



Newcastle upon Tyne Corporation Act 1964

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ELIZABETH II



1964 CHAPTER XXXV

An Act to confer further powers upon the lord mayor, aldermen and citizens of the city and county of Newcastle upon Tyne and the stewards and wardens committee of the Town Moor in the city in relation to the Town Moor; to confer further powers upon the Corporation; to make further provision with regard to the health, local government, welfare, improvement and finances of the city; and for other purposes. [31st July 1964]

WHEREAS the city and county of Newcastle upon Tyne (hereinafter referred to as "the city") is a county borough under the government of the lord mayor, aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas there is within the existing city a tract of land containing about 1,100 acres bearing in different parts different names but ordinarily and collectively called and hereinafter referred to as "the Town Moor":

And whereas the Corporation are entitled to the soil of the Town Moor for an estate in fee simple but the same is subject to a right or benefit of herbage in the resident freemen or burgesses of the city and the resident widows of deceased freemen or

burgesses of the city (ordinarily called and hereinafter referred to as "the freemen") which right or benefit is known as and is in this Act called "herbage right":

And whereas by the Newcastle upon Tyne Town Moor Act, 1774, provisions were enacted for and in relation to the enjoyment, management and improvement of the surface of the Town Moor and within certain limits the enclosure thereof:

And whereas by the Newcastle upon Tyne Improvement Act, 1870, a committee (hereinafter referred to as "the stewards committee") of the stewards and wardens of the companies of the city as representing the interests of the freemen were constituted and were by that Act authorised and required to act for and on behalf of the said stewards and wardens and freemen for all purposes relating to the Town Moor:

And whereas the council of the university of Newcastle upon Tyne intend to build halls of residence for students of the said university:

And whereas it is not practicable to build the said halls of residence elsewhere than on lands forming part of the Town Moor:

And whereas it is expedient that the Corporation and the stewards committee should be empowered to appropriate and convey to the council of the said university portions of the Town Moor containing about 7.1 acres and 6.4 acres respectively for the construction of such halls of residence:

And whereas it is expedient that the Corporation should be empowered to acquire and hold certain other land in the city of an approximately equivalent area to be added to and form part of the Town Moor:

And whereas it is expedient that further and better provision should be made with reference to the health, local government, welfare, improvement and finances of the city and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Corporation and that the other provisions therein contained should be enacted:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of 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

1. This Act may be cited as the Newcastle upon Tyne Short title Corporation Act 1964.

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

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Town Moor.

Part III.—Public safety.

Part IV.—Cultural activities.

Part V.—Finance, superannuation, etc.

Part VI.—Miscellaneous.

Part VII.—General.

3.—(1) In this Act the several words and expressions to which Interpretation. meanings are assigned by section 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless there be something in the subject or context repugnant to such construction the following words and expressions have the several meanings hereby assigned to them respectively:—

“ the Act of 1933 ” means the Local Government Act, 1933;

“ the Act of 1936 ” means the Public Health Act, 1936;

“ the Act of 1937 ” means the Newcastle upon Tyne Corporation Act, 1937;

“ the appointed day ”, except in section 20 (Amendment of section 3 of Act of 1937) of this Act, has the meaning assigned to it by section 38 (The appointed day) of this Act;

“ the city ” means the city and county of Newcastle upon Tyne;

“ the Corporation ” means the lord mayor, aldermen and citizens of the city acting by the council;

“ the council ” means the council of the city;

PART I
—cont.

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

“ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation for the time being in force within the city;

“ the general rate fund ” means the general rate fund of the city;

“ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act, 1952;

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

“ the town clerk ” means the town clerk of the city.

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

PART II

TOWN MOOR

Interpretation
of Part II.

4. In this Part of this Act—

“ the Act of 1774 ” means the Newcastle upon Tyne Town Moor Act, 1774;

“ the Act of 1870 ” means the Newcastle upon Tyne Improvement Act, 1870;

“ the blue lands ” means the lands forming part of the Town Moor containing 6·4 acres or thereabouts adjoining Richardson Road in the city and coloured blue on the signed plans;

“ the green lands ” means the lands at Little Benton in the city containing 29·89 acres or thereabouts and coloured green on the signed plans;

“ the pink lands ” means the lands forming part of the Town Moor containing 7·1 acres or thereabouts adjoining the military barracks in the city and coloured pink on the signed plans;

“ the signed plans ” means the plans which have been signed in triplicate by the Right Honourable the Lord Merthyr, the chairman of the committee of the House of Lords

to whom the Bill for this Act was referred of which plans one copy has been deposited in the office of the Clerk of the Parliaments House of Lords, one copy in the Private Bill Office of the House of Commons and one copy with the town clerk at his office;

PART II
—cont.

“ the stewards committee ” means the committee for the time being constituted in accordance with section 6 (Committee of stewards and wardens) of the Act of 1870.

5.—(1) Notwithstanding anything contained in the Act of 1774 or in the Act of 1870 the Corporation and the stewards committee may upon and subject to such terms and conditions as they think fit appropriate and convey the pink lands and the blue lands to the council of the University of Newcastle upon Tyne freed and discharged from all herbage right as sites for halls of residence for students of the said university, and upon the execution of such conveyance all herbage right and all rights of way and rights of user in or upon or over the pink lands and the blue lands shall be by virtue of this Act wholly extinguished:

Power to Corporation to convey lands for halls of residence and provision of lands in lieu.

Provided that the Corporation and the stewards committee shall not exercise the powers of this subsection until such time as the green lands shall have been conveyed to the Corporation.

(2) As from the execution of such secondly mentioned conveyance the green lands shall by virtue of this Act be held by the Corporation upon and for the same uses, intents and purposes and under and subject to the same terms and conditions, rights, powers and privileges upon, for, under and subject to which the Town Moor is vested in and held by them and shall for all purposes be deemed part thereof.

6. Notwithstanding anything contained in the Act of 1774 or in the Act of 1870 the Corporation and the stewards committee may upon and subject to such terms and conditions as they think fit, grant leases for any term not exceeding ninety-nine years of the lands forming part of the Town Moor containing 8·73 acres or thereabouts and commonly known as “ Intake No. 7 ” without compliance with the provisions of the Act of 1774 relating to auction:

Power to lease Intake No. 7.

Provided that no lease shall be granted under this section without such an order as is provided for by subsection (1) of section 29 of the Charities Act, 1960.

PART II
—cont.

Amendment of section 3 of Newcastle upon Tyne Corporation Act, 1954.

7. Section 3 (Use of part of Town Moor for agricultural shows) of the Newcastle upon Tyne Corporation Act, 1954, shall have effect as if for the words “agricultural shows” there were substituted the words “exhibitions or agricultural, horticultural or other shows”.

PART III

PUBLIC SAFETY

Further provision for fire precautions.

8. Section 59 of the Act of 1936 shall have effect in the city as if in paragraph (b) of subsection (5) thereof the words “or sale room” were inserted after the word “warehouse” and as if the word “five” 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.

Parts of buildings used for storage of inflammable substances.

9.—(1) The occupier of any part of a building to which this section applies which after the appointed day is used or intended to be used for the storage for the purposes of sale or trade of any substances to which this section applies (in this section referred to as “the storage part of the building”) shall give notice to the Corporation of such use or intention to use, as the case may be, and such notice shall be given—

- (a) in the case of any part of a building which is so used immediately before the appointed day, within twenty-one days after the appointed day; and
- (b) in the case of any part of a building which after the appointed day is intended to be so used, not less than twenty-one days before such user takes place.

(2) The Corporation may, if they are of the opinion that such storage—

- (a) is in 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) is in such manner as to be liable to cause fire or explosion;

by counter-notice require the occupier of any part of a building in respect of which a notice has been served under subsection (1) of this section to provide within such reasonable period as may be specified in the counter-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;
- (iv) adequate means for giving warning in case of fire.

(3) (a) An authorised officer of the Corporation may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936, 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 Corporation by virtue of this section shall not be admissible as evidence in any legal proceedings under this section, including an appeal under subsection (6) of this section, unless the following requirements have been complied with: that is to say, the said officer shall, forthwith after taking the sample, notify the occupier of the building of 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.

(4) 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 or complying with a requirement of the Corporation under this section; or

PART III
—cont.

- (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.

(5) (a) If after the requirements of the Corporation under subsection (2) of this section have been complied with and a certificate to that effect has been granted by the Corporation any material extension or material structural alteration of the building to which the certificate relates is made the Corporation may serve a further counter-notice varying any requirement made under subsection (2) of this section in respect of that building.

(b) Upon compliance being made with such varied requirements the Corporation 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 counter-notice served under this subsection is not provided within such reasonable time as may be specified in the further counter-notice the Corporation may cancel the certificate granted under this subsection in respect of the building.

(6) (a) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section, or by a variation of a requirement under subsection (5) 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 counter-notice is not reasonably sufficient for the purpose of complying with the requirements of the counter-notice.

(b) Any person aggrieved by the refusal of the Corporation to grant or amend a certificate under this section or by the cancellation of a certificate under subsection (5) of this section may appeal to a magistrates' court.

PART III
—cont.

(7) 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.

(8) This section applies to—

- (a) any building in the city 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 33 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 150 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 vapour at a temperature of less than 80 degrees Fahrenheit and which is stored in securely closed metal containers in good condition containing not more than five gallons each 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; 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 80 degrees Fahrenheit and which is stored in separate glass or glazed earthenware vessels securely stoppered and the aggregate

PART III
—cont.

amount of all such substances stored in such manner would not, if the whole contents were in bulk, exceed twenty-five gallons.

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

(10) Nothing in this section shall apply to premises which are subject to the Factories Act, 1961, or to the Offices, Shops and Railway Premises Act, 1963, or regulations made under either of those Acts.

(11) Nothing in this section 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.

Oil-fired
boilers.

10.—(1) As from the appointed day any person intending to install or place oil-burning equipment in any building in the city whether erected before or after the passing of this Act or on any land in the city shall give not less than fourteen days’ notice to the Corporation of his intention so to do.

(2) (a) The Corporation 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 Corporation 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.

(3) (a) Any person aggrieved by the refusal of the Corporation 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 Corporation 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 Corporation given under the byelaw.

PART III
—cont.

(4) (a) If any person installs oil-burning equipment in any building or on any land in the city without giving notice to the Corporation 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 Corporation;

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) (a) 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 catch-pits 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.

(b) References in this section to the installation or placing of oil-burning equipment in any building or on any land shall be construed as including the installation or placing of oil-burning equipment which is partly in a building and partly on land outside the building.

(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 seven hundred and fifty gallons; or

PART III
—cont.

- (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
- (c) the installation of any oil-burning equipment by the Central Electricity Generating Board or the North Eastern Electricity 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; or

- (d) the installation of any oil-burning equipment by the Northern Gas 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; or

- (e) the installation of any oil-burning equipment by the British 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.

(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.

Underground parking places.

11.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction, alteration or extension of an underground parking place or the alteration of a building for use as an underground parking place the Corporation may,

notwithstanding anything in section 64 of the Act of 1936, reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire being proposals relating to all or any of the following matters:—

- (a) the construction of the underground parking place and the approaches thereto and the materials to be used in such construction;
- (b) the provision of adequate means of ventilation of the underground parking place ;
- (c) the provision of electrical and mechanical and heating equipment in the underground parking place;
- (d) the provision of a satisfactory emergency lighting system in connection with the underground parking place;
- (e) the provision of fire-fighting equipment and appliances in connection with the underground parking place;
- (f) the provision of safe and adequate means of ingress to and egress from the underground parking place;
- (g) the provision of adequate means for preventing inflammable substances from being admitted to any drainage system forming part of the underground parking place;
- (h) the provision of adequate means of access to the underground parking place for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may, on the application of that person, be referred to the Secretary of State for determination, and the Secretary of State shall determine any question submitted to him under paragraph (a) of this subsection or, as the case may be, may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If, after plans of any underground parking place have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section, it appears to the

PART III
—cont.

Corporation that any such proposal has not been carried into effect or is not being observed, the Corporation may by notice to the owner or occupier of the underground parking place prohibit its use as an underground parking place until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground parking place or permits it to be used as an underground parking place without giving effect to or securing the observance of any proposal specified in the notice, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

Further
provision
as to
underground
parking
places.

12.—(1) Without prejudice to the provisions of section 11 (Underground parking places) of this Act, the Corporation may by notice to the owner or occupier of any underground parking place in the city which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground parking place as may be specified in the notice for the purpose of preventing or reducing danger from fire therein, and in the case of any underground parking place as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (h) of subsection (1) of the said section 11 as the Corporation think fit.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice, he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section, and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given, or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may, if he thinks fit, confirm, modify, alter or annul any requirement made by the Corporation under this section.

PART III
—cont.

13.—(1) In the last two foregoing sections the expression “underground parking place” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act, 1928, is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space, either alone or in addition to any other facility or service, for motor cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

Interpretation
and powers
of entry for
purposes of
last two
foregoing
sections.

(2) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 the provisions of the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

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

Building
plans: access
for fire
brigade.

(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 the Corporation, the Corporation 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

PART III
—cont.

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

(5) Any question arising under this section between the Corporation and the person by whom, or on whose behalf, plans are deposited as to whether the Corporation 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.

(7) An order under subsection (6) of this section shall be made by statutory instrument and the Corporation shall cause to be published in a local newspaper circulating in the city 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 town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice.

15.—(1) The Corporation may make byelaws with regard to temporary structures to which this section applies for the purpose of securing protection against fire and the safety of persons resorting thereto including byelaws for securing—

PART III
—cont.
Byelaws with regard to certain temporary structures.

- (a) the provision of safe and adequate means of ingress to and egress from the structure;
- (b) the provision of first-aid fire-fighting equipment;
- (c) the provision of proper and sufficient passages or gangways in the structure;
- (d) the stability of the structure and any stands erected therein;
- (e) the proper arrangement of any seating accommodation to be provided in the structure.

(2) This section applies to any tent, marquee or other similar structure which is erected in the city and to which the public are admitted whether with or without any charge for admission for the purposes of or in connection with any fair, show, travelling circus, exhibition, game, sport, athletic or other contest or public entertainment or any political, religious or other public meeting:

Provided that no byelaws made under this section shall apply to any tent, marquee or structure erected for the purposes of or in connection with a pleasure fair as defined by section 75 of the Public Health Act, 1961, or an entertainment provided or given by the Boy Scouts Association or the Girl Guides Association or by the members of an organisation established by either of such associations in pursuance of their charter.

16.—(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.

Firemen's switches for luminous tube signs.

(2) As from the appointed day apparatus in the city 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 Corporation 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 install apparatus to which this section applies, the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

PART III
—cont.

(4) Where apparatus to which this section applies has been installed before the appointed day, the consumer shall, not less than fourteen days before the appointed day, give notice to the Corporation—

(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 Corporation 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 Corporation unless, within ten days from the date of the service of the notice, the Corporation 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 Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation 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 Corporation informing them of the position in which it is proposed to place the cut-off switch.

PART III
—cont.

PART IV

CULTURAL ACTIVITIES

17.—(1) The Corporation may use or allow to be used or let any part of any public library or museum or art gallery provided by them and not at the time required for the purpose of a library or museum or art gallery respectively for any of the following purposes, that is to say:—

Use of
libraries, etc.

- (a) the giving of lectures;
- (b) the provision of exhibitions;
- (c) the holding of public and other meetings;
- (d) the provision of an entertainment of any nature;
- (e) the provision of facilities for dancing.

(2) Notwithstanding anything in any other enactment the Corporation may make or permit or allow to be made charges—

- (a) for admission to any part of any public library or museum or art gallery when such part is used for any of the purposes specified in the last foregoing subsection; and
- (b) for any refreshments or programmes supplied by them when any part of any public library or museum or art gallery is used for any of those purposes.

(3) The Corporation may, for the purpose of encouraging or promoting the use of any public library or museum or art gallery provided by them, provide lectures and pay the fees and expenses of lecturers:

Provided that the sum to be expended by the Corporation in any one year for the purposes of this subsection shall not exceed one thousand pounds in addition to any moneys received by the Corporation under the provisions of this section.

(4) Nothing in this section shall—

- (a) be taken to dispense with the consent of any Minister of the Crown to any appropriation, lease or other disposition of any lands of the Corporation in any case in which the consent of such Minister would have been required if this section had not been enacted; or
- (b) affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films or for public music or dancing.

PART IV
—cont.

(5) Any byelaws relating to a public library, museum or art gallery of the Corporation shall not apply to any part thereof which is used or let for any purpose other than as a public library, museum or art gallery respectively so long as that part is so used except to such extent as they may be expressed so to apply.

Disposal of
unsuitable
specimens and
works of art.

18.—(1) The Corporation may sell, lend, exchange or give or otherwise dispose of any specimen, work of art or book vested in them which in the opinion of the Corporation is not required for exhibition or use in any museum, art gallery, library or other building of the Corporation.

(2) The Corporation may make arrangements by way of sale, loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any specimen, work of art or book vested in the Corporation which in the opinion of the Corporation is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the Corporation.

(3) Where any object has become vested in the Corporation by virtue of a gift or bequest—

(a) the Corporation shall, if reasonably practicable, consult with the donor or with the personal representatives or trustees of the donor before exercising the powers of this section; and

(b) the powers conferred by this section shall not, during a period of thirty-five years commencing on the date on which it became vested, be exercisable as respect that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor.

(4) Any moneys received by the Corporation in the exercise of the powers of this section shall be applied by them in the purchase of specimens, works of art or books.

PART V

FINANCE, SUPERANNUATION, ETC.

Power to
borrow.

19.—(1) The Corporation 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;

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

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

PART V
—cont.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

20.—(1) Section 3 (Power to grant allowances in certain cases) of the Act of 1937 shall in relation to any employee of the Corporation who is granted an allowance under that section be read and have effect as from the appointed day as defined by section 10 of the Pensions (Increase) Act, 1962, as if in subsection (1) of that section—

Amendment
of section 3
of Act of
1937.

(a) for the words “ one shilling and threepence ” there were substituted the words “ two shillings ”;

(b) for the words “ two pounds sixteen shillings and threepence ” there were inserted the words “ four pounds ten shillings ”.

(2) For the purposes of the Pensions (Increase) Act, 1962, allowances granted under section 3 of the Act of 1937 which began after 31st March, 1956, and before the date of the passing of this Act shall be deemed to have begun before 1st April, 1956, and all allowances which began before the date of the passing of this Act shall be deemed to include the increase provided for by the said Act of 1962.

21.—(1) If a contributory employee of the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct, the Corporation may transfer from the superannuation fund maintained by them to the general rate 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 Corporation in consequence of the employee's offence or misconduct, whichever is the less.

Transfer of
certain sums
from super-
annuation
fund.

(2) If a contributory employee of an employing authority whose employees participate in the benefits of the superannuation fund maintained by the Corporation 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 Corporation 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

PART V
—cont.

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:

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 Corporation 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.

Recovery of
sums paid to
officers, etc.

22.—(1) Where the Corporation have paid in advance to any employee the amount of his emoluments and such employee dies before the expiration of the period in respect of which such payment is made, the Corporation shall not be required to demand the return of such portion thereof, not exceeding twenty-five pounds, as the Corporation may determine.

(2) In any case where the Corporation exercise the powers of the foregoing subsection they shall transfer from the general rate fund to the superannuation fund maintained by them the amount which but for the exercise of those powers would have been returned to the fund.

(3) In this section—

"employee" means any officer or servant of the Corporation or any officer or servant whose salary or wages are payable by the Corporation and includes any former officer or servant who is in receipt of a superannuation allowance or benefit payable out of the superannuation fund maintained by the Corporation or a retiring allowance payable under section 3 of the Act of 1937; and

"emoluments" means in relation to an officer or servant his salary or wages (as the case may be) and in relation to a former officer or servant in receipt of a superannuation allowance or benefit or a retiring allowance under the said section 3 the amount of that allowance or benefit or retiring allowance.

Amendment
of section 131
of Newcastle
upon Tyne
Corporation
(General
Powers) Act,
1935.

23. Section 131 (Capital fund) of the Newcastle upon Tyne Corporation (General Powers) Act, 1935, shall have effect as if in subsection (1) thereof for the words "corporate estate" there were substituted the words "any property of the Corporation (not being property held by them for the purposes of the transport

undertaking) ” and as if in paragraph (b) of subsection (4) thereof for the words “ corporate estate ” there were substituted the words “ any land of the Corporation ”.

PART V
—cont.

24. Subsection (1) of section 54 (Dredging equalisation fund) of the Newcastle upon Tyne Corporation Act, 1952, shall have effect as if for the word “ five ” there were substituted the word “ three ” and as if after the word “ therewith ” there were inserted the words “ or the sum of three thousand pounds (whichever shall be the greater) ”.

Amendment
of section 54
of Newcastle
upon Tyne
Corporation
Act, 1952.

25. Section 13 (Investment of superannuation fund) of the Newcastle upon Tyne Corporation Act, 1960, shall have effect as if there were added at the end of that section the following subsection:—

Amendment
of section 13
of Newcastle
upon Tyne
Corporation
Act, 1960.

“ (3) All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund maintained by them or otherwise in relation thereto shall be paid by the Corporation out of that fund. ”

26. Section 1 of the Local Authorities (Expenses) Act, 1956, shall in relation to the Corporation 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.

27.—(1) The Corporation may (if they think fit) establish a fund to be called “ the exhibitions fund ” for the provision of exhibitions and shows in the city, and that fund shall be formed by appropriating thereto out of the general rate fund such amounts as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-tenth of the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act, 1925:

Exhibitions
fund.

Provided that when the exhibitions fund amounts to the sum of twenty thousand pounds the Corporation shall discontinue appropriations, but whenever the exhibitions fund is reduced below that sum the Corporation may recommence and continue appropriations until the exhibitions fund is restored to that sum.

(2) (a) Pending the application of the exhibitions fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall, unless applied in any other manner authorised by any enactment, be invested in any securities in which trustees are for the time being authorised by law to invest trust funds.

(b) Any surplus moneys arising from the provision of exhibitions and shows and any income arising from the investment of the

PART V
—cont.

moneys in the exhibitions fund in manner provided by this subsection shall be carried to and form part of the general rate fund and, subject to the limitation imposed by subsection (1) of this section, an amount equivalent to such income shall be credited to the exhibitions fund.

(3) Any moneys set aside before the passing of this Act by the Corporation for any of the purposes of this section shall be deemed to have been appropriated under the powers of this section and shall accordingly be carried to and form part of the exhibitions fund.

(4) For the purposes of section 127 (Consolidated loans fund) and section 135 (Use of moneys forming part of sinking and other funds) of the Newcastle upon Tyne Corporation (General Powers) Act, 1935, the exhibitions fund shall be deemed to be a fund the moneys forming part of which may be paid under subsection (4) of the said section 127 into the consolidated loans fund established under that section or be used in accordance with the provisions of the said section 135.

PART VI

MISCELLANEOUS

Offences in respect of telephone boxes, fire hydrants, etc.

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

- (a) obstructs the access to a police telephone call box provided by the Corporation, or to a shelter or box so provided for the use of police constables, or to a fire alarm so provided; or
- (b) interferes with equipment in such a call box, or in such a shelter or box, or in such a fire alarm; or
- (c) removes, obliterates, alters, defaces or obscures a mark provided by the Corporation for indicating the position of such a call box, or of such a shelter or box, or of a fire alarm or fire hydrant;

he shall be liable to a fine not exceeding ten pounds; and the Corporation may recover from him the expenses of removing the obstruction, or of making good or replacing the mark.

(2) If any person telephones, or causes to be telephoned—

- (a) from a police telephone call box provided by the Corporation, any statement which he knows to be false; or
- (b) from a telephone call box provided in the city by the Postmaster General, a statement which he knows to be false, made for the purpose of instigating police, fire brigade or ambulance action;

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

(3) In this section “call box” includes any installation.

29. The Corporation may make arrangements with any hospital management committee having the management and control of a hospital in the city or with any board of governors of a teaching hospital in the city under which the services of midwives employed by the Corporation for the purposes of section 23 of the National Health Service Act, 1946, are made available in any such hospital upon such terms and conditions as may be agreed.

PART VI
—cont.

Extension of powers under section 23 of National Health Service Act, 1946.

30.—(1) For the purpose of promoting and fostering the commercial and industrial development of the city, the Corporation may incur expenditure in advertising and making known the advantages, facilities and amenities afforded by the city in any manner which the Corporation may think fit and without prejudice to the generality of the foregoing provisions of this section they may for that purpose—

Power to advertise advantages of city.

- (a) combine with any other organisation, company or person; and
- (b) employ such persons, firms or companies as they think fit.

(2) Any expenditure under this section shall be separate from and additional to the expenditure (if any) of the Corporation under the Local Authorities (Publicity) Act, 1931.

31.—(1) As from the appointed day dark smoke shall not be emitted from any industrial premises in the city and if on any day dark smoke is so emitted the occupier of the premises shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

Prohibition of dark smoke.

(2) This section shall not apply to—

- (a) dark smoke emitted from a chimney of any building or from a chimney to which section 1 of the Clean Air Act, 1956, applies by virtue of subsection (4) of that section;
- (b) dark smoke accidentally or inadvertently emitted if all practicable steps have been taken to prevent or minimise the emission of such smoke; and
- (c) premises controlled under the Alkali, &c., Works Regulation Act, 1906.

(3) In this section—

- “chimney” has the same meaning as in subsection (1) of section 34 of the Clean Air Act, 1956;
- “dark smoke” has the same meaning as in subsection (2) of section 34 of the Clean Air Act, 1956;

PART VI
—cont.

“ industrial premises ” means premises used or designed for use for, or held in connection with, the carrying on of any process for, or incidental to, any of the following purposes, namely:—

(a) the making of any article or part of any article; or

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, freezing, packing, sorting or canning or adapting for sale or breaking up or demolition of any article; or

(c) without prejudice to the foregoing paragraphs, the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business; and for the purposes of this definition “ article ” means an article of any description including a ship or vessel.

Removal of
vehicles.

32.—(1) If a vehicle is left in the city elsewhere than on a road or in an off-street parking-place provided under section 81 of the Road Traffic Act, 1960, the Corporation may, with the consent of the occupier of the land on which the vehicle is left and after giving not less than seven days’ notice to the owner of the vehicle, cause it to be removed:

Provided that, where the vehicle appears to the Corporation to be abandoned—

(a) the Corporation may cause it to be removed without the consent of the occupier of the land if they are unable after reasonable inquiry to ascertain his name and address; and

(b) the Corporation may cause the vehicle to be removed without notice to the owner thereof if they are unable after reasonable inquiry to ascertain his name and address.

(2) The provisions of any regulations for the time being in force under section 43 of the Road Traffic Act, 1960, about the method of removing vehicles and their loads and arrangements for the safe custody of vehicles and their loads shall apply to vehicles removed under this section.

(3) Section 15 of the Road Traffic and Roads Improvement Act, 1960, and any order for the time being in force under that section shall apply to a vehicle removed under this section as if it had been removed from a road in pursuance of regulations under section 43 of the Road Traffic Act, 1960.

(4) For the purpose of the said section 15 and any such order as applied by the last preceding subsection "the appropriate authority" means the Corporation and any reference in regulations made under section 43 of the Road Traffic Act, 1960, to a charge to payment of which the Corporation are entitled under the said section 15 shall be construed accordingly.

PART VI
—cont.

(5) If it appears to the Corporation that a vehicle removed under this section has been abandoned the Corporation may sell or otherwise dispose of it subject to compliance with such regulations as are for the time being in force under section 43 of the Road Traffic Act, 1960, relating to the disposal of vehicles abandoned on roads; and the provisions of any regulations under that section relating to the proceeds of the sale of vehicles abandoned on roads and to the recoupment of costs incurred in connection with the disposal of such vehicles shall, with the necessary modifications, apply to the sale and disposal of vehicles under this subsection.

(6) In this section "owner" in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement means the person in possession of the vehicle under that agreement and "road" means a highway or other road to which the public has access and includes bridges over which the road passes.

33. Notwithstanding anything contained in the Newcastle upon Tyne Improvement Act, 1837, the Corporation may discontinue the market for the sale of wheat and other grain and flour, malt, seeds, hops and other such commodities held in the market house provided under section XCIV (Power to take down Houses in Union Street and other Streets, and build a Market House) of the said Act of 1837 and commonly known as "the Corn Exchange" and they may also cease to provide places in the city for holding public hirings.

Discon-
tinuance of
corn market
and public
hirings.

PART VII

GENERAL

34. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

Confirming
authority
for byelaws.

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

Local
inquiries.

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

PART VII

—cont.

Restriction
on right to
prosecute.

36. 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 by any person other than a party aggrieved or the Corporation.

Appeals.

37.—(1) Section 300 of the Act of 1936 shall apply to appeals to a magistrates' court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision, or to use premises for any purpose for which they were lawfully used up to that time;

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

- (i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business, and use those premises for that purpose.

The appointed
day.

38.—(1) (a) In this Act "the appointed day" means, in reference to the sections of this Act hereinafter mentioned, such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(b) The sections of this Act hereinbefore referred to are—

- Section 9 (Parts of buildings used for storage of inflammable substances);
- Section 10 (Oil-fired boilers);
- Section 16 (Firemen's switches for luminous tube signs);
- Section 31 (Prohibition of dark smoke).

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

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

PART VII
—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 town clerk to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

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

39.—(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 references to this Act.

Application of general provisions of Act of 1936.

(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 references to Part III (Public safety) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to the said Part III of this Act, and also to section 31 (Prohibition of dark smoke) of this Act.

(4) The sections of the Act of 1936 mentioned in Part IV of the said schedule shall have effect as if references therein to that Act included references to section 28 (Offences in respect of telephone boxes, fire hydrants, etc.) of this Act.

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

Protection of members and officers of Corporation from personal liability.

41. The provisions of the Town and Country Planning Act, 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.

Saving for town and country planning.

PART VII
—*cont.*
Costs of Act.

42. All costs, charges and expenses of and incidental to the applying for and the preparing, obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be repaid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

Section 39.

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PART III OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging order.
329	Saving for certain provisions of the Land Charges Act, 1925.

PART III

SECTION APPLIED TO PART III AND SECTION 31 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

PART IV

SECTIONS APPLIED TO SECTION 28 OF THIS ACT

Section	Marginal note
293	Recovery of expenses, &c.
299	Inclusion of several sums in one complaint, &c.

Table of Statutes referred to in this Act

Short title	Session and chapter
Newcastle upon Tyne Town Moor Act, 1774	14 Geo. 3. c. 105 (Local).
Newcastle upon Tyne Improvement Act, 1837	1 Vict. c. lxxii.
Newcastle upon Tyne Improvement Act, 1870	33 & 34 Vict. c. cxx.
Public Health Act, 1875	38 & 39 Vict. c. 55.
Alkali, &c., Works Regulation Act, 1906	6 Edw. 7 c. 114.
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.
Newcastle upon Tyne Corporation (General Powers) Act, 1935	25 & 26 Geo. 5 c. cxxiv.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Local Government Superannuation Act, 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
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