall not apply to a covenant contained in any instrument made before the twenty-seventh day of November, nineteen hundred and sixty-two, unless the restrictions enforceable under such covenant were registered as local land charges within twelve months after that date.

(4) Any covenant to which this section applies shall continue to be enforceable notwithstanding that the land intended to be affected thereby may have passed to an authority acquiring the same by agreement under the Lands Clauses Acts or any Act incorporating those Acts.

(5) Nothing in this section shall deprive the Council or any authority, person or trustees of any right to enforce a covenant to which this section applies which they or he would have had if this section had not been enacted.

15. Where land owned by the Council (being land acquired by the Council to provide a site for a voluntary school) is conveyed by the Council to the trustees of a voluntary school in pursuance of the provisions of the Education Act, 1946, any covenants or restrictions affecting the use of such land as aforesaid shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they were enforceable against the Council prior to the conveyance referred to in this section.

Covenants
or restrictions
affecting
certain land.

16.—(1) If the Council—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land;

Suspension
of restrictive
covenants.

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

PART II
—cont.

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

(3) The Council shall—

(a) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time (not being less than three months from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made:

Provided that in any case in which there is more than one such local newspaper as aforesaid such notice shall be published in each of four successive weeks by publication in at least one of such newspapers in the first and third of those weeks and in at least one other of such newspapers in the second and fourth of those weeks;

(b) serve on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the preceding paragraph of this subsection; and

(c) affix to some conspicuous object or objects on the land to which the resolution relates a notice or notices containing the like particulars to those specified in paragraph (a) of this subsection.

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

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

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

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

PART II
— cont.

(7) The Council shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act, 1845, to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act, 1961.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Council are the owners of the land to which the restriction relates or (if the Council convey the land to any body for any of the purposes of the Education Acts, 1944 to 1962) so long as the land is used by that body for the purpose of those Acts and if compensation is paid by the Council under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts, 1944 to 1962, remain unenforceable only so long as the land is used for that purpose.

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

(10) Nothing in this section shall apply to any restriction for the protection of or for securing access to apparatus of any statutory undertakers contained in any deed, wayleave, agreement or other instrument.

(11) In this section the expression "the appropriate Minister" means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Council have acquired or agreed to acquire that land.

17.—(1) The Council by means of an order made by the Council and submitted to and confirmed by the confirming authority may be authorised to create in favour of the Council in or over any land which under any enactment (including this Act) the Council may be authorised to acquire compulsorily any Compulsory acquisition of easements.

PART II
—cont.

easement or other right in or over or in relation to such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any buildings owned or occupied, or intended to be owned or occupied, by the Council for the purposes of any of their undertakings, powers or duties.

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

(3) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the Act of 1946 and as if—

- (a) the expression “ compulsory purchase of land ” in the Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and
- (b) paragraphs 9 and 10 of the First Schedule to the Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1) whether it is created in, over or under any land to which either of those paragraphs relates or in, over or under any other land in which the person entitled to the benefit of the paragraph has an easement or other right which if it were land would be land to which the paragraph relates.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory or of a park or garden belonging to a house within paragraph 4 of the Second Schedule to the Act of 1946.

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

Undertakings
and agree-
ments binding
successive
owners.

18.—(1) Every undertaking given by or to the Council to or by the owner of a legal estate in land and every agreement made between the Council and any such owner being an undertaking or agreement—

- (a) given or made under seal either on the passing of plans or otherwise in connection with the land; and
- (b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Council and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925.

PART II
—cont.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Council a copy thereof.

19.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority, and those provisions shall accordingly have effect with any necessary modifications, including the substitution of “local authority” for “Council” “district” for “county” and “general rate fund” for “county fund”.

Application of certain provisions of Part II to local authorities and to police authority.

(2) The provisions hereinbefore referred to are—

Section 7 (Acquisition and reclamation of land);

Section 8 (Compensation may be in land);

Section 9 (Disposal of land);

Section 10 (Power to reinstate owners or occupiers of property);

Section 12 (Loans for erection, etc., of buildings);

Section 13 (Application of certain provisions of the Housing Act, 1957);

Section 14 (Enforcement of restrictive covenants relating to land acquired for open spaces);

Section 16 (Suspension of restrictive covenants);

Section 17 (Compulsory acquisition of easements);

Section 18 (Undertakings and agreements binding successive owners).

(3) In its application to a local authority—

(a) section 13 (Application of certain provisions of the Housing Act, 1957) of this Act shall have effect as if in subsection (1) paragraph (a) were omitted;

(b) section 14 (Enforcement of restrictive covenants relating to land acquired for open spaces) shall have effect as if in subsection (1) for the words “any other county” there were substituted the words “any county”.

(4) The provisions of this Part of this Act mentioned in subsection (5) of this section shall apply to the police authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of “police authority” for “Council”.

(5) The provisions referred to in subsection (4) of this section are—

Section 16 (Suspension of restrictive covenants);

Section 17 (Compulsory acquisition of easements);

Section 18 (Undertakings and agreements binding successive owners).

PART III
HIGHWAYS

A. *Protection of highways*

Carriage-
crossings over
verges, etc.

20.—(1) Where planning permission has been given, or has been deemed to have been given, pursuant to the Act of 1962, to a means of access which involves the construction of a carriage-crossing across a verge, ditch or footway to land adjacent to any highway in the county, the highway authority may at any time after the development has commenced give notice to the owner or occupier of the premises that they propose to construct the carriage-crossing.

(2) Where the highway authority give notice under the foregoing subsection, the provisions of section 155 of the Act of 1959 shall apply to the construction of the carriage-crossing, subject to any necessary modifications, and for the purposes of such application the highway authority shall be deemed to be the appropriate authority and the notice shall be deemed to be a notice given for the purposes of paragraph (a) of subsection (1) of the said section 155.

Restriction
on buildings
under
footways.

21.—(1) After the passing of this Act, no part of any building (including the foundations) shall, except with the consent of the local authority, be constructed so as to extend under the footway of any street in the county at a less depth than six feet below the surface of such footway.

(2) The giving of consent by the local authority shall not relieve the owner or occupier of the building from any liability to any statutory undertakers to which he would have been subject if this section had not been enacted.

(3) Any person aggrieved by the withholding of a consent under subsection (1) of this section may appeal to a magistrates' court.

(4) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

(5) Nothing in this section shall extend or apply to the construction of any building (not being a house or building to be used as offices) by any statutory undertakers or railway, dock, canal or inland navigation undertakers in the exercise of their statutory powers.

(6) Where under subsection (1) of this section application is made to the local authority for their consent, and the local authority are not the highway authority, the local authority shall before giving or refusing such consent consult with the highway authority.

22.—(1) No person shall mix mortar or any like substance in any street in the county maintainable at the public expense, except upon such board or in such receptacle as will protect such street from such mortar or substance:

PART III
—cont.
Mixing of
mortar in
streets.

Provided that this section shall not apply to the mixing in any street of mortar or like substance for the purposes of making up, repairing, reinstating, altering or improving such street or any bridge over or under the same.

(2) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding five pounds.

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

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

(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 tree, shrub or plant if the tree, shrub or plant has been planted 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.

(2) Any person offending against this section shall be liable to a fine not exceeding five pounds 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 apply to any open space vested in or under the control of a local authority, a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty, or to any land as respects which byelaws have been made under section 90 of the National Parks and Access to the Countryside Act, 1949.

(4) In this section the expression “open space” has the same meaning as in the Open Spaces Act, 1906.

24.—(1) (a) Where in any highway maintainable at the public expense in the county any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway or any part thereof by reason of the deposit thereon or thereover of coal, coke or wood (other than such deposit for the purpose of delivery through a coal-hole in a footway) or of debris resulting therefrom, the supplier, or if such supplier can show that the person supplied requested such deposit, then the person supplied with such coal, coke or wood shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

Control of
dumping of
coal, etc., in
highways.

PART III
—cont.

(b) In this subsection the expression “supplier” means a person who, under any express or implied contract made by him with any other person, delivers to any premises owned or occupied by such other person, coal, coke or wood for consumption on those premises, and the expression “person supplied” shall be construed accordingly.

(2) This section shall come into force on the third day of August, nineteen hundred and sixty-five.

*B. Erections, etc., in highways*Milk stands
in highways.

25.—(1) Any person with the consent of the highway authority may, in proper and convenient situations in any highway or roadside waste, provide stands for milk churns and containers:

Provided that the consent of the highway authority shall not be given to the provision of any stand in any highway or roadside waste in such a situation as to obstruct an existing access to any premises abutting on such road.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit.

(3) Any person aggrieved by the refusal of the highway authority to grant consent under this section or by the terms and conditions attached thereto may appeal to a magistrates’ court.

(4) (a) Any person who, without the consent of the highway authority, provides stands for milk churns and containers in any highway or roadside waste, shall be guilty of an offence and shall be liable to a fine not exceeding five pounds and if the person guilty of the offence does not within two months after conviction remove the stands in respect of which the offence has been committed, the highway authority may themselves remove the said stands and recover the expense of so doing from the person guilty of the offence.

(b) Any breach of any terms and conditions imposed by the highway authority under subsection (2) of this section shall be deemed as regards liability to a fine and the other consequences arising under the foregoing paragraph of this subsection equivalent to the provision of stands without the required approval or consent.

Pipes, etc., in
pavements.

26.—(1) The owner or occupier of any premises situated under or abutting on part of a street in any district may with the consent of the local authority provide—

(a) pipes under such street for conveying oil for use or storage to premises situate under or abutting on the street; or

(b) manholes in such street.

(2) In giving their consent under this section the local authority may attach thereto such terms and conditions as they think fit

and such terms and conditions and any conditions imposed by them under subsection (6) of this section shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act, 1925.

PART III
—cont.

(3) A person who has applied for consent under subsection (1) of this section may appeal to a magistrates' court against the refusal of consent under that subsection or against any term or condition imposed by the local authority under subsection (2) or subsection (6) of this section.

(4) A person who carries out any works to provide pipes or manholes as aforesaid without the consent of the local authority or fails to comply with any term or condition of a local authority imposed on him under subsection (2) or subsection (6) of this section shall subject to any order made on appeal be guilty of an offence and shall without prejudice to any other liability to which he may be subject be liable in respect thereof to a fine not exceeding five pounds.

(5) The foregoing provisions of this section shall not apply to the carrying out of any works in a street by statutory undertakers in the exercise of their statutory powers.

(6) (a) Before the local authority determine to give any consent under this section they shall give at least twenty-eight days' notice to the Postmaster General of the application therefor and on giving any such consent shall attach thereto such conditions as the Postmaster General may reasonably require for the protection of any telegraphic line belonging to or used by him.

(b) As soon as may be after a local authority have given a consent under this section they shall give notice thereof to the Postmaster General.

(7) Where under subsection (1) of this section application is made to the local authority for their consent, and the local authority are not the highway authority, the local authority shall before giving or refusing such consent consult with the highway authority.

(8) This section shall be construed as one with the Act of 1959.

(9) This section shall not apply to—

(a) any street belonging to or repairable by the Railways Board, the British Transport Docks Board, the Hartlepool Port and Harbour Commission, the Seaham Harbour Dock Company or the Tees Conservancy Commissioners;

(b) a pipe-line (as defined in section 65 of the Pipe-lines Act, 1962) being a pipe-line which may be placed in a street under the provisions of section 15 of the Pipe-lines Act, 1962, and in exercise of the powers given by that section.

PART III
—cont.

(10) The Act of 1950 shall not apply to the provision of pipes or manholes under subsection (1) of this section.

(11) (a) Nothing in this section shall authorise any person to alter or require any alteration of any telegraphic line belonging to or used by the Postmaster General.

(b) In this subsection the expressions "alter" and "alteration" shall have the same meanings as in the Telegraph Act, 1878.

Erection of
village place
names.

27. A rural district council or parish council may with the consent of the highway authority, and subject to such conditions as the highway authority may impose, provide, erect and maintain in proper and convenient situations within their district or parish place-name signs of such size, colour and type as they may, subject to such consent, from time to time determine:

Provided that the exercise of powers conferred by this section shall comply with any order or regulation made by the Minister of Transport in respect of traffic signs or any general or special directions given by him in pursuance of the Act of 1960.

Signs
indicating
stopping
places for
public service
vehicles.

28.—(1) A local authority or parish council may, with the consent of the highway authority and subject to such conditions as the highway authority may impose, provide, erect and maintain in proper and convenient situations within their district or parish, on or near to the route of any public service vehicles, signs or directions indicating the position of stopping places on such routes.

(2) A local authority or parish council may enter into and carry into effect agreements with any persons authorised to run public service vehicles within their district or parish in relation to the provision, erection and maintenance of any such signs or directions and as to the contributions to be made by any such person towards the cost of the provision, erection and maintenance thereof.

(3) The exercise of powers conferred by this section shall be subject to the provisions of the Act of 1960 and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

(4) In this section the expression "public service vehicle" has the same meaning as in section 117 of the Act of 1960.

As to
direction
posts relating
to rights of
way.

29. The Council, a local authority or parish council may provide, erect and maintain direction posts of such size, colour and type as may be approved by the Council in or adjacent to footpaths and bridleways with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land.

Licence to
erect
scaffolding

30.—(1) As from the appointed day in any district any person may in connection with any building operations or work of demolition, or in connection with the alteration, repair, maintenance or cleansing of the exterior of any building, erect or place

or cause to be erected or placed any scaffolding, obstruction or projection constituting an obstruction (each of which is hereafter in this section referred to as "scaffolding") in, upon or over any highway in that district if he has previously obtained a licence from the highway authority and complies with such terms and conditions as may be laid down in the licence granted to him:

PART III
—cont.

Provided that the highway authority shall be entitled to refuse a licence only on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such highway.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted during the hours of darkness:

Provided that this subsection shall not apply to a scaffolding projecting over the footway of a highway but not over the carriageway if no part thereof is less than eight feet above the level of the footway measured vertically and if the nearest part thereof to the carriageway is at least one foot six inches from the carriageway measured horizontally.

(3) Any person offending against the provisions of this section or contravening the terms or conditions of any licence granted to him shall be liable for every such offence to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(4) Any person aggrieved by the refusal of the highway authority to grant a licence under this section or by the terms and conditions laid down in any such licence may appeal to a magistrates' court.

(5) No licence shall be required under this section in respect of any scaffolding erected or placed by the Railways Board for the purpose of constructing, reconstructing or maintaining any works pursuant to their statutory powers.

31.—(1) Subsection (1) of section 126 of the Act of 1959 shall, in its application to the county, have effect as if in the definition of "agriculture" contained in section 295 of that Act the words "where that use is ancillary to the farming of land for other agricultural purposes" were omitted.

Extension of
section 126 of
Act of 1959.

(2) Where statutory undertakers represent to the highway authority for a footpath or bridleway that for the purpose of protecting against pollution any water, whether on the surface or underground; which belongs to the undertakers or which they are for the time being authorised to take, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the footpath or bridleway, the highway authority shall have the same power to authorise the

PART III
—cont.

erection of stiles, gates or other works as they have in a case where a representation is made to them under the said section 126 and that section shall apply accordingly.

C. Private streets

Application
of code of
1875 and
code of 1892
to parts of
public street.

32.—(1) In this and the next succeeding section of this Act—

“the code of 1875” and “the code of 1892” have the same respective meanings as in Part IX of the Act of 1959; and

“street works” means works executed or authorised to be executed under the provisions of the code of 1875 or the code of 1892.

(2) Where in any district it appears to the street works authority that a new street has been formed by reason of additions made to an existing footpath, bridleway or other right of way maintainable at the public expense (not being or comprising a carriageway within the meaning of the Act of 1959) otherwise than by the giving up for the purpose by the street works authority of lands owned by them, the street works authority may, notwithstanding anything in the code of 1875 or the code of 1892, carry out street works in respect of such street or any part of such street and apportion the expenses thereof on the premises fronting, adjoining or abutting on such street or such part thereof as if no part of the said street was so maintainable.

(3) Save in a case falling within the provisions of subsection (2) of this section for the purposes of any apportionment of the expenses of carrying out street works in part of a street where any other part of that street consists of a highway maintainable at the public expense, premises fronting, adjoining or abutting on the street shall, if the street works authority so resolves, be deemed to front, adjoin or abut on the part of the street which is not so maintainable.

(4) Where in consequence of any order or orders made under sections 30 or 32 of the Public Health Act, 1925, or sections 159 or 166 of the Act of 1959 any lands are added to an existing highway maintainable at the public expense, such lands, if so resolved by the street works authority, shall for the purposes of the code of 1875 or the code of 1892 in any district be deemed to be a street not maintainable at the public expense and the street works authority may apportion the whole or any portion of the expenses of any street works carried out in respect of such street or any part of such street on the premises of which such lands formed part immediately prior to their addition to the highway as aforesaid:

Provided that such expenses shall not include any expense which subsection (4) of section 163 of the Act of 1959 requires to be borne by the Council.

(5) For the purposes of this section, a canal or inland navigation shall not be deemed to have direct communication with a towpath solely by reason of its being adjacent thereto.

PART III
—cont.

33.—(1) Where any street works in the county have been completed by the Council but the Council are unable to recover the amount due from the owner of any premises or otherwise under the code of 1892 by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount becomes due and at reasonable intervals thereafter be found, the Council may at any time after the expiration of twelve years from the date when the said amount becomes due apply to the county court and that court may, on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with, make an order vesting the said premises in the Council absolutely and thereupon the Council may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

Recovery of
street works
charges where
owner
unknown.

(2) Where the county court makes an order under subsection (1) of this section the Lands Tribunal shall for the purpose of determining the value of the said premises nominate one of their members selected in accordance with subsection (6) of section 1 and section 3 of the Lands Tribunal Act, 1949, and the member nominated shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof and the Council shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of six years at the rate of five per centum per annum, or at such other rate as may have been fixed by order of the Minister under section 212 of the Act of 1959, together with all costs and expenses reasonably incurred by the Council.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 of the Lands Clauses Consolidation Act, 1845, as if it was a sum awarded to be paid to an owner who cannot be found and as if the Council were the promoters of an undertaking and such sum shall be applied in accordance with section 78 of the said Act.

(4) The powers conferred by subsection (1) of this section shall be exercisable by the Council in addition to any existing rights, powers and remedies for the recovery of expenses and shall be exercisable by the Council in respect of all street works whether completed before or after the passing of this Act.

PART III
—cont.

(5) Subject to the provisions of this Act, the council of an urban district may exercise the powers contained in this section and this section shall accordingly have effect with any necessary modifications including the substitution of—

“council of an urban district” for “Council”; and

“code of 1875 or code of 1892 whichever shall be the appropriate code” for “code of 1892”.

D. Miscellaneous

Trees, grass
verges and
gardens.

34.—(1) Subject to the provisions of this section the Council or a local authority shall have power, in any street vested in them, or on any land acquired by them for the purpose of the construction or improvement of any such street, or for preventing the erection of buildings detrimental to the view from the street—

- (a) to plant trees or shrubs or place containers in which to grow trees or shrubs;
- (b) to attach containers for plants to posts or standards provided by the Council or local authority or, with the consent of the owner thereof, to any other posts or standards;
- (c) to plant flowers and other vegetation on or between any pillars or walls provided by the Council or local authority;
- (d) to lay out grass verges or gardens;
- (e) to provide guards or fences, and otherwise do anything expedient, for the maintenance or protection of such trees, shrubs, containers, flowers, vegetation, grass verges or gardens;
- (f) to cut down any such tree or shrub, to remove any such container, guard, fence, flowers or vegetation, and to abolish any such grass verge or garden, or enlarge or diminish the area thereof;
- (g) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any such garden so laid out;
- (h) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto.

(2) Any such notice as is referred to in paragraph (g) 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 fine not exceeding five pounds.

(3) 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.

(4) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Council or a local authority or to any such land as is referred to in subsection (1) of this section; and anything done by the Council or a local authority under that section or under section 1 of the Roads Improvement Act, 1925, with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Council or a local authority to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(6) A local authority may, with the consent of the Council, exercise the powers conferred by this section in a street, being a county road, notwithstanding that the street is not vested in the local authority.

(7) (a) Where the Council or a local authority carry out works under any enactment relating to private street works, they may, with the consent of the owners of premises fronting, adjoining or abutting on the part of the street in which the works are carried out, exercise the powers conferred by this section in that part; and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

(b) The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

35.—(1) Where, in pursuance of the Housing Act, 1957, any grass verge, garden or space is provided by a local authority and maintained in an ornamental condition or mown, they may by notice prohibit any person from—

Verges, etc.,
of housing
estates.

(a) causing or permitting motor vehicles to enter upon any such grass verge, garden or space; or

(b) entering upon any such garden.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge, garden or space to which it relates, and any person who contravenes a notice so posted shall be liable to a fine not exceeding forty shillings.

PART III
—cont.

(3) The powers of this section shall not be exercisable in relation to any grass verge or garden or space which forms part of a highway maintainable at the public expense.

Removal of
furniture, etc.,
from highways

36.—(1) The appropriate authority may remove and store any furniture, articles, goods or materials which may have been placed or dropped (whether accidentally or otherwise) in or upon any verge of a highway or roadside waste in the county (not being in either case part of the highway) and which—

- (a) may have remained there for more than seven days; or
- (b) are likely to cause an obstruction;

and the appropriate authority shall not be liable for any loss or damage caused by such removal or storage.

(2) If the appropriate authority remove any furniture, articles, goods or materials under the powers of this section—

- (a) they shall, if and as soon as it is reasonably practicable so to do, notify the person whom they believe to be the owner thereof; and

- (b) the furniture, articles, goods or materials shall be deemed to be materials within the meaning of section 276 of the Act of 1936, but the appropriate authority shall not exercise any power to sell any such furniture, articles, goods or materials, whether under that section or otherwise until after the expiration of twenty-eight days from the date of such notification or six months from the day on which they removed the furniture, articles, goods or materials, whichever shall first occur.

(3) The provisions of section 276 of the Act of 1936 as applied by this Act shall, for the purposes of this section, have effect as if the section referred to the appropriate authority instead of the local authority, and the appropriate authority may recover from the person to whom the furniture, articles, goods or materials belonged any balance of the cost outstanding after exercising their powers under the said section 276.

(4) Nothing in this section shall apply to any articles, goods or materials placed in or upon any highway in connection with or for the purposes of undertakers' works within the meaning of section 1 of the Act of 1950, or to any building materials, rubbish or other things deposited in a street in accordance with the terms of a consent of the highway authority under section 146 of the Act of 1959.

(5) In this section—

- the expression "article" includes a derelict vehicle or part of a vehicle; and

the expression "appropriate authority" means—

PART III
—cont.

(a) in relation to any highway, being a county road, (other than a claimed county road) any verge or roadside waste of such a highway or any open space adjoining such a highway, the Council; and

(b) in relation to any other case, the local authority of the district.

37. The Council may exercise the powers of section 144 of the Act of 1959 in relation to any land adjoining a county road (not being a claimed county road) in the county as if they were the local authority in whose area the road is situated.

Application of section 144 of Act of 1959 to Council.

38.—(1) The provisions of the Act of 1959 hereafter referred to in this section shall apply in relation to—

Exercise by Council of powers with respect to county roads.

(a) any county road (not being a claimed county road) in the county; and

(b) any road constructed by the Council or by some other person by agreement with them which when completed is intended to become a county road;

and shall have effect as if the Council were the local authority in whose area the road is situated.

(2) The provisions of the Act of 1959 referred to in this section are section 74, subsection (7) of section 131 and section 132.

(3) The Council shall not in the exercise of the powers of this section perform or discharge any of the functions under the provisions mentioned in this section in any urban district except at the request of and by agreement with the local authority of such district and during the continuance of such agreement such functions shall cease to be exercisable by such local authority in relation to the road to which the agreement applies:

Provided that nothing in this subsection shall prevent the Council from exercising any powers conferred on them by any other enactment.

(4) Any agreement made under the provisions of this section may relate to any one or more roads in a district.

39.—(1) The Minister of Transport on the application of the Council may for the purpose of facilitating the movement of vehicular traffic along or the safety of the public on any county road (or on any proposed widening, improvement, realignment or reconstruction thereof) authorise the Council to construct and maintain works in and at the junction of any other highway

Prevention or restriction of vehicular access to and from county roads.

PART III
—cont.

for the prevention or limitation of access by vehicular traffic to or from such county road (or any proposed widening, improvement, realignment or reconstruction thereof) from or to any such highway.

(2) Before making application to the Minister of Transport for an authorisation under subsection (1) of this section with respect to any highway adjoining or near to any station, or depot of the Railways Board the Council shall consult with the Railways Board.

(3) Where the Council propose to make an application to the Minister of Transport under subsection (1) of this section they shall cause notice of the proposal to be published in at least one newspaper circulating within the county and every such notice shall specify the nature of the proposal and state that a copy of the proposed application is open to inspection at a specified place in the county and specify the period, which shall not be less than twenty-eight days, within which any persons affected thereby may send to the said Minister and to the Council objections in writing and the said Minister shall consider any such objections and if he thinks fit cause a public inquiry to be held with respect to the proposal.

(4) Before making any application under subsection (1) of this section, the Council shall consult with the local authority for the district in which the road is situate, and the Minister of Transport, before exercising his powers under subsection (1) of this section, shall consider any representations made by the local authority.

(5) The powers conferred by subsection (1) of this section shall include the powers mentioned in subsection (2) of section 65 of the Act of 1959.

(6) The Council may alter or (with the consent of the Minister of Transport) remove any works constructed by them under this section.

(7) For the purposes of section 7 of the Telegraph Act, 1878, any works constructed or maintained by the Council pursuant to an authorisation under subsection (1) of this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Council, when acting under such an authorisation, shall be deemed to be the undertakers.

Temporary
stoppage of
footpaths and
bridleways.

40. For the purpose of the execution of any works on or near a public footpath or bridleway in the county the highway authority may restrict or prohibit temporarily the use of that footpath or bridleway or of any part thereof:

Provided that—

PART III
—cont.

- (1) the highway authority shall not exercise the powers of this section so as to deprive persons bona fide going to or from any building or land of reasonable access to the building or land;
- (2) the exercise by the highway authority of the powers of this section in relation to any footpath or bridleway in the county shall not prejudice or affect the right of the Postmaster General—

(a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which may for the time being be under, in, upon, over, along or across that footpath or bridleway; or

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that footpath or bridleway.

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

Sale of food
and articles
on verges, etc.

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

(3) (a) This section applies to all trunk roads in the county and such parts of the classified roads A 68, A 167, A 177, A 178, A 183, A 690, A 691, A 692, A 693, A 694, A 695, A 1051, A 1055, A 1086, A 6073, A 6074 and A 6127 as are situate in the county and to any other county road or part of a county road in the county to which the Minister of Transport may by order on the application of the highway authority apply this section.

(b) Before making application for an order under this subsection the highway authority shall publish once at least in each of two successive weeks in a local newspaper circulating in the district in which the road is situate a notice stating the general effect of the intended order and stating that within a period specified in the notice (not being less than twenty-eight days

PART III
—*cont.*

from the first publication of the notice) any person may object to the application, by sending notice of his objection and of the grounds thereof to the Minister of Transport and by sending a copy thereof to the highway authority.

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

(4) Nothing in this section shall apply to—

- (a) any shed, hut, shelter, booth, shop or other erection or any vehicle provided, erected or placed on private property by or with the consent of the owner of such property; or
- (b) the sale of food, goods, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge or roadside waste to which this section applies.

Time for
claiming
county road.

42. Where at any time in any urban district having a population exceeding twenty thousand according to the last estimate for the time being published by the Registrar-General there is any county road in respect of which the local authority have not claimed to undertake the maintenance pursuant to section 45 of the Act of 1959 and the time within which such a claim may be made has apart from the provisions of this section expired the local authority may make such a claim in respect of that road with the consent of the Council and in that event the claim shall be deemed to have been duly made under the said section.

PART IV

PUBLIC ORDER AND PUBLIC SAFETY

Notice of
street
procession.

43.—(1) No procession shall pass through the streets of an urban district unless written notice stating the route by which and the date and time on and at which it will pass has been delivered at the office of the clerk of the local authority of that district and at the principal police station in the district by midday on the day next but one before the date stated, treating as not an intervening day a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning.

(2) If a procession passes through the streets of an urban district in contravention of the foregoing subsection or by a route or at a time other than that stated in the notice delivered with respect thereto under that subsection, any person organising or conducting the procession shall be liable to a fine not exceeding five pounds.

(3) In this section " procession " means any public or ceremonial procession, or any circus procession or procession of wild animals:

PART IV
—cont.

Provided that nothing in this section shall apply to a public or ceremonial procession habitually held.

44.—(1) If any person wilfully and without the consent of the police authority or of the fire authority (as the case may require)—

Offences in
respect of
telephone
boxes, etc.

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

(b) removes, obliterates, alters, defaces or obscures any plate, notice or mark provided by or at the expense of the police authority, or by or at the expense of the fire authority (as the case may be), for indicating the position of any such call box, shelter or box, or the position of any underground tank provided for fire fighting purposes; or

(c) interferes with the equipment in any such call box, shelter or box;

he shall be liable to a fine not exceeding five pounds and the police authority, or the fire authority (as the case may require), may recover from him the expenses of removing the obstruction or replacing or making good the plate, notice, mark or equipment.

(2) If any person—

(a) telephones or causes to be telephoned from any such call box any statement which he knows to be false (other than any such false alarm of fire as is referred to in section 31 of the Fire Services Act, 1947); or

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

he shall be liable to a fine not exceeding in the case of an offence under paragraph (a) of this subsection ten pounds, and in the case of an offence under paragraph (b) of this subsection twenty-five pounds.

(3) In this section the expression " call box " includes any installation.

45.—(1) For the purpose of preventing or reducing danger from fire in any building in their district to which this section applies and for the purpose of preventing injury or danger to persons resorting thereto, a local authority, if the owner or

Fire
precautions
in certain
buildings.

PART IV
—cont.

occupier of the building fails to comply with any reasonable requirements of the local authority with respect to any of the matters referred to in paragraphs (a) to (e) of this subsection, shall, by notice, require the owner or occupier of the building—

- (a) to provide satisfactory and sufficient means of ingress and egress and passages and gangways;
- (b) to alter any installation, apparatus and fittings for the lighting and heating of the building, or to provide any new installation, apparatus or fittings for this purpose;
- (c) to fix securely in a satisfactory position the chairs and seating accommodation;
- (d) to secure that open fires or stoves shall be suitably and adequately protected;
- (e) to provide and maintain adequate fire-fighting equipment in the building:

Provided that—

- (i) any such requirements shall have regard to the number of persons likely to resort to the building at any one time, and in relation to a building occupied for the purposes of a school or other educational institution maintained by the Council as local education authority or in respect of which grants are made by the Minister of Education to the persons responsible for the management thereof, shall not be of such a nature as to interfere with the normal and proper use of the building for the purposes of the school or institution;
- (ii) a notice shall not be served under this subsection if the local authority (after consultation with the fire authority in accordance with section 53 (As to consultation with fire authority) of this Act) are satisfied that no such requirements are necessary;
- (iii) no requirement shall be made under—
 - (A) paragraph (b) of this subsection to alter any installation of oil-burning equipment as defined in section 51 (Oil-fired boilers) of this Act installed or placed in compliance with byelaws made under that section;
 - (B) paragraph (e) of this subsection to provide and maintain fire-fighting equipment in any boiler-house or fuel store in which such equipment is provided in compliance with byelaws made under the said section 51.

(2) A notice under the preceding subsection may require the owner or occupier of the building to execute such work and to make such provision in regard to the matters aforesaid as may be necessary.

PART IV
—cont.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices mentioned in subsection (1) of that section and in their application to notices given under this section shall have effect as if the following paragraph were added to subsection (3) thereof:—

“(g) where the notice requires the owner or occupier of part of the premises in question to execute works for the benefit of the owner or occupier of any other part of the premises, that the owner or occupier of that other part ought to bear, or contribute towards, the expenses of executing the works required”;

and subsection (5) of the said section 290 shall have effect accordingly as if after the reference to “paragraph (f)” there were included a reference to “paragraph (g)”.

(4) The person having the control of any building to which this section applies shall take steps to secure that the means of ingress and egress and the passages and gangways shall, while persons referred to in subsection (8) of this section are assembled in the building, be kept free and unobstructed, except in so far as the local authority may otherwise approve and, if he fails to do so, shall be liable to a fine not exceeding twenty pounds:

Provided that this subsection shall not apply in relation to any building if the person having the control of that building has no control over the use of the part of the building used as a place of assembly by persons and for the purposes referred to in subsection (8) of this section.

(5) If the local authority are satisfied that for the purposes of subsection (1) of this section, immediate action should be taken in the case of a building to which this section applies, they may apply to a magistrates' court and the court may make such temporary order as it thinks fit for the closing of the building or for restricting its use.

(6) Any member of the fire brigade of the county who is duly authorised for the purpose shall, on producing if so required some duly authenticated document showing his authority have a right to enter at all reasonable times, any building to which this section applies—

(a) for the purpose of ascertaining whether there is, or has been, in or in connection with the building, any

PART IV
—cont.

contravention of the provisions of this section, or of any order made by the court under this section;

- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise a local authority to take any action under this section.

(7) The provisions of subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply to entry into a building for the purposes of subsection (6) of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

(8) This section applies to any building within the county which is used, whether occasionally or not, as a place of assembly by persons (whether or not the persons are charged for admission) who are members of any club, organisation or other body (not being a club registered under the Licensing Act, 1961) and which in furtherance of the objects or purposes for which the club, organisation or body was formed is used by the members thereof for the purpose of entertainment, dancing or the playing of games:

Provided that this section shall not apply to any building of a description specified in subsection (5) of section 59 of the Act of 1936 during the time the building is used for the purpose or purposes therein described or to a private house or to premises in respect of which there is in force for the time being a justices' on-licence within the meaning of subsection (2) of section one of the Licensing Act, 1953.

(9) Nothing in this section shall apply to a building in respect of which a licence under the Cinematograph Acts, 1909 to 1952, is for the time being in force provided that the provisions of the licence are complied with during the time the building is being used for the purposes described in subsection (8) of this section.

Building
plans:
access for
fire brigade.

46.—(1) Where plans for the erection of a building are in accordance with building byelaws or building regulations deposited with a local authority, the local authority shall reject the plans if they show—

- (a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or
- (b) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(2) Where plans for the extension of a building are in accordance with building byelaws or building regulations deposited with a local authority, the local authority shall reject the plans if they show—

- (a) that the extension will be such as to affect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or
- (b) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(3) In this section “access by the fire brigade” means access by members of one or more fire brigades and their appliances and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, references to the neighbouring building as erected, altered or extended in accordance with those plans.

(4) If a local authority 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.

(5) Any question arising under this section between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans may, on the application of that person, be determined by a magistrates' court.

(6) This section shall not apply in respect of plans deposited for the erection of—

- (a) a one-storeyed private dwelling-house of a capacity of less than eighteen thousand cubic feet or such other capacity as the Secretary of State may by order prescribe; or
- (b) a private dwelling-house of two storeys neither of which storey has a floor area of more than one thousand square feet or of such other capacity as the Secretary of State may by order prescribe ;

not being a flat or maisonette.

PART IV
—cont.

(7) An order under subsection (6) of this section shall be made by statutory instrument and the local authority shall cause to be published in a local newspaper circulating in the district notice of the making of such order and of the general effect thereof.

(8) Either—

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

(b) a photostatic or other reproduction certified by the clerk of the local authority 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.

Further
provision
for fire
precautions.

47. Section 59 of the Act of 1936 shall have effect in the county as if in paragraph (b) of subsection (5) thereof the words “covered market or sale room” were inserted after the word “warehouse” and as if the word “ten” were substituted for the word “twenty”:

Provided that nothing in this section shall apply to premises in respect of which there is a justices’ licence for the sale of intoxicating liquor for consumption on the premises or to premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force.

Prescription
of signs, etc.,
to be used
on certain
buildings.

48.—(1) The fire authority may in relation to any substance to which this section applies—

(a) prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of the substance and the existence of danger from fire;

(b) by notice require the occupier of any part of a building used for the manufacture or storage of the substance to affix within such reasonable time as is specified in the notice and thereafter keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage the appropriate sign, symbol or notice.

(2) This section applies to any substance likely to involve special hazard to persons engaged in normal duties of fire fighting.

(3) Any person who fails to comply with the requirements of the fire authority under this section shall be liable on conviction to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

PART IV
—cont.

49.—(1) A local authority may if they are of opinion that storage for the purposes of sale or trade of any substances to which this section applies in any part of a building in their district (in this section referred to as “the storage part of the building”) is in—

Parts of buildings used for storage of inflammable substances.

(a) such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building as a habitable room or as a place where any person works; or

(b) such manner as to be liable to cause fire or explosion;

by notice require the occupier of any part of that building to provide within such reasonable period as may be specified in the notice—

(i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the storage part of the building;

(ii) means of ready escape in case of fire from the storage part of the building and any other part of the building being a part comprising a habitable room or a place in which any person works if that other part communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;

(iii) notices in or on the storage part of the building indicating the existence of danger from fire.

(2) (a) An authorised officer of the local authority may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936 as applied by this Act, purchase and test samples of any substance stored on such premises for the purposes of sale or trade in order to ascertain whether or not such substance is a substance to which this section applies.

(b) The result of any kind of test of a sample taken by an authorised officer of the local authority by virtue of this section shall not be admissible as evidence in any legal proceedings under this section including an appeal under subsection (5) of this section unless the following requirements have been complied with: that is to say, the said officer shall, forthwith after taking

PART IV
—cont.

the sample, notify to the occupier of the building his intention to have it tested and shall there and then divide the sample into three parts, shall cause each part to be placed in a suitable container which shall be sealed up and marked, and shall—

- (i) deliver one part to the occupier of the building;
- (ii) retain one part for future comparison; and
- (iii) if he thinks fit to have a test made, submit one part to be tested.

(3) The occupier of any building who—

- (a) by reason of a restriction affecting his interest in the building is unable to execute works for the purpose of complying with a requirement of the local authority under this section; or
- (b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such requirement or, as the case may be, to direct the owner of the building or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(4) (a) If after the requirements of the local authority under subsection (1) of this section have been complied with and a certificate to that effect has been granted by the local authority any material extension or material structural alteration of the building to which the certificate relates is made the local authority may serve a further notice varying any requirement made under subsection (1) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the local authority shall amend the certificate or grant a new certificate in respect of the building but if anything required to be provided in accordance with a further notice served under this subsection is not provided within such reasonable time as may be specified in the further notice the local authority may cancel the certificate granted under this subsection in respect of the building.

(5) (a) Any person aggrieved by a requirement of the local authority under subsection (1) of this section, or by a variation of a requirement under subsection (4) of this section, may appeal to a magistrates' court on any or all of the following grounds:—

- (i) that the requirement or variation is not justified by the terms of this section;
- (ii) that the requirement or variation is unreasonable in character or extent;
- (iii) that the period specified in the notice is not reasonably sufficient for the purpose of complying with the requirements of the notice.

(b) Any person aggrieved by the refusal of the local authority to grant or amend a certificate under this section or by the cancellation of a certificate under subsection (4) of this section may appeal to a magistrates' court.

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

(7) This section applies to—

- (a) any building which is used, or intended to be used, partly for the storage for the purposes of sale or trade of any substance to which this section applies and partly as a habitable room or a place in which any person works, if the part used as a habitable room or a place in which a person works communicates directly or indirectly with or is adjacent to or constructed at a higher level than the storage part of the building;
- (b) (i) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable; and
- (ii) any other substance which when tested by a method approved by the Secretary of State gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit:

Provided that this section shall not apply to any building in which no substance to which this section applies is stored other than—

- (i) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act, 1928, apply; or
- (ii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable

PART IV
—cont.

vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each; or

- (iii) any substance which does not when tested by a method approved by the Secretary of State give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

(8) In this section “building” where used in relation to the storage of substances therein includes the curtilage of the building.

(9) Nothing in this section shall apply to premises which are subject to the Factories Act, 1961, or regulations made under that Act.

Firemen’s
switches for
luminous
tube signs.

50.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding six hundred and fifty volts, or other equipment so designed, and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which is inside a building and is attended while in operation.

(2) As from the coming into operation of this section apparatus to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer; and the switch shall be so placed, and coloured or otherwise marked, as to satisfy such reasonable requirements as the fire authority may impose, to secure that it shall be readily accessible to, and recognisable by, firemen.

(3) Not less than fourteen days before work is begun to instal apparatus to which this section applies, the consumer shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the coming into operation of this section, the consumer shall, not less than fourteen days before the coming into operation of this section, give notice to the fire authority—

- (a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer, showing where the switch is placed and how it is coloured or otherwise marked;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid, showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the fire authority as required by subsection (3) or subsection (4) of this section the proposed, or, as the case may be, actual, position, colouring or marking of the switch shall be deemed to satisfy the requirements of the fire authority unless, within ten days from the date of the service of the notice, if the notice is served under subsection (3) of this section or within twenty-one days from the date of the service of the notice, if the notice is served under subsection (4) of this section, the fire authority have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the fire authority.

(7) A person aggrieved by a counter-notice served by the fire authority under subsection (5) of this section may appeal to a magistrates' court; and the court, if it allows the appeal, shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding five pounds and, in the case of an offence under subsection (8) of this section, to a daily fine not exceeding two pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations, 1937, or any regulations that may be made under section 60 of the Electricity Act, 1947.

(12) This section shall not apply to apparatus installed on or in premises or any part of premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force:

Provided that where any luminous tube sign to which, but for this subsection, subsection (1) of this section would apply, is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the fire authority informing them of the position in which it is proposed to place the cut-off switch.

PART IV
—cont.

(13) This section shall come into operation in the county on the first day of October, nineteen hundred and sixty-three.

(14) (a) The fire authority shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this section by advertisement in two or more newspapers circulating in the county, and otherwise in such manner as the fire authority think fit.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

Oil-fired
boilers.

51.—(1) As from the appointed day any person intending to instal or place oil-burning equipment in any building in a district whether erected before or after the passing of this Act or on any land in the district shall give not less than fourteen days' notice to the local authority of his intention so to do.

(2) (a) The Council if requested by the local authority to do so may make byelaws for securing that, in relation to any oil-burning equipment so installed or placed after the coming into operation of the byelaws, proper arrangements will be made for preventing or reducing danger from fire.

(b) Byelaws made under this section may include provisions—

- (i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land as aforesaid the works, apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works, apparatus, fittings and appliances; and
- (ii) empowering the local authority, if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire, to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(c) As respects byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Secretary of State.

(3) (a) Any person aggrieved by the refusal of the local authority to approve the installation or placing of any equipment under any byelaw made under sub-paragraph (ii) of paragraph (b) of subsection (2) of this section may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

(b) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the local authority against which the appeal is made.

(c) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the local authority given under the byelaw.

(4) (a) If any person installs oil-burning equipment in any building or on any land in the district without giving notice to the local authority in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and if—

- (i) that person after conviction of the contravention; or
- (ii) any other person after notice of the conviction has been served on him by the local authority;

uses the oil-burning equipment in contravention of that byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) In this section—

the expression “oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner, the storage tanks and the apparatus, fittings, devices and catchpits and any other equipment used for or in connection with the heating of the boiler;

the expression “boiler” means a boiler, furnace, heater, oven or similar plant;

the expression “storage tank” means a tank, container or device designed or adapted for the purpose of supplying oil to a boiler;

the expression “apparatus and fittings” includes pipes and pipe fittings, taps, valves, pumps, gauges, vessels, fans and filters.

(6) Nothing in this section or any byelaws made thereunder shall apply to—

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding one thousand gallons; or

(b) any oil-burning equipment installed in any building in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force; or

PART IV
—cont.

(c) the installation of any oil-burning equipment by the Railways Board for the purposes of their undertaking:

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms other than buildings so used which form part of a railway station; or

(d) the installation of any oil-burning equipment by the Central Electricity Generating Board, the North Eastern Electricity Board or the Northern Gas Board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend—

- (i) to houses; or
- (ii) to buildings used as offices or showrooms.

(7) Section 250 of the Act of 1933 shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words “or confirm with modifications” after the word “confirm” in the second place where that word occurs in subsection (6) thereof.

(8) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Act, 1961, applies on the coming into force in relation to those premises of regulations made under that Act and relating to the same subject-matter as this section.

Instructions,
lectures, etc.,
on questions
relating to fire
services, etc.

52. The fire authority may—

(1) within the county arrange for—

(a) the publication of information on questions relating to fire services, fire fighting and precautions for avoiding the occurrence of fires; and

(b) the delivery of lectures and addresses and the holding of discussions on such questions; and

(c) the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions;

(2) within or outside the county prepare or join in or contribute to the cost of the preparation of pictures, films, models or exhibitions to be displayed or held as aforesaid.

53.—(1) A local authority shall consult with the fire authority—

PART IV
—cont.

- (a) in the performance of their functions under section 59 and section 60 of the Act of 1936;
- (b) before constructing in their district any building other than a building to which building byelaws do not apply by virtue of paragraph (b) of section 71 of the Act of 1936;
- (c) before serving a notice under subsection (1) of section 45 (Fire precautions in certain buildings) or subsection (1) of section 49 (Parts of buildings used for storage of inflammable substances) of this Act;
- (d) before rejecting any plans in accordance with the provisions of subsections (1) or (2) of section 46 (Building plans: access for fire brigade) of this Act:

As to
consultation
with fire
authority.

Provided that no such consultation shall be required in relation to the erection of—

- (i) a one-storeyed private dwelling-house of a capacity of less than eighteen thousand cubic feet or such other capacity as the Secretary of State may by order prescribe; or
- (ii) a private dwelling-house of two storeys neither of which storey has a floor area of more than one thousand square feet or of such other capacity as the Secretary of State may by order prescribe;

not being a flat or maisonette.

(2) An order under this section shall be made by statutory instrument.

54.—(1) The Council, a local authority or parish council may provide, erect and maintain such posts and signs as may be necessary for the purpose of warning persons of dangerous conditions existing in the vicinity of such posts and signs with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land.

As to warning
posts and
signs.

(2) The Council may contribute to the expenses incurred by a local authority or parish council in exercising the powers of this section.

(3) Nothing in this section shall be in derogation of any order or regulation made by the Minister of Transport in respect of traffic signs or any general or special directions given by him in pursuance of the Act of 1960.

PART V

LECTURES, CULTURAL ACTIVITIES, RECORDS, ETC.

Provision of lectures, etc., by Council.

55.—(1) It shall be lawful for the Council—

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Council think fit and to let such rooms and to make reasonable charges for admission to such lectures; and
- (b) to provide suitable rooms for art exhibitions and to provide or permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that—

- (i) the sum to be expended by the Council in any one financial year on the provision of lectures; and
- (ii) the sum to be expended by the Council in any one financial year on the provision of art exhibitions;

shall not in either case exceed the equivalent of one-third of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Act of 1925, in addition to any moneys received by the Council under the provisions of this section.

(2) The Council may use or allow to be used or let any part of any public library provided by them, and not at the time required for the purpose of a library, for public and other meetings, and for lectures, exhibitions and performances for or in connection with the advancement of art, education, drama, science, music or literature.

(3) The Council may provide and sell or authorise the provision and sale of programmes of any lectures, exhibitions or performances given in pursuance of this section.

(4) Nothing in this section shall be taken to dispense with the consent of a Minister of the Crown to any appropriation, lease or other disposition of any lands of the Council in any case in which such consent would have been required if this section had not been enacted.

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or other public entertainment of the like kind or a cinematograph exhibition.

56.—(1) A local authority, not being a library authority within the meaning of the Public Libraries Acts, 1892 to 1919, may—

PART V
—cont.

- (a) provide or contribute towards the provision of meetings, lectures, exhibitions and performances for or in connection with the advancement of art, drama, music or literature; Provision of lectures, etc., by certain local authorities.
- (b) provide suitable rooms or other accommodation in which to hold or give any meeting, lecture, exhibition or performance mentioned in paragraph (a) of this subsection;
- (c) let such rooms or accommodation for such purposes and make reasonable charges for admission to any such meeting, lecture, exhibition or performance; and
- (d) provide and sell or authorise the provision and sale of programmes of any lectures, exhibitions or performances mentioned in paragraph (a) of this subsection:

Provided that any expenditure incurred by a local authority on the provision of meetings, lectures, exhibitions and performances mentioned in paragraph (a) of this subsection shall be deemed for the purposes of subsection (3) of section 132 of the Local Government Act, 1948, to be expenditure incurred by them in the exercise of powers under a statutory provision for the provision by them of entertainments.

(2) Nothing in this section shall be taken to dispense with the consent of a Minister of the Crown to any appropriation, lease or other disposition of any lands of the local authority in any case in which such consent would have been required if this section had not been enacted.

(3) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or other public entertainment of the like kind or a cinematograph exhibition.

57.—(1) In connection with their powers under section 55 (Provision of lectures, etc., by Council) of this Act, and under the Public Libraries Acts, 1892 to 1919, the Council may publish and sell or dispose of bulletins, journals, periodicals and leaflets and documents of historical or literary interest having a local connection. Power to publish bulletins, etc.

(2) Nothing in this section shall affect the rights of any person under the law for the time being relating to copyright.

58.—(1) The Council may erect and maintain or contribute towards the erection and maintenance of any picture or sculpture in any place provided by or vested in the Council under section 125 of the Act of 1933. Acquisition of pictures, etc.

PART V
—cont.

(2) The Council may acquire by agreement or contribute towards the provision of any picture or sculpture for erection and maintenance in accordance with the provisions of subsection (1) of this section and may from time to time enter into and carry into effect a contract for—

- (a) the taking and purchase of any photograph; or
- (b) the production of a picture or sculpture or other work of art, and for the purchase thereof by the Council when completed.

(3) The payments to be made by the Council under this section shall not in any financial year exceed the equivalent of one-tenth of the product of a penny rate for the county as ascertained or estimated for the purpose of subsection (2) of section 9 of the Act of 1925.

PART VI

FINANCE

Power to
borrow.

59.—(1) The Council may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority such sums as may be necessary for the payment of the costs, charges and expenses of this Act;
- (c) without the consent of any sanctioning authority such sums as may be requisite for the purpose of lending to a local authority under section 60 (Power to Council to lend money to local authorities, etc.) of this Act.

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) 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 Part IX of the Act of 1933 and the period fixed under this section for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

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

PART VI
—cont.

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

(2) Any agreement under this section may be made by resolutions passed respectively by the Council and by the local authority.

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

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

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

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

(6) In this section the expression "local authority" means the council of any district and any other authority having jurisdiction within the county and being a local authority as defined by section 34 of the Local Loans Act, 1875, and includes any river board or drainage board having jurisdiction within the county and any joint board if all the constituent authorities are such local authorities as aforesaid.

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

General
insurance
fund.

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

PART VI
—cont.

(3) In each financial year after the establishment of the insurance fund the Council 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 Council fully insured in some insurance office of good repute against the specified risks; or
- (b) if the Council insure in some insurance office against the whole or part of all or any of the specified risks such sum 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 Council may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Council 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 Council shall provide the yearly payments aforesaid by contributions from the revenue moneys of the county 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 Council which, if the specified risks were insured against in an insurance office, would be properly chargeable with the payment of the premium of such insurance.

(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 respect of the specified risks, all moneys for the time being standing in the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities, and the interest and other annual proceeds received by the Council in respect of such investments shall be carried to the county fund.

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

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received

by the Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the Council between the several undertakings, departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

PART VI
—cont.

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

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

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

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

(10) In this section—

(a) “insurance office” means (i) an insurance company or (ii) an underwriter being a member of an association of underwriters;

(b) “prescribed amount” means such sum as may from time to time be prescribed by the Council; and

PART VI
—cont.

(c) “statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust moneys.

Scheme for
equated
periods.

62.—(1) The Council may 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 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 Council under this section shall have no force or effect until confirmed by the Minister who may confirm the same with or without modifications and when so confirmed the scheme shall, notwithstanding any enactment, order or sanction to the contrary, have full force and effect.

(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 Council 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 altered, extended, amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

(6) In this section the expression “statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity, rentcharge, rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority

of any enactment, but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933.

PART VI
—cont.

63. If in respect of any financial year the moneys received by a local authority on account of the revenue of any of their undertakings (including the interest and other annual proceeds received by the local authority in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the local authority in respect of that undertaking properly chargeable to revenue the local authority may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

Application of
general rate
fund for
certain
purposes.

- (1) in the reduction of capital moneys borrowed for the purpose of the undertaking; or
- (2) in the renewal, construction, extension or improvement of any works and conveniences for the purposes of the undertaking; or
- (3) towards the provision of any reserve fund in respect of the undertaking which the local authority are authorised to provide.

64. If any money is payable by the Council to any employee (other than wages or salary) or creditor on the holder of any authorised security and the person entitled to such payment is a minor the receipt of the guardian shall be a sufficient discharge to the Council.

Receipt in
case of minors.

65. Notwithstanding anything in subsection (5) of section 1 of the Small Dwellings Acquisition Act, 1899, where any person repays any part of any advance of money made to such person by the Council under the Small Dwellings Acquisition Acts, 1899 to 1923, the amount of each periodical payment subsequently to be made by such person need not be reduced in accordance with the table referred to in the said subsection but may remain unvaried and in that event the period during which the advance is to be repaid shall be appropriately reduced.

As to repay-
ment of loans
under Small
Dwellings
Acquisition
Acts, 1899
to 1923.

66. Section 1 of the Local Authorities (Expenses) Act, 1956, shall in relation to the Council have effect as if in paragraph (b) thereof after the words "distinguished persons" there were inserted the words "residing in or".

Extension of
section 1 of
Local
Authorities
(Expenses)
Act, 1956.

PART VI
—cont.

Power to charge in respect of establishment expenses.

67. Without prejudice to section 292 of the Act of 1936, and to that section as applied by any other enactment, where under any enactment the Council are empowered to execute works at the request of, or in default of, the owner or occupier of any premises and to recover from him the expenses incurred by them in so doing, they may include in and recover as part of the expenses such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

Recovery of sums paid to officers, etc.

68. Where the Council have paid in advance to any officer or servant of the Council or to any officer or servant whose salary or wages are payable by the Council the amount of his salary or wages (as the case may be) and such officer or servant dies before the expiration of the period in respect of which such payment is made the Council shall not be required to demand the return of any portion not being more than twenty-five pounds of such payment.

Officers of Council acting as receivers, etc.

69.—(1) The Council may pay to any of their officers who acts in any of the following capacities:—

- (a) as the receiver appointed by an order made under Part VIII of the Mental Health Act, 1959;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Council;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

the amount of any sum forfeited by him to the Crown or to the Principal Probate Registrar or the amount of any payment which he is liable to make by reason of his acting in any such capacity as aforesaid.

(2) The Council may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in one of the capacities mentioned in subsection (1) of this section against any act, neglect or default whether his own or that of any other person occurring in the course of the receivership or administration.

(3) Any payments which the Council have power to make under the provisions of subsection (1) of this section and any of the risks referred to in subsection (2) of this section may be specified by the Council as specified risks in accordance with section 61 (General insurance fund) of this Act and that section shall be construed accordingly.

70.—(1) In this section words and expressions to which meanings are assigned in the Local Government Superannuation Acts, 1937 to 1953, shall have the same respective meanings and the expression “local authority” shall include a magistrates’ courts’ committee, a probation committee, the managers or governors of a voluntary school, a local valuation panel and any voluntary organisation or undertakers or any body approved by the Minister, the employees of which participate in the benefits of a superannuation fund maintained by an administering authority or a local Act authority by virtue of an agreement made or continued in force as if made under section 15 of the Local Government Superannuation Act, 1953, or any local Act.

PART VI
—cont.

Exclusion of certain remuneration and service for superannuation purposes.

(2) The salary, wages, fees and other payments paid or made (whether before or after the passing of this Act) to an employee to whom this section applies in respect of any part-time employment (not being employment the duties of which may be performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Council, the Durham County Magistrates’ Courts Committee, the Durham Combined Area Probation Committee or the managers or governors of a voluntary school within the county—

- (a) as an instructor or other employee performing duties at or for the purposes of an evening institute or for the purposes of evening classes; or
- (b) as a warden of or other employee performing duties at or for the purposes of a youth centre; or
- (c) as a civil defence instructor; or
- (d) in any other capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment;

shall not be remuneration within the meaning of the Local Government Superannuation Acts, 1937 to 1953, or of any other enactment affecting the superannuation fund maintained by the Council under those Acts and the service of any such contributory employee or local Act contributor in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(3) This section applies to employees employed whole-time by the Council or any other local authority—

- (a) who are contributory employees for the purposes of the Local Government Superannuation Acts, 1937 to 1953; or
- (b) who are teachers employed in contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1956; or

PART VI
—cont.

(c) who are firemen participating in the Firemen's Pension Scheme; or

(d) who by virtue of the provisions of rule 3 of the Superannuation (Policy and Local Government Schemes) Interchange Rules, 1948, are not subject to the provisions of the Local Government Superannuation Acts, 1937 to 1953.

(4) Where before the passing of this Act any person has paid any contribution or contributions to the superannuation fund maintained by the Council which would not have been so paid if this section had been in force when such contribution or contributions were made, the Council shall repay to such person a sum equal to the amount of such contribution or contributions together with compound interest thereon calculated to the date of repayment at the rate of three pounds per centum per annum with half-yearly rests.

(5) The foregoing provisions of this section shall not apply to any such person as is referred to in the last foregoing subsection unless within six months after the passing of this Act such person shall give notice in writing to the Council that the said foregoing provisions are to apply to him, whereupon the said foregoing provisions shall apply to him as if this Act had come into force on the date of the receipt by the Council of such notice.

Transfer of certain sums from superannuation fund.

71.—(1) If a contributory employee of the Council is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Council may transfer from the superannuation fund maintained by them to the county fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife or family under subsection (4) of section 10 of the Local Government Superannuation Act, 1937, or the amount of loss suffered by the Council in consequence of the employee's offence or misconduct whichever is the less.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund maintained by the Council is dismissed, resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct in consequence of which the employing authority have suffered direct financial loss the Council shall on demand from the employing authority pay to them out of such fund an amount equal to so much of the employee's contributions thereto as the employing authority have not directed to be returned to the employee or paid to his wife or

family or the amount of such loss suffered by the employing authority in consequence of his offence or misconduct whichever is the less:

PART VI
—cont.

Provided that where a payment in lieu of contributions falls to be made in respect of the employee under the National Insurance Act, 1959, the Council shall not under this subsection be required to pay to the employing authority so much of the employee's contributions as amounts to one-half of such payment in lieu of contributions.

(3) In this section the expressions "contributory employee" and "employing authority" have the same respective meanings as in the Local Government Superannuation Act, 1937.

72. Notwithstanding anything in the Local Government Superannuation Acts, 1937 to 1953, the Council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts, 1920 to 1962, or any other superannuation, pension, compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Council in such manner and at such times as they may from time to time require of the continued existence of such person. As to proof of continued existence of pensioners.

73. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Council and a person at any time entitled to any mortgage granted by the Council to extend the time for repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Council on the principal moneys so secured and not repaid, or both, to extend such time and to alter such rate of interest, effect may be given thereto by an endorsement in writing under the hands of such person (or, in the case of a corporate body, by the duly authorised representative of that body) and of the clerk of the Council or his duly authorised representative, endorsed on the deed by which such mortgage was originally granted, and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly. Modification of mortgages by endorsement under hand.

74.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the local authority so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment, and so much of such Recovery of rates from certain owners.

PART VI
—cont.

payment may, on proof of such agreement, be recovered by the local authority from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

(b) The remedy of the local authority under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Act of 1925 applies by virtue of a resolution of the local authority.

As to
recovery of
rates from
tenants and
lodgers.

75. For the purposes of section 15 of the Act of 1925 the rates due from the person rated for any hereditament within the county shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Gratuities to
non-teaching
staff in
voluntary
schools.

76. For the purposes of section 18 of the Local Government Superannuation Act, 1953, as applied to the Council, a person employed in a voluntary school in the county, otherwise than as a teacher, shall be deemed to be employed by the Council and the Council may grant to any such person a gratuity in accordance with the provisions of the said section 18.

Application of
certain
provisions
of Part VI
to local
authorities.

77.—(1) The provisions of this Part of this Act mentioned in paragraph (a) of subsection (2) of this section shall apply to a local authority and those mentioned in paragraph (b) of the said subsection to a local authority for the time being authorised to exercise the powers of the Small Dwellings Acquisition Acts, 1899 to 1923, and the said provisions shall accordingly have effect with any necessary modifications including the substitution of "local authority" for "Council" and "general rate fund" for "county fund."

(2) The provisions hereinbefore referred to are—

- (a) Section 61 (General insurance fund);
- Section 62 (Scheme for equated periods);
- Section 64 (Receipt in case of minors);
- Section 66 (Extension of section 1 of Local Authorities (Expenses) Act, 1956);
- Section 67 (Power to charge in respect of establishment expenses);
- Section 68 (Recovery of sums paid to officers, etc.);

Section 69 (Officers of Council acting as receivers, etc.);

Section 72 (As to proof of continued existence of pensioners);

Section 73 (Modification of mortgages by endorsement under hand);

PART VI
—cont.

(b) Section 65 (As to repayment of loans under Small Dwellings Acquisition Acts, 1899 to 1923).

PART VII

COUNTY QUARTER SESSIONS

78.—(1) (a) A person appointed chairman or deputy chairman of the court of quarter sessions for the county of Durham (in this Part of this Act referred to as “the court”) in accordance with the provisions of section 1 of the Administration of Justice (Miscellaneous Provisions) Act, 1938, shall be deemed to be appointed as whole-time salaried chairman or whole-time salaried deputy chairman of the court (as the case may be) if the Council and the court so agree and the Lord Chancellor approves.

Appointment of whole-time salaried chairman or deputy chairman.

(b) A person so appointed may be deemed to be appointed as whole-time salaried chairman or as whole-time salaried deputy chairman of the court notwithstanding that such person may also act as chairman or deputy chairman of any other court of quarter sessions including any such court constituted after the passing of this Act.

(2) The following provisions of this Part of this Act shall apply to any person deemed to be appointed as whole-time salaried chairman or whole-time salaried deputy chairman in accordance with the provisions of subsection (1) of this section and such person is hereafter in this Part of this Act referred to as “the chairman” or “the deputy chairman” (as the case may be).

79. The chairman and the deputy chairman shall not without the consent of the court practise as a barrister, or act for any remuneration to himself as arbitrator or referee, or carry on any profession or engage in any employment of such a nature as will, in the opinion of the court, prevent him from properly performing his duties as chairman or deputy chairman (as the case may be).

Whole-time service of chairman or deputy chairman.

80.—(1) Each person appointed as the chairman or as the deputy chairman shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Retirement or removal of chairman or deputy chairman.

Provided that where the Lord Chancellor considers it desirable in the public interest to retain the chairman or the deputy

PART VII
—cont.

chairman (as the case may be) in office after attaining the said age, he may from time to time authorise the continuance of the chairman or the deputy chairman (as the case may be) in office up to such later age (not exceeding seventy-five years) as he thinks fit.

(2) The chairman or the deputy chairman (as the case may be) may be removed from office by the Lord Chancellor for inability or misbehaviour.

Super-
annuation
allowance
and benefits.

81.—(1) On the appointment of the chairman or the deputy chairman or at any time thereafter the Council (if they think fit) may undertake to pay to or in respect of the chairman or the deputy chairman, if either—

- (a) after five years' service his office is vacated in pursuance of subsection (1) of section 80 (Retirement or removal of chairman or deputy chairman) of this Act; or
- (b) after five years' service he retires and the Council are satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent; or
- (c) after fifteen years' service he resigns or dies in office and at the time of resignation or death has attained the age of sixty-five years;

a superannuation allowance and benefits, to be ascertained in accordance with a scheme to be prepared by the Council and approved by the Lord Chancellor.

(2) A scheme under this section may be varied or revoked by a subsequent scheme prepared by the Council and approved by the Lord Chancellor.

(3) Any superannuation allowance and benefits which may become payable pursuant to a scheme prepared and approved under this section shall be paid by the Council out of the county fund.

PART VIII

MISCELLANEOUS

Authorisation
of appearance
of Council's
officers in legal
proceedings.

82. A resolution of the Council under section 277 of the Act of 1933 may refer either to an officer by name or to the holder or holders for the time being of the office or offices stated therein.

As to
minutes of
Council
meetings, etc.

83.—(1) Notwithstanding anything contained in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the Council or of any committee

or sub-committee thereof may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the Council or committee or sub-committee, as the case may be, by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

PART VIII
—cont.

(2) The provisions of this section shall apply to the standing joint committee and shall have effect with any necessary modifications including the substitution of the expression "standing joint committee" for "Council".

(3) In this section the expression "standing joint committee" means the standing joint committee of the Durham Quarter Sessions and the council appointed under section 30 of the Local Government Act, 1888.

84. The provisions of section 85 of the Act of 1933, in so far as they relate to the appointment of committees, shall apply to the police authority and the members thereof as if references in the said provisions to a local authority were references to the police authority.

Power to
police
authority to
appoint
committees.

85.—(1) A committee lawfully authorised by the Council to exercise any powers of the Council under any enactment may, subject to any direction of the Council, appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit, and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

Delegation
of powers to
sub-
committees.

(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the Council.

(3) The powers of this section shall be in addition to the powers of any committee of the Council to appoint a sub-committee under any other enactment.

86.—(1) In this section—

the expression "a library" means any library maintained under the Public Libraries Acts, 1892 to 1919, by a library authority (either alone or in combination with another authority) and any library maintained under the said Acts any part of the cost of the maintenance of which is borne by a library authority;

Return of
library books,
etc.

PART VIII
—cont.

the expression “ a library authority ” means the library authority for any area or district within the county for which the Public Libraries Acts, 1892 to 1919, have been adopted;

the expression “ article ” includes a book, music (whether printed or manuscript), pamphlet, manuscript, gramophone record or specimen of art;

and in relation to a library maintained by two or more authorities in combination, or the cost of the maintenance of which is shared by two or more authorities, references to the authority by whom the library is maintained shall be construed as references to those authorities.

(2) Any person borrowing an article from a library shall not be entitled to retain the same after the expiration of such period (not being less than fourteen days) after the date of the borrowing thereof as may be prescribed in relation to that article by the authority by whom the library is maintained, and for the purposes of this provision the authority may prescribe different periods for different kinds of books or articles.

(3) Without prejudice to any other powers with respect to articles borrowed from a library, the authority by whom the library is maintained may recover from any person failing to return any article borrowed from that library within such period as may be prescribed as aforesaid such reasonable sum as they may prescribe in respect of each day or each week or part of a week during which he fails to return the article, together with any expenses incurred in sending to him notices in respect of the article:

Provided that the sum prescribed as aforesaid shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education in respect of any week or part of a week during which the article is not returned as aforesaid.

(4) Where a library authority become entitled under this section to recover any sum from any person that person shall not have any right, until that sum has been duly paid, to borrow any other article from any library maintained by that authority.

Recreational,
etc.,
facilities for
employees.

87.—(1) The Council may within or outside the county provide and maintain recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid the Council may—

(a) acquire by agreement land including buildings;

(b) erect or maintain buildings;

(c) make such charges as they think fit for the use of facilities provided under this section;

(d) make regulations for the management of such premises.

PART VIII
—cont.

(3) No power conferred upon the Council by this section shall be exercised in such a manner—

(a) as to be at variance with a trust subject to which land or a building is held, managed or controlled by the Council, without an order of the High Court, or of the Charity Commissioners, or of the Minister of Education, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

(b) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Council, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

88.—(1) The Council may purchase and store and supply to an authority any goods or materials required for the discharge of the functions of that authority and for those purposes the Council and any authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient:

Supply of
goods by
Council to
other
authorities.

Provided that the Council shall not, in the exercise of the powers conferred by this section, supply to an authority building materials other than materials purchased from a person bona fide carrying on business as a builders' merchant.

(2) For the purposes of this section the expression "authority" means—

(a) the councils of the county boroughs of Darlington, Gateshead, South Shields, Sunderland, and West Hartlepool;

(b) the Wear and Tees River Board or the Northumberland and Tyneside River Board;

(c) the police authority, a local authority or a joint committee appointed by two or more local authorities;

(d) any statutory undertakers or other body of persons discharging functions within the county in pursuance of any enactment;

(e) a voluntary organisation in receipt of a grant lawfully made by the Council within twelve months of the exercise of the powers of this section;

and the expression "building materials" includes any product which, or a derivative of which, is capable of being used to form

PART VIII
—cont.

part of a building or of any works preparatory or incidental to the provision of a building, or of being used for preserving or finishing a building or a part of a building, and includes any structure ready for erection as a building or as part of a building and any article which is intended to be provided for permanent enjoyment with a particular building.

Provision of reciprocal services, etc., by Council and other bodies.

89.—(1) For the better performance of their respective powers or duties, provision may be made by agreement between two authorities to whom this section applies for the taking by either party thereto of action of the following kinds:—

- (a) the undertaking by one party for the other of any administrative, clerical, professional or technical services;
- (b) the use or maintenance by one party of any vehicle, plant, equipment or apparatus of the other party and if it appears convenient the services of any staff employed in connection therewith;
- (c) the carrying out of the works of maintenance by one party in connection with land or buildings for the maintenance of which the other is responsible.

(2) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Act of 1936 it shall be made under the said section 271 and not under this section.

(3) In its application to the use of any mechanical road-making equipment or plant the provisions of subsection (1) of this section shall extend to enable the Council to let for hire such equipment or plant to any authority to whom this section applies or any person carrying out work for or on behalf of the Council.

(4) This section applies to the Council, the Wear and Tees River Board, the Northumberland and Tyneside River Board, the police authority, a local authority, the council of an administrative county and the council of a county borough, and in its application to the Council extends so as to authorise the Council to enter into agreements with any voluntary organisation in receipt of a grant lawfully made by the Council within twelve months of the exercise of the powers of this section for the taking by the Council of action of any of the kinds mentioned in subsection (1) of this section.

Electronic or mechanical accounting equipment.

90. At any time after the Council have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any local authority, the police authority or any other body or person

use or permit that local authority, the police authority or that other body or person to use the said equipment for the purposes of that local authority, the police authority or that other body or person and they may make such charges as may be agreed for the use of the said equipment.

PART VIII
—cont.

91.—(1) Any power conferred on an officer of the Council or a local authority by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use, free of expense, for the purpose of the entry or inspection, any ladders, scaffolding and plant in or about the building or works.

Powers to use ladders, etc., for entry or inspection.

(2) If the builder of or contractor for any such building or works or any person employed by him in or about the building or works—

(a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or

(b) otherwise obstructs such an officer in the exercise of those powers;

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

(3) This section shall come into operation on the first day of January, nineteen hundred and sixty-four.

(4) Every local authority shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this section by advertisement in a newspaper circulating in their district and otherwise in such manner as the local authority think fit.

92.—(1) If a person for the purposes of obtaining for himself or another person—

False statements to obtain rent rebates, etc.

(a) the tenancy or occupation of a house belonging to, or at the disposal of, the Council; or

(b) a grant, loan, allowance or other payment by or on behalf of the Council; or

(c) a reduction of a rent, rate, charge, or other payment due or to come due to the Council;

knowingly or recklessly makes, or permits to be made, to the Council or to any committee of the Council or member of the Council or employee of the Council a statement which is false in a material particular about his, or that other person's, needs or means, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.

PART VIII
—cont.

(2) Where the making of a false statement for any of the purposes aforesaid is an offence under any enactment other than the Perjury Act, 1911, it shall not be an offence under this section.

(3) The court by which a person is convicted of an offence under this section may by the conviction adjudge him—

(a) to repay to the Council a sum not exceeding the amount of the grant, allowance or other payment not being a loan obtained by means of the false statement;

(b) to pay to the Council a sum not exceeding the difference between any reduced payment accepted by the Council in faith of the false statement and the payment which the Council would otherwise have accepted.

Boarding out
of aged and
handicapped
persons.

93.—(1) The Council may make arrangements for boarding out persons to whom paragraph (a) of subsection (1) of section 21 of the National Assistance Act, 1948, applies on such terms as to payment by the Council and otherwise as the Council may determine:

(2) This section shall apply to such aged persons as are resident in the county.

Social re-
habilitation.

94.—(1) For the purpose of rehabilitating any family (hereafter in this section referred to as “ a special family ”) residing in the county which or any member of which requires special treatment to fit them or him to be useful members of the community, the Council may—

(a) either within or without the county provide, equip, staff and maintain training centres for the accommodation and training of special families or any member thereof;

(b) employ persons specially skilled by experience or training in the subject of social rehabilitation (hereafter in this section referred to as “ special home visitors ”) to give advice or training to special families in their homes;

(c) supply to any special family such furniture, fittings and conveniences as the Council may think fit and for that purpose buy furniture, fittings and conveniences.

(2) Instead of themselves providing training centres and employing special home visitors, the Council may make arrangements with any voluntary organisation for the provision by that organisation of training centres or for the employment by them of special home visitors as aforesaid, and may make contributions towards the expenses of any such voluntary organisation as aforesaid.

(3) The Council may recover from any person to whom any furniture, fittings or conveniences have been supplied under paragraph (c) of subsection (1) of this section such charges (if any) as, having regard to the cost of the furniture, fittings or conveniences, the Council may determine, whether generally or in the circumstances of any particular case.

PART VIII
—cont.

(4) For the purposes of the National Assistance Act, 1948, and the Children Act, 1948, a person in accommodation provided by the Council under this section without the county shall be deemed to be ordinarily resident in the area, if any, in which he was ordinarily resident immediately before he was admitted to such accommodation whether or not he in fact continues to be ordinarily resident in that area.

95. The rent for the time being recoverable by the Council under a tenancy of any premises forming part of any housing accommodation belonging to the Council may be increased or reduced, or the terms and conditions of that tenancy may be varied, amended or added to, by the service by the Council on the tenant of a notice specifying the amount of the increase or reduction of rent, or the variation or amendment of or addition to the terms and conditions, whether or not such notice is accompanied by a notice to quit, but such increase, reduction, variation, amendment or addition shall not take effect until such date as may be specified in the notice not being earlier than—

Notice of
variation of
rent, etc.

- (1) four weeks after the service thereof; or
- (2) the date on which, if this section had not been enacted, the tenancy could have been terminated by serving a notice to quit on the date of the service of the notice under this section;

whichever shall be the later:

Provided that if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Council requiring them to treat the notice as a notice to quit the notice shall be deemed to be a notice to quit the premises on that date.

96.—(1) If any vehicle is left on any land or in any premises belonging to or under the control of the Council, the Council may, after giving not less than forty-eight hours' notice to the owner of the vehicle, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, remove the vehicle for safe custody and may recover from such owner the expenses incurred in such removal and safe custody:

Removal of
vehicles.

Provided that this section shall not apply to a vehicle left on a road (as defined in section 257 of the Act of 1960).

PART VIII
—cont.

(2) If any vehicle to which subsection (1) of this section applies be not within three months of its removal by the Council proved to the satisfaction of the Council to belong to any claimant, it shall thereupon vest in the Council:

Provided that if within six months of its removal a claim is made to the vehicle by a person who subsequently proves to the satisfaction of the Council that he is or, if the vehicle is vested in the Council, he was immediately before the vesting the owner thereof then the Council shall, if the vehicle is unsold, permit the owner to retake it upon payment of the expenses reasonably incurred in such removal and safe custody or, if the vehicle has been sold, the Council shall pay to such owner the amount of the proceeds of such sale after deducting the expenses reasonably incurred in its removal, safe custody and sale.

(3) The Council shall be deemed not to have made reasonable inquiry to ascertain the name and address of the owner of any vehicle to which this section applies unless they have taken in relation to that vehicle such steps as may be prescribed by any regulations for the time being in force under section 43 of the Act of 1960 for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Council that it had been abandoned.

Local authority may provide weighing-machines.

97. A local authority may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof.

Repair of damaged houses.

98.—(1) Where a local authority are satisfied that it is expedient to execute urgent repairs to any house arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by flooding, earthquakes or landslides the local authority may at their expense execute such emergency works of repair to the house as are necessary to render the house immediately fit for housing purposes.

(2) Before exercising their powers under this section the local authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the house.

(3) The powers and functions of a local authority under this section may be exercised by the engineer and surveyor or medical officer of health or any public health inspector of the district.

(4) In this section the expression "house" means any building or part of a building which is occupied as a separate dwelling.

99. The Council may acquire by agreement, whether by way of purchase, lease or exchange, any land, whether situate within or without the county, for the purpose of providing parking places for vehicles used by members, officers or servants of the Council and may adapt and use for that purpose any land acquired by them under this section.

PART VIII
—cont.

Power to provide car parks for certain purposes.

100.—(1) In any case in which premises are held for, or used, in part by all, or any two or more, of the authorities, the Council, the Durham combined area probation committee and the police authority, as the case may be, may enter into and carry into effect agreements in relation to those premises and without prejudice to the generality of this provision any such agreement may—

Premises partly used by Council and certain other authorities.

- (a) provide for the vesting of those premises in the police authority, the Durham combined area probation committee or the Council as the case may be;
- (b) provide for the joint user of those premises by the authorities; and
- (c) state the terms and conditions of such agreement (including payments to be made in respect thereof) and (if thought fit) the period for which it shall operate.

(2) In this section the expression “the authorities” means the Council, the Durham combined area probation committee, the police authority and any magistrates’ courts committee.

101. The Council may, if requested so to do by any person who is, or who intends to be, the lessor or the lessee of any industrial building or any part of such a building in the county (hereinafter called “the lessor” and “the lessee” respectively) guarantee or contract to secure the payment to the lessor of the rent or of any other sum payable in respect of that building or any part thereof.

Power to Council to guarantee rents, etc.

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

Power to Council to assist industry.

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

PART VIII
—cont.
Protection
of foreshore
and adjoining
land from
pollution.

103.—(1) A local authority to whom this section applies may cleanse the foreshore within their district and the adjoining land (including land below low-water mark of ordinary spring tides, but excluding land in any other district) by removing therefrom oil or any mixture containing oil or any other polluting, offensive or injurious matters that may have been deposited thereon by the action of any tidal or other waters.

(2) A local authority to whom this section applies may, for the purpose of preventing the pollution of the foreshore within their district, and such adjoining land as aforesaid by any such substance as aforesaid with the consent of the Minister of Agriculture, Fisheries and Food, spray or cause to be sprayed with chemicals or other substances any tidal or other waters, and with such consent as aforesaid may do any other thing or take any other measure which in their opinion is likely to achieve that purpose.

(3) Nothing in this section or done thereunder shall prejudice or affect the operation of the Salmon and Freshwater Fisheries Act, 1923, the Water Act, 1945, the Rivers (Prevention of Pollution) Act, 1951, or the Oil in Navigable Waters Act, 1955, or permit the doing of any act which would have been unlawful by virtue of the provisions of the said Acts if this section had not been enacted.

(4) The powers conferred on a local authority by this section shall not be exercised in any area within the jurisdiction of a harbour authority without the consent of that authority.

(5) In this section—

“harbour authority” and “oil” have the same respective meanings as in the Oil in Navigable Waters Act, 1955.

(6) This section applies to the following local authorities:—

The mayor, aldermen and burgesses of the borough of Hartlepool.

The urban district councils of—

Boldon and Seaham.

The rural district councils of—

Easington, Stockton and Sunderland.

Provision of
camping
places.

104.—(1) Where it appears to the Council after consultation with the local authority of the district to be necessary to provide in the county suitable camping places for vehicles, trailers, caravans and tents, the Council may provide such camping places together with means of access thereto and egress therefrom.

(2) Where a camping place is provided under this section the Council may—

(a) do all such things as are necessary to adapt the camping place for use as such, and in particular, but without

prejudice to the generality of the foregoing, provide and maintain any cloakroom or other convenience in connection therewith;

PART VIII
—cont.

- (b) appoint, with or without remuneration, such officers or servants as may be necessary for the superintendence of any such camping place;
- (c) make reasonable charges for the use of any such camping place by any person;
- (d) make regulations as to the use of any such camping place.

(3) The Council may enter into an agreement with any person for the provision by him of anything which the Council has power to do by virtue of the foregoing provisions of this section and any such agreement may contain such incidental and consequential provisions as appear to the Council to be necessary or expedient for the purposes of the agreement, including, in particular, but without prejudice to the generality of the foregoing, provision for—

- (a) a contribution whether by way of loan or otherwise by the Council towards the reasonable expenses incurred by any person in providing, maintaining and conducting a camping place and any facilities connected therewith;
- (b) the charges to be made by persons making use of the camping place;
- (c) the regulation of the use of the camping place.

(4) The Council may contribute towards or advance money by way of loan for—

- (a) the reasonable expenses incurred by any person in doing anything which the Council has power to do by virtue of the foregoing provisions of this section;
- (b) the expenses incurred by a local authority in exercising their powers under this section.

(5) The powers of the Council under this section may be exercised by a local authority in relation to land in the district of that local authority.

105. The Council may advertise in any manner which they may think fit—

Power to
advertise
facilities.

- (a) the facilities and amenities afforded by the county for industry or as a tourist centre, place of historical or cultural interest or holiday resort; or
- (b) the institutions provided by them under the Public Libraries Acts, 1892 to 1919;

PART VIII
—cont.

and for that purpose may—

- (i) cause to be published and may sell or dispose of bulletins, journals and leaflets and documents of historical or literary interest having a local connection;
- (ii) combine with any other organisation, company or person, and with any local authority authorised in that behalf; and
- (iii) expend a sum which shall not in any financial year exceed the equivalent of twice the product of a penny rate levied in the county as ascertained or estimated for the purpose of subsection (2) of section 9 of the Act of 1925.

Entry on
land for
certain
purposes.

106.—(1) Whenever it becomes necessary for the Council or any of their officers, servants, contractors or workmen to enter, examine or lay open any lands (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans, surveying, measuring, taking levels or making trial holes, and the owner or occupier of such land or premises refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Council may, after written notice to such owner or occupier, apply to a magistrates' court for an order authorising the Council to enter, examine and lay open the said lands for the purposes aforesaid or any of them.

(2) If sufficient cause is shown for the application the court may make an order accordingly and on such order being made the Council or any of their officers, servants, contractors or workmen may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter, examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The Council shall at their own expense make good and restore to their former condition any lands laid open by them or their officers, servants, contractors or workmen, and shall make good to the reasonable satisfaction of the owner or occupier of the lands entered all damages or loss sustained by him in consequence of such entry, examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall, in default of agreement, be assessed by a magistrates' court, and the amount so assessed shall be recoverable in such court.

(4) (a) The Council shall not exercise the powers of this section in respect of—

PART VIII
—cont.

(i) any lands belonging to the Railways Board and used for the purposes of their undertaking except with the consent of the Railways Board; or

(ii) any operational lands of any statutory water undertakers except with the consent of the undertakers concerned.

(b) A consent required by this subsection shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

107. Notwithstanding anything in the Lands Clauses Consolidation Act, 1845, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Council in the bank in pursuance of the provisions of that Act to order upon application by the Council that the money so deposited, or the fund in which the sum shall have been invested together with the accumulations thereto, shall be repaid or transferred to the Council:

Recovery of
deposits
under Lands
Clauses Acts.

Provided that upon the application of any party making claim to the money deposited as aforesaid or any part thereof or to the lands in respect of which the same shall have been deposited, or any part of such lands or any interest in the same, the High Court may order that such money as has been repaid or transferred to the Council under the provisions of this section, or any part thereof, be paid to the person making such claim and may make such other order in the premises as the court shall think fit.

108.—(1) Except in any case in which the justices otherwise require, so much of section 7 of the Theatres Act, 1843, as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in the said section shall cease to have effect as respects licences granted by the justices under that Act in relation to property vested in the Council.

Dispensation
with bonds
by theatre
managers.

(2) (a) If the licensee of a theatre licensed by the justices under the Theatres Act, 1843, uses it, or allows it to be used, in contravention of the provisions of that Act or any rules made by the justices thereunder, or of the terms, conditions or restrictions

PART VIII
—cont.

upon or subject to which the licence was granted, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds.

(b) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the justices.

(3) The Council shall within three months after the commencement of this Act give public notice of the foregoing provisions of this section by advertisement in two or more daily newspapers circulating in the county and in such other manner (if any) as they think fit.

(4) In this section "the justices" means the justices of the county sitting in petty sessions.

Apportionment of expenses in case of joint owners.

109. Where, under the provisions of any enactment, the Council shall execute any works of common benefit to two or more buildings belonging to different owners, and those expenses or any part of them are recoverable by the Council, they shall (if no provision is made in the enactment or in any other enactment applied thereto or incorporated as to the incidence of the expenses so recoverable) be paid by the owners of such buildings in such proportions as shall be determined by the Council or, in case of dispute, by a magistrates' court.

Application of certain provisions of Part VIII to local authorities and to police authority.

110.—(1) The provisions of this Part of this Act mentioned in subsection (2) of this section shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of "local authority" for "Council" and "district" for "county".

(2) The provisions hereinbefore referred to are—

Section 82 (Authorisation of appearance of Council's officers in legal proceedings);

Subsection (1) of section 83 (As to minutes of Council meetings, etc.);

Section 85 (Delegation of powers to sub-committees);

Section 87 (Recreational, etc., facilities for employees);

Section 92 (False statements to obtain rent rebates, etc.);

Section 95 (Notice of variation of rent, etc.);

Section 96 (Removal of vehicles);

Section 99 (Power to provide car parks for certain purposes);

Section 105 (Power to advertise facilities);

Section 106 (Entry on land for certain purposes);

Section 109 (Apportionment of expenses in case of joint owners).

PART VIII
—cont.

(3) In its application to a local authority—

(a) section 96 (Removal of vehicles) of this Act shall have effect as if in subsection (1) thereof—

(i) for the words “ If any vehicle is left on any land or in any premises belonging to or under the control of the Council ” there were substituted the words “ If any vehicle is left on any land, or in any premises, belonging to or under the control of the local authority or on any grass verge or open space provided or laid out by the local authority in pursuance of the Housing Act, 1957, or any Act repealed by that Act ”;

(ii) the following proviso were added:—

“ Provided further that this section shall not apply to a vehicle left in a parking place provided by the local authority under section 81 of the Act of 1960, or any Act repealed by that Act.”;

(b) section 105 (Power to advertise facilities) of this Act shall have effect as if the following were added:—

“ Any expenditure incurred by a local authority under this section shall be separate from and additional to the expenditure, if any, incurred by that authority under the Local Authorities (Publicity) Act, 1931.”

(4) The provisions of this Part of this Act mentioned in subsection (5) of this section shall apply to the police authority and those provisions shall accordingly have effect with any necessary modification including the substitution of “ police authority ” for “ Council ”.

(5) The provisions referred to in subsection (4) of this section are—

Subsection (1) of section 83 (As to minutes of Council meetings, etc.);

Section 87 (Recreational, etc., facilities for employees);

Section 107 (Recovery of deposits under Lands Clauses Acts).

PART IX

GENERAL

Local inquiries.

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

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

Restriction on right to prosecute.

112. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act (except section 24 (Control of dumping of coal, etc., in highways) and section 44 (Offences in respect of telephone boxes, etc.) thereof) by any person other than a party aggrieved or the Council or a constable or the local authority as the case may be.

Appeals.

113.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates’ court under any enactment in this Act as it applies with respect to appeals to a magistrates’ court under any enactment in that Act, and section 301 and section 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Council or a highway authority or local authority against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action 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 no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Council, highway authority or local authority as the case may be themselves execute the work or take the action.

Protection of members and officers from personal liability.

114. Section 265 of the Public Health Act, 1875, shall apply to the Council and a local authority as if any reference in that section to the said Act of 1875 included a reference to this Act.

Application of general provisions of Act of 1936.

115.—(1) The sections of the Act of 1936 mentioned in Part I of the schedule to this Act shall have effect as if references therein to that Act included a reference to this Act:

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part III (Highways), Part IV (Public order and public safety) and section 103 (Protection of foreshore and adjoining land from pollution) of this Act.

116. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the authority and the undertakers concerned, apply and have effect:—

PART IX
—cont.

For
protection of
certain
statutory
undertakers.

(1) In this section unless the subject or context otherwise requires—

“ apparatus ” means—

(a) electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Central Electricity Generating Board or the North Eastern Electricity Board;

(b) mains, pipes or other apparatus belonging to or maintained by the Northern Gas Board or any of the water undertakers;

and includes any works constructed for the lodging therein of apparatus;

“ the authority ” means the Council, a local authority, the highway authority or the fire authority, as the case may be;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ operational land ” has the same meaning as in section 221 of the Act of 1962;

“ position ” includes depth;

“ the undertakers ” means—

the Central Electricity Generating Board;

the North Eastern Electricity Board;

the Northern Gas Board;

the water undertakers;

or any of them, as the case may be:

“ the water undertakers ” means—

the Durham County Water Board;

the Hartlepoons Water Company;

the Newcastle and Gateshead Water Company;

the Sunderland and South Shields Water Company; and

the Tees Valley and Cleveland Water Board;

or any of them, as the case may be:

(2) (a) Before the authority determine to give any consent pursuant to section 21 (Restriction on buildings under footways) or section 26 (Pipes, etc., in pavements) of this Act they shall give at least twenty-eight days' notice

PART IX
—cont.

to the undertakers concerned of the application therefor and any such consent if granted shall contain such conditions as may be required to secure that the owner or occupier of premises or the person to whom such consent is given shall comply with the reasonable requirements of the undertakers for the protection of their apparatus;

- (b) As soon as may be after the authority give consent under the said section 21 or the said section 26 they shall give notice thereof to the undertakers concerned:
- (3) Nothing in the following sections of this Act shall relieve the authority or any person acting by the requirement or with the consent of the authority from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the said powers shall be so exercised as not to obstruct or render less convenient so far as is reasonably practicable the access to any apparatus:—
- Section 25 (Milk stands in highways);
 - Section 26 (Pipes, etc., in pavements);
 - Section 31 (Extension of section 126 of Act of 1959);
 - Section 34 (Trees, grass verges and gardens):
- (4) Before the authority grant any licence under section 30 (Licence to erect scaffolding) of this Act they shall (except in case of emergency) give at least seven days' notice to the undertakers concerned of their intention to do so and any such licence shall contain such conditions as the undertakers may within the said period of seven days require to secure that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers concerned for the protection of any apparatus or in respect of their right of access thereto:
- (5) Nothing in section 34 (Trees, grass verges and gardens) or section 35 (Verges, etc., of housing estates) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge, garden or space:

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

- (6) The provisions of subsection (5) of section 65 of the Act of 1959 shall extend and apply to any works done in the exercise of the powers of section 39 (Prevention or restriction of vehicular access to and from county roads) of this Act as if they were works done in the exercise of the powers conferred by subsections (1) to (4) of the said section 65:
- (7) The temporary restriction or prohibition of the use of the whole or any part of any footpath or bridleway under the powers of section 40 (Temporary stoppage of footpaths and bridleways) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—
- (a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the footpath or bridleway or part thereof as the case may be; or
- (b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal, to enter upon or break open that footpath or bridleway or part thereof as the case may be:
- (8) Nothing in section 48 (Prescription of signs, etc., to be used on certain buildings) of this Act shall authorise the authority to require the undertakers to affix on any building or part of a building on operational land of the undertakers any sign, symbol or notice:
- (9) Nothing in section 49 (Parts of buildings used for storage of inflammable substances) of this Act shall apply to any building or part of a building by reason only that part of that building is used, or intended to be used, to contain a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas:
- (10) Before providing any camping place or entering into any agreement with respect to the provision, maintenance or conduct of a camping place pursuant to the powers of section 104 (Provision of camping places) of this Act the authority shall consult with the water undertakers authorised to take water from any source by which water is derived from the catchment area in which the camping place or proposed camping place may be situated:
- (11) (a) Any difference which may arise between the authority and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by a single arbitrator to be appointed by agreement between the parties or in

PART IX
—cont.

default of agreement to be appointed on the application of any party (after notice in writing to the other party or parties) by the President of the Institution of Civil Engineers;

- (b) In determining any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may if he thinks fit require the authority 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.

Duration of
certain
provisions.

117.—(1) Subject to the provisions of subsection (2) of this section the provisions of this Act to which this section applies shall continue in force until the thirty-first day of December, nineteen hundred and sixty-eight.

(2) (a) The Minister may on the application of the Council by order extend the period referred to in subsection (1) of this section until the thirty-first day of December, nineteen hundred and seventy-three.

(b) An order under this subsection shall be made by statutory instrument and contain such supplemental or incidental provisions as appear to the Minister to be expedient.

(c) No order under this subsection shall have effect until approved by resolution of each House of Parliament.

(3) Nothing in this section shall prejudice or affect any rights, obligations or liabilities of the Council or of any person in respect of any sums advanced, any guarantee given or contract made under any of the provisions of this Act to which this section applies.

(4) The provisions of this Act to which this section applies are—

- Section 6 (Acquisition of land for development);
- Section 12 (Loans for erection, etc., of buildings);
- Section 101 (Power to Council to guarantee rents, etc.);
- Section 102 (Power to Council to assist industry).

Saving for
powers of
Treasury.

118. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than 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.

119. The provisions of the Act of 1962 and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

PART IX
—cont.

Saving for town and country planning.

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

Crown rights.

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

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

(2) Nothing in this section shall prejudice or affect any statutory powers of the Council or any local authority—

(a) to carry out code regulated works within the meaning of the Act of 1950, in any highway vested in or maintained by the Minister of Transport; or

(b) to carry out any works by reason only that such works involve or are likely to involve an alteration in any telegraphic line of the Postmaster General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, apply.

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

Costs of Act.

Section 115.

SCHEDULE

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Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act, 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Public Health Act, 1875	38 & 39 Vict. c. 55.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
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Public Works Loans Act, 1897	60 & 61 Vict. c. 51.
Small Dwellings Acquisition Act, 1899 ...	62 & 63 Vict. c. 44.
Open Spaces Act, 1906	6 Edw. 7 c. 25.
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Perjury Act, 1911	1 & 2 Geo. 5 c. 6.
Salmon and Freshwater Fisheries Act, 1923	13 & 14 Geo. 5. c. 16.
Land Charges Act, 1925	15 Geo. 5 c. 22.
Roads Improvement Act, 1925	15 & 16 Geo. 5 c. 68.
Public Health Act, 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act, 1925	15 & 16 Geo. 5 c. 90.
Petroleum (Consolidation) Act, 1928 ...	18 & 19 Geo. 5 c. 32.
Local Authorities (Publicity) Act, 1931 ...	21 & 22 Geo. 5 c. 17.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 and 1 Edw. 8 c. 49.
Local Government Superannuation Act, 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Administration of Justice (Miscellaneous Provisions) Act, 1938	1 & 2 Geo. 6 c. 63.
Water Act, 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Pro- cedure) Act, 1946	9 & 10 Geo. 6 c. 49.
Education Act, 1946	9 & 10 Geo. 6 c. 50.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Fire Services Act, 1947	10 & 11 Geo. 6 c. 41.
Electricity Act, 1947	10 & 11 Geo. 6 c. 54.
Local Government Act, 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6 c. 29.
Children Act, 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act, 1949	12 & 13 Geo. 6 c. 42.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
Rivers (Prevention of Pollution) Act, 1951...	14 & 15 Geo. 6 c. 64.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2 c. 25.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2 c. 26.
Licensing Act, 1953	1 & 2 Eliz. 2 c. 46.
Oil in Navigable Waters Act, 1955	3 & 4 Eliz. 2 c. 25.
Local Authorities (Expenses) Act, 1956 ...	4 & 5 Eliz. 2 c. 36.

Short title	Session and chapter
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Highways Act, 1959	7 & 8 Eliz. 2 c. 25.
National Insurance Act, 1959	7 & 8 Eliz. 2 c. 47.
Mental Health Act, 1959	7 & 8 Eliz. 2 c. 72.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.
Factories Act, 1961	9 & 10 Eliz. 2 c. 34.
Licensing Act, 1961	9 & 10 Eliz. 2 c. 61.
Town and Country Planning Act, 1962	10 & 11 Eliz. 2 c. 38.
Pipe-lines Act, 1962	10 & 11 Eliz. 2 c. 58.

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Durham County Council Act 1963

CHAPTER xxxvii

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