

Teesside Corporation (General Powers) Act 1971

CHAPTER xv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.
4. Application of Part I of Act of 1965.

PART II

LANDS

A. Burial grounds and cemeteries

5. Existing burial grounds, etc., to be continued.
6. Unification of law affecting Corporation's cemeteries.
7. Agreements to maintain graves and tombstones.
8. Extension of power to maintain burial grounds.

Section

9. As to offences in cemeteries.
10. For protection of Commonwealth War Graves Commission.

B. Parks, recreation grounds and open spaces

11. Existing parks, etc., to continue vested in Corporation.
12. Parking places in parks, etc.
13. Albert Park, Stewart Park and Pallister Park.
14. Enforcement of restrictive covenants relating to land acquired for open spaces.
15. Power of constables to enforce byelaws as to parks, etc.
16. Unauthorised games on school playing fields.
17. Extension of section 4 of Physical Training and Recreation Act 1937.

C. General

18. Existing lands of Corporation to continue vested in them.
19. Compulsory acquisition of easements.
20. Reservation of easements, etc., on sale.
21. Agreements with developers.
22. Agreements with adjoining owners.
23. Suspension of restrictive covenants.
24. Management of housing estates.
25. Damage by ineradicable substances.
26. Power to reinstate owners or occupiers of property.
27. Provision of substituted sites.
28. Compensation may be in land.
29. Disposal of land.
30. Golf courses.
31. Aerodrome undertaking.
32. Power to provide facilities for hovercraft, hydrofoil vessels, etc.
33. Provisions as to illuminations.
34. Entry on land for certain purposes.
35. Information as to occupiers of land on which caravans are stationed.
36. Byelaws as to and management of corporate land.
37. Recovery of deposits under Lands Clauses Acts or Act of 1965.
38. Undertakings and agreements binding successive owners.

PART III

STREETS

A. Improvement and protection of streets

39. Enforcement of improvement line.
40. Retaining walls.

Section

41. Awnings over footways.
42. Conditional consent under section 146 of Act of 1959.
43. Carriage-crossings over verges, etc.
44. Protection of trees, grass verges and gardens.
45. Mixing of mortar, etc., in streets.
46. Damage to trees, etc., in streets and in open spaces.
47. Restriction on buildings under footways.
48. Buildings and structures over highways.
49. Excavations near highways.
50. Contravention due to default of other person.
51. Defacing of road surface, etc.
52. Damage to obstruction lights, etc.
53. Licence to erect scaffolding.
54. Decorations in streets.
55. Pipes, etc., in streets.

B. Private streets

56. Application of code of 1892 to parts of public streets.
57. Recovery of street works charges where owner unknown.
58. Amendment of section 130 of Act of 1959.

C. Miscellaneous

59. Temporary stoppage of streets.
60. Power to regulate traffic.
61. Temporary stoppage of footpaths and bridleways.
62. Adjustment of boundaries of estates in connection with streets.
63. Road cleansing vehicles.
64. Stopping places for public service vehicles.
65. Control of goods service areas.
66. Sale of food and articles on verges.
67. Numbers of houses.
68. Offences under sections 7 and 8 of Public Utilities Street Works Act 1950.
69. Interpretation of Part III of Act.

PART IV

PUBLIC HEALTH

A. Environmental health

70. Amendment of section 34 of Public Health Act 1961.
71. Amendment of section 17 of Public Health Act 1961.
72. Sanitary conveniences for persons employed on construction work.
73. Sanitary conveniences used in common.
74. Sanitary conveniences at places of public exhibition, betting offices, etc.

Section

- 75. Supply of water to premises where supply cut off.
- 76. Power to order alteration of chimneys.
- 77. Repair of walls, etc., of yards.
- 78. Amendment of Act of 1957 relating to closing orders.
- 79. Repair of damaged buildings, etc.

B. Sludge mains

- 80. Interpretation of this head of Act.
- 81. Powers as to provision and maintenance of sludge mains.
- 82. Notices, etc.
- 83. Temporary stopping up of streets.

C. Community health

- 84. Social rehabilitation.
- 85. Research into matters concerning social conditions, etc.
- 86. Special provisions as to registration of nursing homes.

D. Refuse collection and disposal

- 87. Restriction on use of dustbins, etc.
- 88. Power to provide dustbins for trade refuse.
- 89. Provision of bulk refuse containers by Corporation.
- 90. Maintenance of and access to bulk refuse containers.
- 91. Means of access for removal of refuse, etc.
- 92. Tipping of spoil and refuse.
- 93. Control of refuse tips.

E. Miscellaneous

- 94. Sale of shellfish.
- 95. Slaughter of animals otherwise than for human consumption.
- 96. Penalty for throwing rubbish into streams.

PART V

PUBLIC ORDER AND SAFETY

- 97. Life-saving equipment of Corporation.
- 98. Regulation of bathing.
- 99. Touting, hawking, etc.
- 100. Application of section 82 of Public Health Acts Amendment Act 1907.
- 101. Protection of seashore and adjoining land from pollution.
- 102. Silencers for internal combustion engines.

Section

103. Safety of stands.
104. Notice of street processions.
105. Prohibition on solicitation of school children to sell or exchange articles, etc., at schools.
106. Police telephone call boxes and shelters.
107. Offences in respect of telephone boxes, fire hydrants, etc.
108. Disposal of dangerous containers.
109. Boundary walls.
110. Securing of unoccupied buildings.
111. As to warning posts and signs.
112. Protection of dangerous ponds, excavations, etc.
113. Removal, etc., of dangerous trees.
114. Mobile coffee stalls, etc.
115. Disposal of lost and uncollected property.

PART VI

HACKNEY CARRIAGES, ETC.

116. Interpretation and commencement of this Part of Act.
117. Fixing of fares for hackney carriages.
118. Stands for hackney carriages.
119. Prohibition of other vehicles on hackney carriage stands.
120. Misleading signs on motor vehicles.
121. Transfer of hackney carriages, etc.
122. Recovery of costs of inspections.
123. Fees for driver's licences.
124. Suspension and revocation of proprietor's licences.
125. Suspension and revocation of driver's licences.
126. Fitness of hackney carriages, etc.
127. Minimum age for drivers.
128. Fitness of drivers.
129. Penalty on persons refusing to pay fare.
130. Corporation may extend period of hackney carriage licences, etc.
131. Tests for drivers of hackney carriages.
132. Provisions as to motor vehicles let for hire.
133. Construction of motor hackney carriages to be approved by Corporation.
134. Byelaws as to hackney carriages.
135. Inspection and certification of taximeters.

PART VII

MANAGEMENT

136. As to grants of burial licences and certificates of registration.
137. Recreational and other facilities for employees.

Section

- 138. Microfilming of documents.
- 139. Inspection of plans relating to applications.
- 140. Destruction of documents connected with applications.
- 141. Information as to identity of drivers.
- 142. Information centres.
- 143. Hire of chairs, etc.
- 144. Provision of boating facilities.
- 145. As to minutes of council meetings, etc.
- 146. Data processing equipment.
- 147. Power to sell materials.
- 148. Power to require information as to ownership of premises.
- 149. Power to use ladders, etc., for entry or inspection.
- 150. Notice of alteration of rents without notice to quit.
- 151. Charges for registration of persons seeking exchange of houses.
- 152. Officers of Corporation acting as receivers, etc.
- 153. Disclosure by officers of Corporation of interest in contracts.
- 154. Public weighing or measuring equipment.
- 155. As to breach of conditions of consent of Corporation.
- 156. Authorisation of appearance of Corporation officers in legal proceedings.
- 157. Institution of proceedings for offences relating to certain excise duties.
- 158. Compensation how to be determined.
- 159. Informations by whom to be laid.

PART VIII

GENERAL

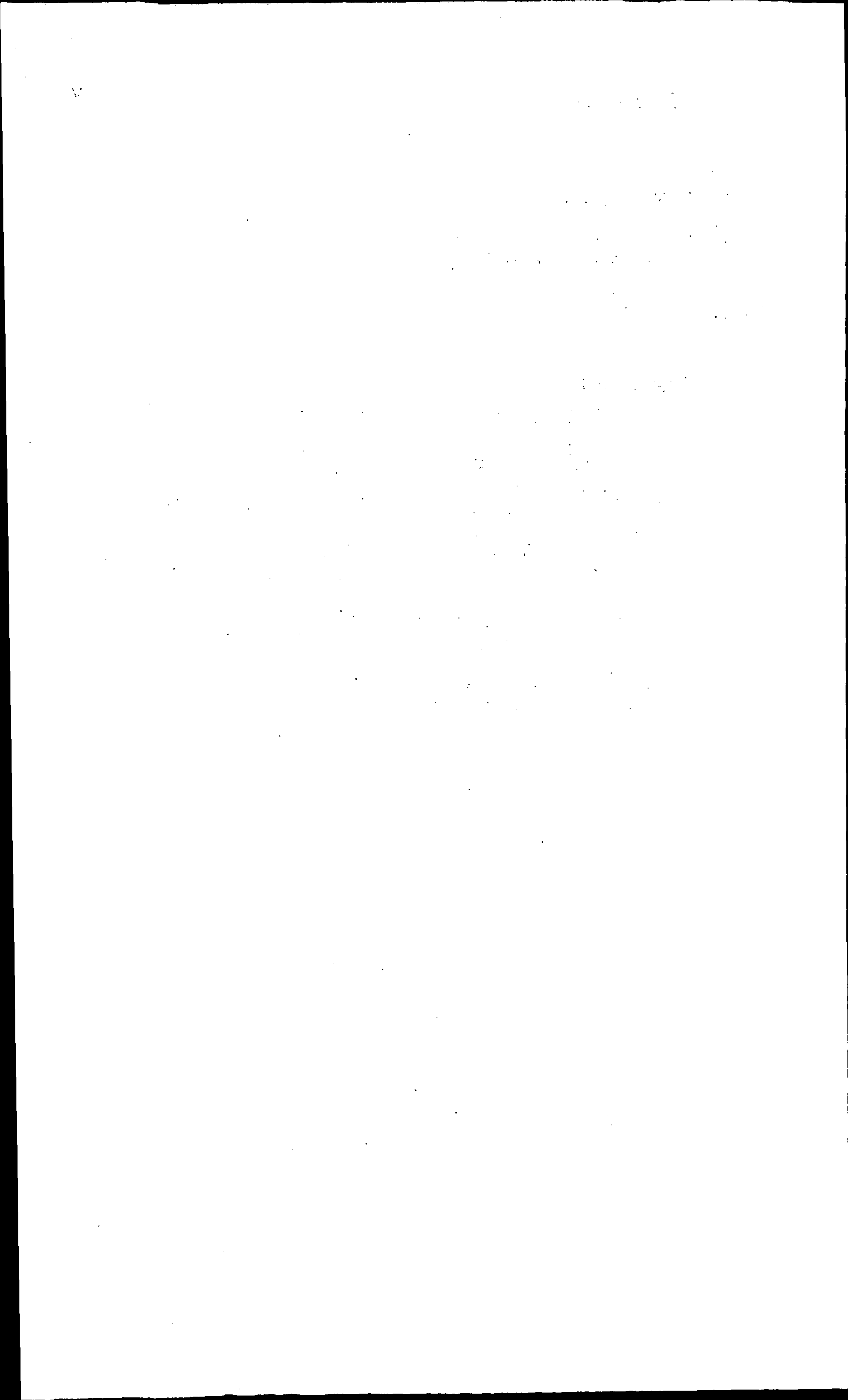
- 160. Confirming authority for byelaws.
- 161. Local inquiries.
- 162. Restriction on right to prosecute.
- 163. Appeals.
- 164. Evidence of proceedings, appointments, etc.
- 165. Liability of directors, etc.
- 166. Penalties for offences against Act.
- 167. Power to borrow.
- 168. The appointed day.
- 169. Saving for trusts, etc.
- 170. Application of general provisions of Act of 1936.
- 171. Protection of members and officers of Corporation from personal liability.
- 172. Arbitration.
- 173. Continuance of certain enactments.
- 174. Repeals.
- 175. Transitional provisions.

Section

- 176. Crown rights.
- 177. For protection of certain statutory undertakers.
- 178. Saving for Coast Protection Act 1949.
- 179. Saving for port authority.
- 180. For protection of the British Railways Board.
- 181. Costs of Act.

SCHEDULES:

- Schedule 1—Enactments mentioned in section 148 of this Act.
- Schedule 2—Sections of Act to which section 165 of this Act applies.
- Schedule 3—Maximum penalties for offences against Act.
- Schedule 4—Sections of Act of 1936 applied—
 - Part I—Sections applied generally.
 - Part II—Sections applied to section 33 and Parts III, IV and V of this Act.
 - Part III—Section applied to sections 39, 65, 70 to 83, 86 to 96, 101, 102, 103, 108 to 114 and 132 of this Act.
- Schedule 5—Enactments repealed.
- Schedule 6—Transitional provisions.



ELIZABETH II



1971 CHAPTER xv

An Act to re-enact with amendments and to extend certain local enactments in force in the county borough of Teesside; to make better provision for the health, local government and improvement of the borough; to confer further powers upon the mayor, aldermen and burgesses of that borough; and for other purposes.
[30th March 1971]

WHEREAS—

(1) By virtue of the Teesside Order 1967 (hereinafter referred to as “the Order of 1967”) the county borough of Teesside was constituted on the 1st April, 1968, so as to consist of an area shown by a continuous red line on the boundary map referred to in article 4 of the Order of 1967 and being—

- (a) the area of the county borough of Middlesbrough;
- (b) the area of the borough of Stockton-on-Tees in the administrative county of Durham;
- (c) the greater part of the area of the urban district of Billingham and part of the area of the rural district of Stockton in the said administrative county;

- (d) the area of the borough of Thornaby-on-Tees and the greater part of the area of the borough of Redcar in the administrative county of the North Riding of York;
- (e) the parts of the area of the urban districts of Eston, Guisborough and Saltburn and Marske-by-the-Sea in the said administrative county;
- (f) the area of the parishes of Hemlington and Marton and parts of the area of the parishes of Ormesby, Maltby, Newby, Nunthorpe and Stainton in the rural district of Stokesley in the said administrative county;

as they existed immediately before the 1st April, 1968:

(2) Numerous local enactments were in force in parts of the said area and by article 51 of the Order of 1967 it was provided that the provisions of any such enactments should continue to apply to those parts of that area except that certain specified enactments were extended to apply to the whole of the said county borough of Teesside as constituted by the Order of 1967 (hereinafter referred to as "the borough"):

(3) It was further provided by the said article 51 that all the said local enactments should, on the 31st December, 1971, cease to have effect:

(4) It is expedient that certain of the said enactments should be re-enacted with amendments and apply to the whole of the borough:

(5) It is expedient at the same time to extend and enlarge in various respects the powers of the mayor, aldermen and burgesses of the borough and to make better provision in regard to the health, local government and improvement of that borough:

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

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

(8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

1933 c. 51.

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.—(1) This Act may be cited as the Teesside Corporation (General Powers) Act 1971. Short and collective titles.

(2) This Act and the Teesside Corporation Act 1969 may be cited together as the Teesside Corporation Acts 1969 and 1971. 1969 c. xiv.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Streets.

Part IV.—Public health.

Part V.—Public order and safety.

Part VI.—Hackney carriages, etc.

Part VII.—Management.

Part VIII.—General.

3.—(1) Subject to the provisions of this Act and unless otherwise expressly enacted and unless the subject or context otherwise requires the several words and expressions to which meanings are assigned by section 343 of the Act of 1936 have in this Act the same respective meanings and in this Act— Interpretation.

“ the Act of 1933 ” means the Local Government Act 1933; 1933 c. 51.

“ the Act of 1936 ” means the Public Health Act 1936; 1936 c. 49.

“ the Act of 1946 ” means the Acquisition of Land (Authorisation Procedure) Act 1946; 1946 c. 49.

“ the Act of 1957 ” means the Housing Act 1957; 1957 c. 56.

“ the Act of 1959 ” means the Highways Act 1959; 1959 c. 25.

“ the Act of 1965 ” means the Compulsory Purchase Act 1965; 1965 c. 56.

“ the Act of 1967 ” means the Road Traffic Regulation Act 1967 as printed pursuant to section 133 of the Transport Act 1968; 1967 c. 76. 1968 c. 73.

PART I
—cont.

- “ apparatus ” has the meaning assigned to it by section 177 (For protection of certain statutory undertakers) of this Act;
- “ the appointed day ” has the meaning assigned to it by section 168 (The appointed day) of this Act;
- “ the borough ” means the county borough of Teesside;
- “ bulk refuse container ” means a container, of not less than one cubic yard nominal capacity, designed or adapted to be emptied of refuse by mechanical means into a refuse vehicle of the Corporation;
- “ contravention ” includes a failure to comply and “ contra-vene ” shall be construed accordingly;
- “ corporate land ” has the same meaning as in the Act of 1933;
- “ the Corporation ” means the mayor, aldermen and burgesses of the borough acting by the council;
- “ the council ” means the council of the borough;
- “ the electricity board ” means the North Eastern Electricity Board;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any orders, byelaws, schemes or regulations for the time being in force within the borough;
- “ existing enactments ” means the local enactments which are repealed by section 174 (Repeals) of this Act;
- “ the gas board ” means the Northern Gas Board;
- “ the generating board ” means the Central Electricity Generating Board;
- “ land ” includes buildings, land covered by water and any rights over land;
- “ magistrates’ court ” has the same meaning as in the
- “ operational land ” in relation to statutory undertakers (other than the Post Office) and the port authority means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of

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| statutory undertakings and, in relation to the Post Office, has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969; | PART I
—cont.
1969 c. 48. |
| “the police authority” has the same meaning as in the Police Act 1964; | 1964 c. 48. |
| “the port authority” means the Tees and Hartlepool Port Authority; | |
| “public service vehicle” has the same meaning as in section 117 of the Road Traffic Act 1960; | 1960 c. 16. |
| “seashore” includes any bank, barrier, dune, beach, flat or other land adjacent to the foreshore; | |
| “the statutory undertakers” means the electricity board, the gas board, the Gas Council, the generating board, the water undertakers and the Post Office or any of them as the case may be; | |
| “street” includes any highway, including a highway over any bridge, and any road, lane, footpath, footway, square, court, alley or passage whether a thoroughfare or not, and includes any part of a street; | |
| “telegraphic line” has the same meaning as in the Telegraph Act 1878; | 1878 c. 76. |
| “the water undertakers” means the Tees Valley and Cleveland Water Board. | |

(2) 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.

4.—(1) Part I of the Act of 1965 (except section 4, section 24 (5), section 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Act of 1946 applies and as if this Act were a compulsory purchase order under the Act of 1946. Application of Part I of Act of 1965.

(2) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act. 1845 c. 18.

PART II

LANDS

A. Burial grounds and cemeteries

5. Notwithstanding the repeal by this Act of the existing enactments, the burial grounds, cemeteries and crematoria Existing burial grounds, etc., to be continued.

PART II
—cont.

vested in or belonging to the Corporation immediately before the commencement of this Act shall continue vested in the Corporation and may be held, used and enjoyed by them.

Unification of
law affecting
Corporation's
cemeteries.
1879 c. 31.

6.—(1) Any cemetery vested in the Corporation shall be deemed to have been provided by the Corporation under the Public Health (Interments) Act 1879 and the Act of 1936, and the provisions of those Acts shall apply to such a cemetery.

(2) The provisions of the Burial Acts 1852 to 1906 relating to the provision of burial grounds shall cease to be in force with respect to any cemetery in the borough.

(3) Nothing in this section shall affect—

- (a) any right of burial or of constructing a place of burial which any person may have acquired prior to the passing of this Act or prejudicially affect the amount of any fee, payment or sum in respect of interment in, or the right of erecting or placing any monument, gravestone, tablet or monumental inscription on, any grave or place of burial in respect of which any such right has been so acquired;
- (b) any rights vested in or exercisable by the Commonwealth War Graves Commission under or by virtue of a deed of grant or other document entered into by the Corporation or its predecessor in title and relating to the erection and maintenance by the Commission of a cross of sacrifice at any cemetery vested in the Corporation.

Agreements
to maintain
graves and
tombstones.

7.—(1) The Corporation may agree with any person, in consideration of the payment of a sum by him, to maintain, for a period fixed by the agreement, a grave or tombstone in a burial ground or crematorium provided by the Corporation.

(2) In this and the next section—

“burial ground” includes a cemetery;

“grave” includes a grave space, niche or urn;

“memorial” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or memorial;

“tombstone” includes a monument or other memorial of a deceased person.

8.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

PART II
—cont.

Extension of
power to
maintain
burial grounds.

- (a) to put, and keep, in order any memorial therein;
- (b) to level any grave therein;
- (c) to remove the whole or any part of a memorial therein;
- (d) to alter the position of any such memorial.

(2) Before exercising a power conferred by paragraph (b), (c) or (d) of the foregoing subsection the Corporation shall—

- (a) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the borough, with an interval between the dates of publication of not less than six clear days;
- (b) display a notice thereof in a conspicuous position in the burial ground; and
- (c) serve a notice thereof upon the owner of the grave, or upon a relative of a deceased person whose remains are interred therein, if after reasonable inquiry the name and address of the owner, or of a relative of such a person, can be ascertained.

(3) Each of the notices shall—

- (a) contain brief particulars of the Corporation's proposals, and specify an address at which full particulars of the proposals can be obtained, unless the brief particulars are of proposals incapable of further statement;
- (b) specify the date on which it is intended that the Corporation will begin to carry out the proposals, which shall be not earlier than the fourteenth day after the date of the later of the two publications, or than the twenty-first day after the date on which the notice in the burial ground is first displayed, or, where notice is required to be served, than the twenty-first day after the date of service whichever is the latest; and
- (c) state the effect of the next following subsection.

(4) If notice of objection to a proposal, and of the ground thereof, is given to the Corporation before the date specified under paragraph (b) of the last foregoing subsection, that proposal shall not be carried out without the consent of the Secretary of State unless the notice is withdrawn.

(5) The Corporation may put to such use as they think appropriate, or destroy, any memorial removed under this section, unless it is claimed and removed by the person claiming it or some person acting on his behalf within three months after the date of the earlier of the two publications of the notice required by paragraph (a) of subsection (2) of this section, or, where notice has been served under paragraph (c) thereof, after the date of such service, whichever is the later.

PART II
—cont.

(6) Where a memorial is removed by the Corporation under this section, the Corporation may erect at their own expense, in substitution, a memorial of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause a record to be made of each memorial taken from the burial ground under this section containing—

(a) a copy of any inscription on it; and

(b) if it is intended to preserve the memorial, a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(8) Nothing in the foregoing provisions of this section shall relieve the Corporation from any obligation to which they are subject apart from those provisions to obtain for any work a faculty or licence of a consistory court.

(9) Subsections (2) to (4) of this section shall not have effect in relation to any work for which the Corporation obtain such a faculty or licence; and subsection (5) thereof shall not have effect in relation to any memorial for whose removal such a faculty or licence was obtained.

As to offences
in cemeteries.

9.—(1) A person, other than an officer of the Corporation or a person or the servant of a person who has a contract with the Corporation in or about any work in connection with the burial grounds, cemeteries or crematoria belonging to the Corporation, shall not, except for the purpose of properly tending the same, pluck out or otherwise interfere with any flower, plant, shrub, wreath, ornament, memorial or other thing on any grave in a burial ground, cemetery or crematorium belonging to or maintained by the Corporation.

(2) Any person who offends against the provisions of this section shall be guilty of an offence.

For protection
of Commonwealth War
Graves
Commission.

10.—(1) In this section—

“the Commission” means the Commonwealth War Graves Commission;

“Commonwealth war burial” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947.

(2) In relation to any burial ground to which the provisions of section 8 (Extension of power to maintain burial grounds)

of this Act apply and in which there are situated any Commonwealth war graves relating to the war of 1914 to 1921 or to the war of 1939 to 1947, the Corporation shall—

PART II
—cont.

- (a) not later than the date upon which such notice is first published in a newspaper circulating in the borough serve upon the Commission a copy of any notice which the Corporation are required to publish pursuant to the said section 8; and
- (b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purposes of exercising a power conferred by paragraph (b), (c) or (d) of subsection (1) of the said section 8;

and, in any such case, shall have due regard to any written representations made by the Commission within a period of one month from the service of the notice or the giving of the notification, as the case may be.

(3) The Corporation shall not, in pursuance of the powers of the said section 8, remove any memorial placed or erected over any Commonwealth war grave unless they have first given to the Commission satisfactory assurances in writing in regard to all or such of the following matters as the Commission consider appropriate, namely:—

- (a) that no other memorial shall be placed or erected over such grave;
- (b) that any Commonwealth war burial in such grave shall at all times be protected from interference or disturbance otherwise than interference or disturbance authorised by a licence granted by the Secretary of State or authorised by a faculty or licence of a consistory court after prior notification to the Commission of the application for any such licence or faculty;
- (c) that in the case of any headstone placed or erected by the Commission over any such grave such memorial shall be removed only in accordance with such arrangements and in such manner including disposal of the memorial as shall be agreed in writing between the Corporation and the Commission.

(4) If a Commonwealth war burial would be affected by a consent given by the Secretary of State under subsection (4) of the said section 8 the Corporation shall, not later than the date on which the matter is referred to the Secretary of State, inform the Commission in writing of such reference and the Secretary of State shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of reference to the Secretary of State.

PART II
—cont.

Existing parks, etc., to continue vested in Corporation.

B. Parks, recreation grounds and open spaces

11. Notwithstanding the repeal by this Act of the existing enactments, the parks, recreation grounds and pleasure grounds vested in or belonging to the Corporation immediately before the commencement of this Act shall continue vested in the Corporation and may be held, used and enjoyed by them.

Parking places in parks, etc.

12.—(1) For the purpose of providing a parking place under section 28 of the Act of 1967 the Corporation may, with the consent of the Secretary of State, utilise any part of a park, pleasure ground, or open space (not being a highway) provided by them or under their management and control:

Provided that the part of any park, pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof, or one acre, whichever is the less.

1906 c. 25.

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

Albert Park, Stewart Park and Pallister Park.

13.—(1) Albert Park, Stewart Park and Pallister Park as they respectively exist at the commencement of this Act shall continue vested in the Corporation and be held, used and enjoyed by them upon the trusts and for the intents and purposes and according to the regulations and conditions in and by the Albert Park deed, the Stewart Park deed and the Pallister Park deed respectively declared and expressed.

(2) The Secretary of State may, on the application of the Corporation, make such amendments to the conditions, restrictions, regulations and stipulations contained for the time being in the Albert Park deed, the Stewart Park deed and the Pallister Park deed as he thinks fit.

(3) (a) The Corporation shall make such byelaws as are proper and sufficient for carrying into effect the several conditions, restrictions, regulations and stipulations expressed in the Albert Park deed.

1875 c. 55.

(b) In addition to the powers to make byelaws conferred upon them by section 164 of the Public Health Act 1875 and section 15 of the Open Spaces Act 1906, the Corporation may make such other byelaws as they may think fit for the use, government, control and management of the said park in accordance with the said regulations and conditions and for protecting and preserving from damage or injury the said park and buildings, terraces, statues, trees, lakes, fountains, bridges, shrubs, walks, seats, gates, fences and palings and all other parts thereof.

(c) A printed copy or sufficient abstract of the byelaws relating to Albert Park shall be put up at every entrance thereto.

(4) The Corporation may—

- (a) lay out, improve and ornament Albert Park;
- (b) erect on any part of Albert Park refreshment rooms and other buildings and conveniences for the use of the public and for the storing and keeping of materials for maintaining, repairing and improving the said park and such buildings and conveniences;
- (c) for the purpose of improving and ornamenting Albert Park and the approaches thereto, make all such works and enlarge all or any of the said roads leading thereto as they may think necessary or expedient.

(5) In addition to any other powers enjoyed by them, the Corporation may (subject to the foregoing provisions of this section) set apart one-half of Albert Park, Stewart Park and Pallister Park or any of them for the purpose of cricket, football or any other game or recreation and for such purposes may let to any club, company, body or person the whole or any part of any of the said parks so set apart and exclude the public therefrom during the period of such letting.

(6) Subject to the foregoing provisions of this section the Corporation may close to the public Albert Park, Stewart Park and Pallister Park or any of them for the purposes of permitting the use of the same (whether gratuitously or for payment) by any public charity or institution or for any agricultural, horticultural or other show:

Provided that none of the said parks shall be closed for more than twenty-four days in any one year or for more than six consecutive days on any one occasion or such other periods as the Secretary of State may allow.

(7) In this section—

“ Albert Park ” means the park in the borough called by that name and includes so much of the lands and premises described in the Albert Park deed and the Memorandum of Agreement made the 12th August, 1873, between Henry Pease, Joseph Whitwell Pease, Edmund Pease and Arthur Pease of the first part, Henry William Ferdinand Bolckow of the second part and the Corporation of the third part as are vested in, used and enjoyed by the Corporation as a public park;

“ the Albert Park deed ” means an indenture made the 7th November, 1865, between the Corporation of the one part and Henry William Ferdinand Bolckow of the other part;

“ Stewart Park ” means the park in the borough called by that name and consisting of the lands and premises

PART II
—cont.

which were conveyed to the Corporation by the Stewart Park deed and are vested in, used and enjoyed by the Corporation as a public park;

“the Stewart Park deed” means an indenture made the 11th June, 1924, between Henry William Ferdinand Bolckow of the first part, the said Henry William Ferdinand Bolckow and Charles Frederick Henry Bolckow of the second part, Thomas Dormand Stewart of the third part and the Corporation of the fourth part;

“Pallister Park” means the park in the borough called by that name and consisting of the lands and premises which were conveyed to the Corporation by the Pallister Park deed and are vested in, used and enjoyed by the Corporation as a public park;

“the Pallister Park deed” means an indenture made the 31st December, 1925, between James Beaumont Worsley Pennyman of the first part, John George Pallister of the second part and the Corporation of the third part.

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

14.—(1) Where the Corporation 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 borough or of any county, urban or rural district 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 field, 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 Corporation restrictive of the user of such land, the Corporation 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 Corporation 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 Corporation of land for the purpose of a public or private open space, recreation or pleasure ground, public walk, sports ground or playing field, or towards the layout or maintenance of such land and the Corporation 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 Corporation 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.

(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. 1925 c. 22.

(b) This section shall not apply to a covenant contained in any instrument made before the 27th November, 1969, 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 Consolidation Act 1845 or any Act incorporating that Act. 1845 c. 18.

(5) Nothing in this section shall deprive the Corporation 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. From and after the passing of this Act, any police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act 1875, relating to any park or place of public resort or recreation ground under the control of the Corporation, as is given to the servants of the Corporation by the byelaws from time to time in force under the provisions of the said Act. Power of constables to enforce byelaws as to parks, etc. 1875 c. 55.

16.—(1) Any person who, without the consent in writing of the Corporation, takes part in any game of cricket, football, hockey or netball, or any other such organised game, on any land forming part of a playground or playing field under the control of or maintained by the Corporation as the local education authority, shall be guilty of an offence. Unauthorised games on school playing fields.

Provided that a person shall not be convicted under this section, unless it is proved that at the material time notices warning persons of their liability under this section were posted so as to be readily seen by members of the public at every entrance to the playground or playing field (as the case may be) as appear to the court to be proper.

PART II
—cont.

(2) Any person found taking part in or causing or encouraging other persons to take part in any such game as aforesaid on any such playground or playing field without authority as aforesaid may be removed from the playground or playing field by any person duly authorised in that behalf by the Corporation.

(3) Nothing in subsection (2) of this section shall prejudice or affect the powers of the police or the Corporation or their servants under section 61 of the Malicious Damage Act 1861.

1861 c. 97.

Extension of
section 4 of
Physical
Training and
Recreation
Act 1937.

1937 c. 46.

17.—(1) The Corporation may exercise the powers conferred upon them by section 4 of the Physical Training and Recreation Act 1937, of providing and arranging for the training of wardens, teachers and leaders in respect of any facilities for exercise, recreation and social activities provided by, or by arrangement with, them at any premises used as recreational or sports centres, or as a park, open space, golf course, playing field or swimming bath provided by them or under their control or management.

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

1906 c. 25.

C. General

Existing
lands of
Corporation
to continue
vested in
them.

18. Notwithstanding the repeal by this Act of the existing enactments, all lands vested in or belonging to the Corporation immediately before the commencement of this Act shall continue vested in the Corporation and may be held, used and enjoyed by them.

Compulsory
acquisition of
easements.

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

(2) The appropriate Minister shall not confirm any order under this section unless he determines 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 Schedule 1 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 the meaning of subsection (1) of section 8 of the Act of 1965.

(5) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the enjoyment or use of which the easement or other right is required or who would have had such power if such land were not already owned by the Corporation.

20. On selling any land the Corporation—

Reservation of easements, etc., on sale.

- (1) may reserve to themselves all, or any part of, the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;
- (2) may make the sale subject to such other reservations, conditions and restrictions as they think fit; and, without prejudice to the generality of the foregoing words of this paragraph, such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure, sewage or other impure matter.

21.—(1) The Corporation and any person having an estate or interest in any land within the borough may enter into an agreement which may provide for all or any of the following:—

Agreements with developers.

- (a) determining the manner in which that land is to be developed and the order in which development of that land shall be carried out as between the different parts of that land and as between the different parts of the development of any part of that land;
- (b) determining the time by which development of that land shall be completed or the times by which the parts of that development shall be completed;
- (c) providing that the estate or interest of that person in that land shall not be conveyed, leased or assigned except by way of mortgage or legal charge to any person unless the Corporation shall have first satisfied themselves

PART II
—cont.

that that person has or can command sufficient financial resources to carry out development of that land and to implement all the provisions of the agreement;

- (d) the dedication to the public of rights of way over that land or over a part or parts of any building or structure which is comprised in the development and the maintenance and cleansing of the public rights of way so dedicated, including the maintenance and cleansing of the surface and the lighting of the building or structure over or above the public rights of way so dedicated and the maintenance of any support of the public rights of way so dedicated;
- (e) arrangements relating to the provision, maintenance or use of facilities for the parking of vehicles for, or in connection with, development of that land or relating to the provision or maintenance of roads required for the purposes of that development;
- (f) any other related or consequential matters.

(2) (a) An agreement entered into under the foregoing subsection may contain positive and negative covenants and whether they be positive or negative and notwithstanding that they may not enure, and may not be expressed to enure, for the benefit of any other land of the covenantee they shall, if registered as a local land charge for the purposes of the Land Charges Act 1925, be enforceable by the Corporation against the covenantor and all persons deriving title by, through or under the covenantor.

(b) In the event of the person who has entered into an agreement under the foregoing subsection or any person deriving title by, through or under him failing to perform any of the positive covenants contained in the agreement the Corporation may after giving not less than twenty-one days' notice of their intention so to do enter on the land and do the work in default and the expenses incurred by the Corporation shall be recoverable by them from the person in default.

(c) Except as may be expressly provided in the agreement, an agreement entered into under the foregoing subsection shall be enforceable and be deemed to be intended to be enforceable in perpetuity or for the duration of the estate or interest which the person entering into the agreement has in the land at the time when the agreement is entered into.

(3) The Corporation may take or acquire shares or other securities in any company incorporated in the United Kingdom with which an agreement is entered into under this section.

(4) In this section "development" has the same meaning as in section 12 of the Town and Country Planning Act 1962.

(5) Section 291 of the Act of 1936 shall have effect as if reference therein to that Act included a reference to this section.

1925 c. 22.

1962 c. 38.

22.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

PART II
—cont.
Agreements
with adjoining
owners.

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right so required.

23.—(1) If the Corporation—

(a) acquire land by agreement; or

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

(c) have appropriated before, or propose to appropriate after, the passing of this Act land which has been previously acquired by agreement;

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 be, authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by, or in pursuance of, any enactment) as to the user thereof or the building thereon, the Corporation may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

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

(3) The Corporation shall—

(a) in three 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 borough where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

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

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

PART II
—cont.

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

(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 and a copy thereof to the Corporation within the period specified in the notice.

(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 Corporation acquire or appropriate the land, whichever is the later.

(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 Corporation acquire or appropriate the land.

(7) If in the opinion of the Corporation, there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable, the Corporation may—

(a) in three successive weeks publish, in one or more local newspapers circulating in the locality in which the land is situated, a notice describing the land and stating generally the effect of this subsection and subsections (8) and (9) of this section and specifying the time not being less than three months from the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Corporation, and shall produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who

they consider after reasonable inquiry may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and

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

PART II
—cont.

(8) If any person is entitled to the benefit of a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Corporation shall pay compensation, in accordance with the provisions of section 10 of the Act of 1965, in respect of any entitlement to the benefit of a restriction suspended under the powers of this section and loss suffered in consequence thereof.

(10) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land affected by the restriction, or, if the Corporation convey the land to any body for any of the purposes of the Education Acts 1944 to 1968, so long as the land is used by that body for the purpose of those Acts and, if compensation is paid by the Corporation under subsection (9) 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 the 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 1968, remain unenforceable only so long as the land is used for that purpose.

(11) If the Corporation dispose of any land affected by the restriction suspended under the powers of this section, 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.

(12) Nothing in this section shall apply to any restriction for the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of the British Railways Board or the statutory undertakers, or for the prevention of pollution of water which the water undertakers are authorised to abstract, contained in any deed, wayleave, agreement or other instrument.

(13) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory

PART II
—*cont.*

purchase of the land for the purpose for which the Corporation have acquired or agreed to acquire or appropriated that land.

Management of housing estates.

24. The powers of the Corporation under subsection (1) of section 112 of the Act of 1957 shall extend so as to enable them to make byelaws for the management, use and regulation of any land held and occupied by them for the purposes of Part V of that Act not being land on which a building is erected or land within the curtilage of a building or a highway.

Damage by ineradicable substances.
1914 c. 58.

25.—(1) The provisions of section 14 of the Criminal Justice Administration Act 1914 shall in their application to the borough have effect as if the expression “damage” included the making of any mark or inscription by means of an ineradicable substance.

(2) In this section a substance which makes a mark or inscription the removal of which cannot be secured without unreasonable expense shall be deemed to be an ineradicable substance.

Power to reinstate owners or occupiers of property.

26.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired by the Corporation under any enactment with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land, and for that purpose the Corporation may pay or receive money for equality of exchange.

Provision of substituted sites.

27. The power of the Corporation to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under any enactment.

Compensation may be in land.

28.—(1) The Corporation, when they are required by any enactment to make compensation to any person interested in any land, 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 Corporation 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 Corporation or any persons from or through whom the Corporation have derived title to it.

29. In respect of land acquired by the Corporation under any enactment for the benefit, improvement or development of the borough and not since allocated for any statutory purpose, section 165 of the Act of 1933 shall have effect with the omission of the words " and which is not required for the purpose for which it was acquired or is being used ". PART II
—cont.
Disposal of
land.

30.—(1) The Corporation may, upon their corporate land or upon land within or outside the borough acquired or appropriated after the passing of this Act for that purpose, provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient. Golf courses.

(2) References in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided, or works executed, under the foregoing subsection, and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

- (a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or
- (b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Corporation may—

- (a) at a golf course provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;
- (d) by themselves, or any person appointed by them in that behalf, apply for, and hold, licences for the sale of intoxicating liquor at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses upon their corporate land or provided under this section, whether within or outside the borough, and the conduct of persons using them or resorting thereto.

31.—(1) In the event of the Corporation establishing, in pursuance of sections 19 and 20 of the Civil Aviation Act Aerodrome
undertaking.

PART II
—cont.
1949 c. 67.

1949, an aerodrome, with or without any ancillary business in connection therewith (in this section referred to as “the aerodrome undertaking”), they may either—

- (a) themselves manage the aerodrome undertaking, making such reasonable charges in respect thereof as they think fit; or
- (b) subject to the provisions of subsection (6) of the said section 19, let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit:

Provided that nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Secretary of State in pursuance of powers conferred on him by or under the said Act.

(2) The aerodrome undertaking shall be in the same relation to the Secretary of State and subject to the like control by him under the Civil Aviation Act 1949, as if this Act had not been passed.

Power to
provide
facilities for
hovercraft,
hydrofoil
vessels, etc.

32.—(1) (a) The Corporation may use for such time as they may think fit lands and buildings within the borough for use as a terminal or terminals for hovercraft, hydrofoil vessels and similar craft or vessels, and may erect or adapt on any lands and may maintain and manage buildings, structures, slipways and other works for use in connection with such hovercraft, hydrofoil vessels and similar craft or vessels, and may make reasonable charges in respect of the use of such works.

(b) The Corporation may at any such terminal provide such plant, facilities, appliances and conveniences as may be requisite or expedient for the operation, equipment, maintenance, repair and use of such hovercraft, hydrofoil vessels and similar craft or vessels.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Corporation may exercise the following powers at any terminal provided by them in accordance with the provisions of subsection (1) of this section—

- (a) they may provide and maintain parking places, cloak-rooms, waiting rooms, refreshment rooms, shelters, offices, information centres and displays, lavatories, conveniences and other similar accommodation;
- (b) they may make reasonable charges for the use of or let on hire to any person any accommodation so provided, or any building or structure;
- (c) they may make regulations as to the use of such facilities.

(3) In this section—

PART II

—cont.

“hovercraft” has the same meaning as in the Hovercraft Act 1968;

1968 c. 59.

“hydrofoil vessel” means a vessel, however propelled, designed to be supported on foils.

(4) Nothing in this section shall exempt the Corporation from the provisions of section 9 of the Harbours Act 1964 in relation to the works authorised by this section. 1964 c. 40.

33.—(1) Subject to the provisions of this section the Corporation may—

Provisions
as to
illuminations.

(a) provide or arrange, on such terms and conditions as they may think fit, for the provision of illuminations in, on, over or across any building or place (with the consent of the owner or occupier thereof), or over or across any street in the borough;

(b) illuminate any inscription which has been set up of the name of any street in the borough:

Provided that the Corporation shall not exercise the powers of this section in, on, over or across any trunk road, without the consent of the Secretary of State, which may be given subject to a condition that the Corporation shall at their own expense remove anything placed in any trunk road under the powers conferred by this section if required by the Secretary of State to do so.

(2) The provisions of section 45 of the Public Health Act 1961 shall, in their application to the borough, extend and apply to such attachments as may be required for the purposes of this section as if they had been mentioned in that section. 1961 c. 64.

(3) Nothing in this section shall authorise the Corporation—

(a) to affix any inscription or attachments forming part of any such sign to—

(i) a building for the time being included in a list published by the Secretary of State under any enactment with respect to ancient monuments without the consent of the Secretary of State; or

(ii) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Secretary of State under section 32 of the Town and Country Planning Act 1962, not being a building to which sub-paragraph (i) of this paragraph applies, without the consent of the Secretary of State; 1962 c. 38.

PART II
—cont.

(b) to provide, maintain or operate any illumination—

(i) which hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway or any traffic sign as defined by section 54 of the Act of 1967; or

(ii) unless it is so provided, maintained and operated as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line, or electric lines and works (including works for the lodging therein of such lines and works) as respectively defined in the Electric Lighting Act 1882 and belonging to or maintained by the electricity board or the generating board; or

(iii) which may affect the safety of persons using the river Tees or adjacent coastal waters.

(4) In this section—

“ attachments ” includes lamps, brackets, pipes, electric lines or other apparatus;

“ building ” includes a structure and a bridge over a street;

“ owner ”—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired, means the occupier of the building; and

(b) in relation to any other building, has the same meaning as in the Act of 1936;

and “ owned ” shall be construed accordingly;

“ place ” includes a garden, park or promenade.

Entry on
land for
certain
purposes.

34.—(1) Whenever it becomes necessary for the Corporation or any of their officers, servants, contractors or workmen to enter, examine or lay open any land for the purpose of making plans, surveying, measuring, taking levels or making trial holes, and the owner or occupier of such land refuses to permit the same to be entered upon, examined or laid open for the purposes aforesaid or any of them, the Corporation may, after notice to such owner or occupier, apply to the magistrates' court for an order under this section.

(2) If sufficient cause is shown for the application the court may make an order accordingly, and on such order being made the Corporation, 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 land 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-eight days' notice of the intended entry and of the object thereof be given to the occupier of the land intended to be entered.

PART II
—cont.

(3) The Corporation shall at their own expense make good and restore to its former condition any land 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 land entered, all damage 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 the Lands Tribunal.

(4) If the statutory undertakers or the port authority refuse to permit any of their operational land, or the British Railways Board refuse to permit any land belonging to them and used primarily for the purposes of their undertaking, to be entered upon, examined or laid open for any of the purposes mentioned in subsection (1) of this section, application under that subsection shall not be made to a magistrates' court but any question arising as to whether permission for any such land to be so entered upon, examined or laid open is unreasonably withheld shall be determined by arbitration, and if the arbitrator shall determine that such permission is unreasonably withheld, the Corporation shall have the like powers of entering, examining and laying open the said land for the purposes for which permission was refused and be under the same liabilities as under an order of the court made under subsection (2) of this section.

(5) Any person who, in compliance with the provisions of this section or an order made thereunder is admitted into a factory or workplace, discloses to any person or makes personal use of any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret shall, unless such disclosure or personal use was made in the performance of his duty, be guilty of an offence.

35.—(1) The Corporation, for the purpose of ascertaining whether or not an offence has been committed under section 1 of the Caravan Sites and Control of Development Act 1960, may by notice require the owner or reputed owner of any land in the borough on which a caravan is stationed or any person who, either directly or indirectly, receives rent in respect of such land, to state in writing the name and address of the occupier of such land, and any person who, having been required by the Corporation in pursuance of this section to give to them any information, as to occupiers of land on which caravans are stationed. 1960 c. 62.

PART II
—cont.

wilfully fails to give that information within twenty-eight days of being so required, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence.

(2) In this section—

“caravan” has the meaning assigned to it by subsection (1) of section 29 of the said Act of 1960;

“occupier” has the meaning assigned to it by subsection (3) of section 1 of the said Act of 1960.

Byelaws as to
and
management
of corporate
land.

36.—(1) The Corporation may, with reference to any corporate land for the time being belonging to the Corporation on or over which the public has or is from time to time granted or allowed access for the purpose of enjoyment or open air recreation, make byelaws for the regulation thereof and of the days and times of admission thereto, and for the preservation of order and prevention of nuisances therein, and may by such byelaws provide for the removal of any person infringing any byelaw by any authorised officer of the Corporation or police constable.

(2) For the avoidance of doubt, it is hereby declared (notwithstanding that the public has or may from time to time be granted or allowed access for the purpose of enjoyment or open air recreation in or over the said corporate land) that the Corporation have (and shall be deemed always to have had) the right from time to time to enclose such parts of the said corporate land and to exclude the public therefrom and to deal with the same in the manner in which municipal corporations are for the time being authorised to deal with corporate land.

(3) Nothing in this section shall authorise the Corporation, or be interpreted as indicating that the Corporation are already authorised, to obstruct, close or divert any right of way except in accordance with the powers conferred by any enactment.

(4) If the Corporation shall at any time enclose any such part of the said corporate land or exclude the public therefrom, any byelaws made by the Corporation under subsection (1) hereof shall thereupon cease to have effect in respect of the land so enclosed or from which the public has been so excluded.

Recovery of
deposits under
Lands Clauses
Acts or Act
of 1965.
1845 c. 18.

37. Notwithstanding anything in the Lands Clauses Consolidation Act 1845, or the Act of 1965, it shall be lawful for the High Court at any time not being less than twelve years after any sum has been paid by the Corporation into the Supreme Court in pursuance of section 76 of the said Act of 1845 or section 9 of the Act of 1965, or paid by the Corporation into the Supreme Court by way of security in pursuance of section 85 of the said Act of 1845 or Schedule 3 to the Act of 1965, to order upon application by the Corporation that the money so paid or the

fund in which the sum shall have been invested, together with the accumulations thereto, shall be repaid or transferred to the Corporation:

PART II
—cont.

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

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

Undertakings and agreements binding successive owners.

- (a) given or made under seal 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 Corporation 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.

1925 c. 22.

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

PART III

STREETS

A. Improvement and protection of streets

39.—(1) In the case of a street in relation to which an improvement line has been prescribed under section 72 of the Act of 1959 or section 33 of the Public Health Act 1925, the Corporation may, for the purpose of avoiding obstruction to the view of persons using the street or other inconvenience or unsightliness arising from irregularity of the boundary of the street, by notice require the owner of any building which, or any part of which, was beyond or in front of the improvement line at the time when the line was prescribed, to demolish, set back or alter the said building within such reasonable time as may be specified in the notice, not being less than six months from the date of the service of the notice, so that it shall not project beyond or in front of the improvement line.

Enforcement of improvement line.
1925 c. 71.

PART III
—cont.

(2) (a) If, within twenty-eight days of the date of the service by the Corporation on any person of a notice under subsection (1) of this section, that person serves a counter-notice on the Corporation objecting to any of the requirements specified in the notice and stating the reasons for his objection, the notice shall not take effect unless it is confirmed by the Lands Tribunal, either without modifications or subject to such modifications as the tribunal may determine.

(b) The tribunal shall not confirm a notice under subsection (1) of this section if it appears to them that—

- (i) the notice is not justified by the terms of subsection (1) of this section;
- (ii) the Corporation have refused unreasonably to approve the execution of works alternative to those required by the notice, or the works so required are otherwise unreasonable in character or extent or are unnecessary; or
- (iii) the time specified in the notice within which the works are to be executed is not reasonably sufficient for the purpose;

and, in a case within sub-paragraphs (ii) or (iii) of this paragraph, that it would not be equitable to modify the notice.

(c) Without prejudice to the provisions of paragraph (b) of this subsection, the tribunal shall not confirm a notice under subsection (1) of this section where it appears to them that—

- (i) any requirement in the notice cannot be complied with without material detriment to the interest of the person on whom the notice is served in the building to which the notice relates, or the land on which it is situated, or any adjoining land in which that person has an interest; and
- (ii) that person is able and, in the circumstances of the case, willing to sell the building to the Corporation, with or without adjoining lands, on terms not less favourable to the Corporation than those on which they could have acquired the building under a compulsory purchase order made under section 214 (which authorises the acquisition of lands for the improvement of streets) of the Act of 1959 and the Act of 1946.

(d) Where a notice under subsection (1) of this section has been confirmed by the tribunal, it shall have effect as from the date on which the Corporation serve on the owner of the building to which it relates a copy of the notice as so confirmed.

(3) For the purpose of complying with any notice under subsection (1) of this section, the owner may, notwithstanding

anything in any lease or other agreement, enter upon any land or building affected by any requirement of the notice and carry out the work required by the notice.

PART III
—cont.

(4) (a) Where a building is demolished, set back or altered in compliance with a notice under subsection (1) of this section, any owner or tenant thereof may recover from the Corporation compensation for the damage or loss sustained by him in consequence of the compliance, and the amount of the compensation shall, in case of dispute, be determined by the tribunal.

(b) Rules 2 to 4 of the rules set out in section 5 (which provides rules for valuation on a compulsory acquisition) of the Land Compensation Act 1961 shall apply to the calculation of compensation under this subsection in so far as it is calculated by reference to the depreciation of the value of the interest of the owner or tenant in the building. 1961 c. 33.

(5) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(a) he has an interest in land abutting on so much of the improvement line, as immediately before the service of the notice under subsection (1) of this section, intersected, or abutted on, the building or land occupied in connection therewith; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation.

(6) Where compensation is payable under this section in right of an interest in land which is subject to a mortgage—

(a) the compensation payable in respect of the depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;

(b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;

(c) no compensation under this section shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and

(d) the compensation payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

(7) Any person who contravenes a notice under this section—

(a) shall be guilty of an offence; and

PART III
—cont.

(b) the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(8) In this section “building” includes a structure.

Retaining
walls.

40.—(1) In this section “retaining wall” means a wall which—

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

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

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

(i) any cross-section whereof is wholly or partly within 12 feet of a street in the borough; and

(ii) which is at any point of a greater height than 6 feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall, to which this section applies, shall be erected otherwise than in accordance with plans, sections and specifications approved by the Corporation; and any person who erects any such length of a wall in contravention of this subsection shall be guilty of an offence.

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

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

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

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

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent its being liable as aforesaid.

(5) The provisions of this section shall not apply to a retaining wall erected—

(a) on land belonging to the British Railways Board or the port authority, so long as that land is used by the board or the port authority, as the case may be, primarily for the purposes of their undertaking; or

(b) by the Secretary of State in any trunk road.

41.—(1) (a) Any person who erects, or permits to be erected, over the footway of a street in the borough, being a highway maintainable at the public expense, an awning which—

PART III
—cont.
Awnings over
footways.

(i) projects over any part of the footway which is less than 2 feet from the carriageway; or

(ii) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

shall be guilty of an offence.

(b) An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) If an awning over such a footway is dangerous or inconvenient to the public, the Corporation may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

(3) In this section—

“awning” includes a blind, shade or other covering and the supports thereof; and

“traffic sign” has the meaning assigned to it by section 54 of the Act of 1967.

42.—(1) Where the Corporation determine to give a consent under section 146 of the Act of 1959 (which makes provision for the regulation of the deposit of things and the making of excavations in streets) to the temporary deposit of building materials, rubbish or other things in a street, or to the making of a temporary excavation in a street, they may attach thereto such reasonable conditions as they think fit, but shall attach such conditions as may be required to secure that the person to whom the consent is given complies with the reasonable requirements of the statutory undertakers or the British Railways Board for the protection of any apparatus belonging to, or maintained by, them in the street or for securing access to such apparatus.

Conditional
consent under
section 146
of Act of
1959.

(2) Where it appears to the Corporation that the statutory undertakers or the British Railways Board may be concerned by an application for a consent under the said section 146, they shall, before determining to give the consent, give due notice of the application to such undertakers or the board and take into consideration any representations which may, within such reasonable time specified in the notice, be made to them by such undertakers or the board.

(3) A person aggrieved by any conditions so attached to a consent given under the said section 146 may appeal to the magistrates' court.

PART III
—cont.

(4) Subsection (4) of the said section 146 shall apply, in relation to a contravention of any condition so attached to a consent given under that section, as it applies to a contravention of the provisions of subsection (3) of that section.

Carriage-
crossings over
verges, etc.
1962 c. 38.

43.—(1) Where planning permission has been given, or has been deemed to have been given, pursuant to the Town and Country Planning Act 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 borough, the Corporation 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 Corporation give notice under the foregoing subsection, the provisions of section 155 (Carriage-crossings over footways) 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 Corporation 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.

Protection
of trees,
grass verges
and gardens.

44.—(1) Subject to the provisions of this section, the Corporation shall have power in any street in the borough vested in them, or on any land acquired by them, for 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 Corporation or, with the consent of the owner thereof, to any other posts or standards;
- (c) to lay out any grass verge, garden or space;
- (d) to provide guards or fences, and otherwise do anything expedient for the maintenance or protection of any such tree, shrub, container, grass verge, garden or space;
- (e) to cut down any such tree or shrub, to remove any such container, guard or fence and to alter the nature of any such grass verge, garden or space or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle, vehicles or caravans to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden or space so laid out;
- (g) by notice to prohibit the playing of any game on any such grass verge, garden or space as aforesaid which is likely to cause damage thereto:

Provided that any such notice as is referred to in paragraph (*f*) or paragraph (*g*) of this subsection shall not apply to—

PART III
—cont.

(*a*) the owner or occupier of or any person residing in any premises fronting or abutting on any such street causing or permitting any such vehicle to enter or leave those premises; or

(*b*) the temporary crossing of a grass verge, garden or space during building operations if means satisfactory to the Corporation be taken to protect such grass verge, garden or space from injury and for the convenience of pedestrians.

(2) Where any grass verge, garden or space which does not form part of a street and which has been provided by the Corporation in pursuance of the Act of 1957, or by a housing association in pursuance of arrangements made with the Corporation under that Act, or any enactment repealed by that Act, is maintained in an ornamental condition or mown, the Corporation may exercise the power contained in paragraph (*f*) or paragraph (*g*) of subsection (1) of this section.

(3) Any such notice, as is referred to in paragraph (*f*) or paragraph (*g*) of subsection (1) of this section, shall be conspicuously posted on, or in proximity to, the grass verge, garden or space to which it relates.

(4) Any person (except in a case of emergency) who contravenes a notice so posted in pursuance of the said paragraph (*f*), or any person who contravenes a notice so posted in pursuance of the said paragraph (*g*), shall be guilty of an offence, and the court may order the payment of such further amount as appears reasonable compensation for any damage caused by such contravention to such grass verge, garden or space which last-mentioned amount shall be paid to the Corporation.

(5) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section; and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act 1925 with respect to such highways 1925 c. 68. or land before the passing of this Act shall be deemed to have been done under this section.

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

(7) (*a*) Where the Corporation 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,

PART III
—cont.

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.

(8) In subsection (2) of this section “verge” includes any land situated between two carriageways or any part of a street which is not a carriageway, footway or cycle track.

Mixing of
mortar, etc.,
in streets.

45.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the borough, being a highway maintainable at the public expense, or in any street therein constructed under the powers in that behalf contained in the Act of 1957, the Act of 1959, or the Act of 1962, or an enactment repealed by any of those Acts, or in any part of a private street being a part that drains into a gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

Provided that this section shall not apply to the mixing or depositing in any street of any substance for the purposes of making up, maintaining, reinstating, repairing, 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 guilty of an offence.

Damage to
trees, etc., in
streets and in
open spaces.

46.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street in the borough, or in any open space to which the public have access adjacent to any street in the borough—

(a) remove or cut any turf; or

(b) remove, cut or displace any tree, shrub or plant which has been planted for the purpose of improving amenities, or cut or pluck any bud, blossom, flower or leaf of any such tree, shrub or plant.

(2) Any person who contravenes the provisions of this section, shall be guilty of an offence, and the court may order the payment of such further amount as appears reasonable compensation for any damage done by such contravention, which last-mentioned amount shall be paid to the person having control of the street or open space.

(3) In any proceedings under this section in respect of any matter referred to in paragraph (b) of subsection (1) of this section it shall be a defence for the defendant to show that he did not know, and had no reason to know, that the tree, shrub or plant in question had been planted for the purpose of improving amenities.

(4) Nothing in this section shall apply to any open space vested in or under the control of, and as respects which byelaws have been made by the Corporation, 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.

1949 c. 97.

47.—(1) After the passing of this Act, no part of any building (including the foundations) shall, except with the consent of the Corporation, be constructed so as to extend under the footway of any street in the borough at a less depth than 6 feet below the surface of such footway.

Restriction
on buildings
under
footways.

(2) The giving of consent by the Corporation shall not relieve the owner or occupier of the building from any liability to any statutory undertaker 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 the magistrates' court.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence.

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

(a) he shall be guilty of a continuing offence; and

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

Provided that he shall not be guilty of an offence for any day after that on which the Corporation have given him notice of their intention to remove the part of the building.

(6) 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 the statutory undertakers or the British Railways Board in the exercise of their statutory powers.

PART III
—cont.Buildings and
structures over
highways.

48.—(1) The Corporation may, for the benefit, improvement or development of the borough, by licence authorise the construction of any building or structure over, above or across a highway or part thereof in the borough, on such terms and conditions as they think fit, including terms and conditions relating to the construction, use and maintenance of the building or structure:

Provided that—

- (a) the Corporation shall not exercise the powers of this section as respects a trunk road without the consent of the Secretary of State;
- (b) before authorising, in exercise of the powers conferred by this section, the erection of any building or structure so as to reduce below 16 feet 6 inches the clear headway over the carriageway of any highway, the Corporation shall give public notice of the proposal by advertisement in one or more local newspapers circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice;
- (c) before authorising, in exercise of the powers conferred by this section, the erection of any building or structure so as to reduce below 17 feet 6 inches the clear headway over the carriageway of any street which is the only means of vehicular access to any operational land of the generating board or the electricity board, the Corporation shall give notice of the proposal to the board concerned and shall take into consideration any written objections or representations in respect of such proposal which may be made by the board concerned within twenty-eight days of such notice.

(2) If after the passing of this Act a person, except in the exercise of statutory powers, constructs a building or structure over, above or across a highway or part thereof within the borough without a licence under this section or constructs or uses a building or structure over, above or across a highway otherwise than in accordance with the terms and conditions of the licence or fails to remove or alter a building or structure over, above or across a highway when required to do so in accordance with any condition of the licence or within one month from the date of the expiration of the licence the Corporation may serve upon the owner or occupier of the building or structure a notice requiring him to remove or alter the same as the case may be.

(3) A person on whom a notice under subsection (2) of this section is served who fails to comply, within twenty-eight days from the date of the service of the notice on him, with a requirement of the notice, shall be guilty of an offence.

(4) Where the Corporation have served a notice under subsection (2) of this section on any person and he is guilty of an offence by reason of his failure to comply with a requirement of the notice within the time specified in subsection (3) of this section then, whether or not proceedings are taken against him in respect of the offence, the Corporation may remove or alter (as the case may be) the building or structure to which the notice relates, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the building or structure to which the notice relates if, in either case, he is a person on whom the notice was served.

(5) Schedule 13 to the Act of 1959 shall apply in relation to any sum paid by an occupier of premises in complying with a requirement of the Corporation under subsection (2) of this section or, where the requirement was not complied with, in reimbursing the Corporation for expenses reasonably incurred by them under subsection (4) thereof:

Provided that—

- (a) in the application of the said Schedule 13 a reference to this section shall be substituted for the reference to the Act of 1959; and
- (b) the said Schedule 13 shall not so apply if the requirement was made in connection with a building or structure erected by that occupier.

(6) The Corporation shall not exercise the powers conferred upon them by this section so as to authorise the construction of a building or structure which would affect the sighting of railway signals or the stability of railway works.

(7) The provisions of this section shall not apply to any advertisement to which regulations made under the Town and Country Planning Act 1962 for the time being apply.

1962 c. 38.

(8) Nothing in a licence granted under this section shall authorise any interference with a telegraphic line except with the consent of the Post Office or any interference with any mains, pipes, lines or apparatus of the statutory undertakers except with their consent.

(9) Nothing in this section shall prejudice the powers of the Corporation under section 151 of the Act of 1959 (which empowers a highway authority to grant to the owner or occupier of premises adjoining a highway a licence to construct a way by means of a bridge over the highway on terms and conditions) or the rights of any person under a licence granted in pursuance of the said section 151.

49.—(1) This section applies to any excavation made after the passing of this Act on any land in the borough within 30 feet from any highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, Excavations near highways

PART III
—cont.

meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the highway with the vertical plane of the boundary of the highway nearest to the excavation, but does not apply to any excavation made in the course of carrying out works for the purposes of or in connection with apparatus of the statutory undertakers.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for the highway, and if the making of any such excavation, or the execution of works for the making of any such excavation, causes the withdrawal of support as aforesaid for the highway so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section:

Provided that in any proceedings for an offence under this section it shall be a defence to prove that all practicable steps were taken to prevent the withdrawal of support.

Contravention
due to default
of other
person..

50.—(1) Where a contravention by any person of the provisions of the preceding section constitutes an offence under this Act, and is due to an act or default of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of that offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of the offence.

(2) Where a person who is charged with an offence under this Act in respect of a contravention of a provision to which this section applies proves to the satisfaction of the court—

- (a) that he exercised all due diligence to secure that the provision in question would not be contravened; and
- (b) that the contravention was due to the act or default of another person;

the first-mentioned person shall, subject to the next following subsection, be acquitted of the offence.

(3) A person shall not, without the leave of the court, be entitled to rely on the defence provided by subsection (2) of this

section unless, not later than seven clear days before the date of the hearing, he has served on the Corporation a notice in writing giving such information identifying, or assisting in the identification of, the other person in question as was then in his possession.

PART III
—cont.

51.—(1) The Corporation may expunge or remove any picture, letter, sign or other mark painted or otherwise inscribed or affixed upon the surface of a highway in the borough or upon a tree, structure or works on or in a highway in the borough contrary to paragraph (cc) of subsection (1) of section 117 of the Act of 1959. Defacing of road surface, etc.

(2) The court by which a person is convicted of an offence under the said section 117 may, whether or not it imposes a fine, by order require him to pay to the Corporation any expenses incurred by them in re-erecting, restoring or reinstating a traffic sign, milestone or direction post pulled down, damaged or obliterated contrary to paragraph (c) of subsection (2) of the said section or incurred by them under subsection (1) of this section.

52. Any person who (except in the execution of some act which he has lawful authority to perform) takes down, alters or removes any fence or other guard erected, or extinguishes or removes any light placed by either the statutory undertakers in pursuance of the requirements of section 8 of the Public Utilities Street Works Act 1950 when executing works in the borough or by the Corporation in pursuance of the powers available in section 9 of the Highways (Miscellaneous Provisions) Act 1961 shall be guilty of an offence. Damage to obstruction lights, etc.
1950 c. 39.
1961 c. 63.

53.—(1) As from the appointed day, 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 hereinafter in this section referred to as “scaffolding”) in, upon or over any highway in the borough if he has previously obtained a licence from the Corporation and complies with such terms and conditions as may be laid down in the licence granted to him: Licence to erect scaffolding.

Provided that the Corporation shall be entitled to refuse a licence 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 2 feet from the carriageway measured horizontally.

PART III
—cont.

(3) Any person who offends against the provisions of this section, or who contravenes the terms or conditions of any licence granted to him, shall be guilty of an offence.

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

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

Decorations
in streets.

54.—(1) The Corporation may, on the occasion of any public festivity, cause flag-poles and pylons to be erected in any street in the borough for the purpose of displaying decorations, and may for that purpose provide sockets or slots in, or under the surface of, any such street.

(2) Any person who wilfully removes or damages a flag-pole, pylon, socket or slot erected or provided under this section shall be guilty of an offence.

(3) The Corporation shall not exercise the powers of this section as respects any trunk road, without the consent of the Secretary of State.

(4) Any consent required by the foregoing subsection may be given subject to a condition that the Corporation shall at their own expense remove anything placed in or under the surface of a street under the powers conferred by this section if reasonably required to do so by the Secretary of State.

Pipes, etc.,
in streets.

55.—(1) The owner or occupier of any premises situated under, or abutting on part of, a street in the borough may, with the consent of the Corporation, provide—

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

(b) manholes in the street in connection with any such pipes:

Provided that the Corporation shall not exercise the powers of this section as respects any trunk road, without the consent of the Secretary of State.

(2) In giving their consent under this section the Corporation may attach thereto such terms and conditions as they think fit, and such terms and conditions, and any conditions imposed by them under subsection (5) 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.

(3) Any person aggrieved by the refusal of the Corporation to give a consent under subsection (1) of this section or by any term or condition imposed by the Corporation under subsection (2) or subsection (5) of this section may appeal to the magistrates' court.

(4) Any person who carries out any works to provide pipes or manholes as aforesaid without the consent of the Corporation, or who contravenes any term or condition of a consent imposed on him under subsection (2) or subsection (5) of this section, shall, subject to any order made on appeal, but without prejudice to any other liability to which he may be subject, be guilty of an offence.

(5) (a) Before the Corporation determine to give any consent under this section, they shall give at least twenty-eight days' notice of the application therefor to the statutory undertakers who appear to them to be concerned, and on giving any such consent shall attach thereto such conditions as the statutory undertakers may reasonably require for the protection of any apparatus belonging to, or used or maintained by, the statutory undertakers and for securing access to such apparatus.

(b) As soon as may be after the Corporation have given a consent under this section they shall give notice thereof to the statutory undertakers.

(6) (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 Post Office or apparatus belonging to or used by the statutory undertakers.

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

1878 c. 76.

(7) The Public Utilities Street Works Act 1950 shall not apply to the provision of pipes or manholes under subsection (1) of this section.

1950 c. 39.

(8) This section shall not apply to—

(a) any street belonging to or repairable by the British Railways Board; or

(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; or

1962 c. 58.

(c) the carrying out of any work in a street by the statutory undertakers in the exercise of their statutory powers; or

(d) the carrying out of any work by the port authority in any street which is within the dock estate of the port authority as defined in section 3 (Interpretation) of the Tees and Hartlepoons Port Authority Act 1966.

1966 c. xxv.

PART III
—cont.

Application
of code of
1892 to parts
of public
streets.

B. Private streets

56.—(1) In this and the next succeeding section of this Act—
“the code of 1892” has the same meaning 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 1892.

(2) Where in the borough it appears to the Corporation as street works authority that a new street has been formed by reason of additions made to an existing footpath, bridlepath 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 Corporation of land owned by them, the Corporation may, notwithstanding anything in 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 Corporation so resolve, 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 159 or 166 of the Act of 1959 any land is added to an existing highway maintainable at the public expense, such land, if so resolved by the Corporation, shall for the purposes of the code of 1892 in its application to the borough be deemed to be a street not maintainable at the public expense and the Corporation 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 land formed part immediately prior to its 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 Corporation.

Recovery of
street works
charges where
owner
unknown.

57.—(1) Where any street works in the borough have been completed by the Corporation but the Corporation 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 Corporation 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 Corporation absolutely, and thereupon the Corporation 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.

(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 (Establishment and jurisdiction of Lands Tribunal) and section 3 (Procedure, appeals, costs and fees) 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 Corporation 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 5 per cent. per annum, or at such other rate as may have been fixed by order of the Secretary of State under section 212 (Rate of interest on expenses recoverable under local Act) of the Act of 1959, together with all costs and expenses reasonably incurred by the Corporation. 1949 c. 42.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 9 of the Act of 1965, as if it were a sum awarded to be paid to an owner who cannot be found and as if the Corporation were the promoters of an undertaking and such sum shall be applied in accordance with that Act.

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

58. The provisions of section 130 of the Act of 1959 (which relates to the prevention of soil, etc., being washed into streets) shall in their application to the borough have effect as if in subsection (1) after the words "at the public expense" there were inserted the words "or a private street communicating with such a highway,". Amendment of section 130 of Act of 1959.

C. Miscellaneous

59.—(1) For the purpose of—
(a) making any new street; or
(b) providing a parking place for vehicles under section 28 of the Act of 1967;

Temporary stoppage of streets.

PART III
—cont.

the Corporation may break up and for any reasonable time stop up, divert and interfere with any street in the borough and divert the traffic therefrom and prevent persons using it:

Provided that the Corporation shall not exercise the powers of this section—

- (i) as respects any trunk road, without the consent of the Secretary of State; or
- (ii) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land; or
- (iii) so as to obstruct or interfere with the access to, or exit from, any station, dock, wharf or depot of any railway, port or passenger road transport undertakers.

(2) When considering the question of exercising their powers under this section the Corporation shall have regard to the existence of alternative routes suitable for the traffic which will be affected.

(3) The provisions of Schedule 3 to the Act of 1967, so far as applicable, shall apply in respect of the exercise by the Corporation of the powers of this section as they apply in respect of the making by a highway authority of an order under section 12 of that Act.

Power to regulate traffic.
1847 c. 89.

60.—(1) The powers conferred by section 21 of the Town Police Clauses Act 1847 (Power to make orders for preventing obstruction in the streets during public processions, etc.) shall, within the borough, extend to enable the Corporation, by resolution in relation to days appointed for carnivals, public processions, races or similar occasions to direct the passage and stoppage of vehicles along or in particular streets, to direct particular routes to be taken for particular descriptions of traffic, and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

(2) It shall be lawful for the Corporation on such occasions to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as specified by resolution, and for the purpose of the erection of such barricades the Corporation may construct, place and maintain in or under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

(3) Before exercising any of the powers conferred by the foregoing provisions of this section in respect of a street upon which a service of stage carriages or express carriages is operated the Corporation shall (except in emergencies) give to the traffic commissioners and to the holders of the road service licence

under which that service is authorised at least forty-eight hours' notice of their intention so to do, and shall consult with them as to any measures necessary to maintain the service.

PART III
—cont.

(4) The Corporation may, by resolution, during the period from 1st April to 30th September in each year, prohibit the use of all motor vehicles within the meaning of the Road Traffic Act 1960, 1960 c. 16. on Newcomen Terrace, Redcar, between its junction with Henry Street and The Esplanade and The Esplanade, Redcar, between its junction with Newcomen Terrace and the junction of the High Street and Granville Terrace or on any part thereof and for such period as the Corporation are of the opinion is expedient, thereby enabling the public to use the said streets as pedestrian circulation spaces or precincts.

(5) Where the terms of such resolution under the foregoing subsections apply to any street, the Corporation shall forthwith take such steps as are necessary to secure—

- (a) the erection on or near the street of traffic signs in such positions as the Corporation may consider requisite for the purpose of securing that adequate information as to the effect of the resolution is given to persons using the street; and
- (b) where the resolution contains provisions for suspending or altering temporarily the application of a previous Traffic Regulation Order made by the traffic authority under powers contained in the Act of 1967, the temporary covering of existing traffic signs as the Corporation may consider requisite for the purpose of avoiding confusion to users of the street or the continuance of traffic signs in incorrect positions.

(6) Notice of the passing of a resolution under the foregoing subsections describing the order shall be published in one or more newspapers circulating within the borough and shall be placed on boards to be fixed in positions in a prominent part of the said streets.

(7) Any person who wilfully removes any such barricade or any part thereof, or who offends against any such order, shall be guilty of an offence.

61. For the purpose of the execution of any works on or near a public footpath or bridleway in the borough, the Corporation may restrict or prohibit temporarily the use of that footpath or bridleway, or of any part thereof: Temporary stoppage of footpaths and bridleways.

Provided that—

- (a) the Corporation 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;

PART III
—cont.

(b) the exercise by the Corporation of the powers of this section in relation to any footpath or bridleway in the borough shall not prevent the statutory undertakers from obtaining access to any apparatus nor prejudice or affect the right of the statutory undertakers—

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

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

Adjustment of boundaries of estates in connection with streets.

62.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them, they may, for the purpose of securing the proper laying out or development of any estate through which the street is to run, by notice require that such provision shall be made—

(a) for adjusting and altering the boundaries of the estate, and any other estate adjacent or near thereto, and for effecting exchanges of land in connection therewith; and

(b) for the removal, modification or imposition of covenants, restrictions and conditions attaching to the land comprised in the estate, or any such other estate;

as may be necessary or desirable having regard to the line and layout of the new street.

(2) The notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or for the widening or adaptation of a road, footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall, failing agreement between the Corporation and the persons interested in the respective estates, be referred to and determined by a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, by the Secretary of State.

(5) An agreement or award made under this section may provide for the payment of money by the Corporation; but no such award shall provide for the payment of money by any other person without his consent.

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land,

and any removal, modification or imposition of covenants, restrictions and conditions attaching to any land, which may be provided for by the award, and shall be duly stamped accordingly.

PART III
—cont.

(7) The costs and expenses of any arbitration under this section shall, unless and except in so far as the award may otherwise provide, be paid by the Corporation.

(8) Any land or money received by any person in respect of an adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts, if any, as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants, restrictions and conditions, if any, so far as the same are applicable, as the land exchanged therefor; and any such covenants, restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

(10) The Corporation may purchase land by agreement for the purposes of this section and, until they dispose of the land or appropriate it for any other purpose, may manage the land in such manner as they think fit.

(11) In this section "estate" includes any parcel of land.

63. Between one hour after sunrise and one hour before sunset the provisions of any order under the Act of 1967, prohibiting the driving of vehicles on any specified road in the borough otherwise than in a specified direction, shall not apply to any mechanically propelled and operated road cleansing vehicle provided by the Corporation when engaged in the cleansing of any street. Road cleansing vehicles.

64.—(1) The Corporation may, within the borough and (with the consent of the highway authority and subject to such conditions as the highway authority may impose) outside the borough, provide, erect and maintain in proper and convenient situations on or near to the route of any of their public service vehicles, signs or directions indicating the position of stopping places on such routes. Stopping places for public service vehicles.

(2) The exercise of powers conferred by this section shall be subject to the provisions of the Act of 1967 and to any regulations made or any general or other directions given by the Secretary of State in pursuance of the said provisions.

65.—(1) The Corporation may by order made for the purposes of this section designate land, being land to which this section applies, as a service area: Control of goods service areas.

PART III
—cont.

Provided that—

- (a) land shall not be so designated unless it is expedient to do so to prevent or reduce traffic congestion in a street in the borough caused by the loading or unloading of vehicles standing on any such street;
- (b) the land shall not be so designated unless either—
 - (i) it belongs to the Corporation; or
 - (ii) it has been provided as an area for the loading or unloading of vehicles pursuant to planning permission;
- (c) where the land is in the curtilage of premises and used in connection with only one shop, the order shall relate only to such part of the land as is required for loading or unloading vehicles, including obtaining access to or egress from the point at which vehicles are loaded or unloaded for the purpose of the business conducted at those premises.

(2) No person shall cause or permit any vehicle to wait on a service area designated under this section between the hours of eight o'clock in the morning and six o'clock in the afternoon on a weekday otherwise than for the loading or unloading of that vehicle.

(3) This section applies to such part of any land in the borough, within the curtilage or vicinity of shop premises, as is used or intended to be used as a place where vehicles may wait for the loading or unloading of goods and includes a roadway not being a public highway.

(4) Any person who contravenes the provisions of subsection (2) of this section shall be guilty of an offence.

(5) (a) If the Corporation consider that an order should be made under this section they shall give notice thereof to the owner and occupier of the land stating that objections to the said order may be made in writing one month after the date of service of the notice.

(b) The Corporation shall consider all such objections and shall afford to any owner or occupier who has made objection an opportunity of being heard by a committee of the council before the order is made.

(6) (a) After considering any objections made under the last foregoing subsection the Corporation may make an order.

(b) Any such order shall come into operation at the expiration of the period of one month after the service of the notice in pursuance of subsection (7) of this section or if an appeal is lodged when the appeal is disposed of or withdrawn or fails for want of prosecution and shall have effect for such period not exceeding five years as the Corporation may determine but without prejudice to their power to make a further order in the same manner as the original order.

(7) When an order has been made by the Corporation under this section they shall give notice thereof and of the right to appeal to the owner and occupier of the land and any such owner or occupier who is aggrieved by the order may appeal to the magistrates' court.

(8) In this section, "shop premises" has the meaning assigned to it by section 1 of the Offices, Shops and Railway Premises Act 1963 and for the purposes of subsection (2) of this section the reference therein to the loading or unloading of a vehicle shall include the carrying out of any operation which is required on the occasion of any such loading or unloading for compliance with the need for hygiene in connection with the sale of ice-cream to the public. 1963 c. 41.

(9) This section shall not apply to any land belonging to and primarily used by the British Railways Board or the statutory undertakers for the purposes of their respective undertakings or to any operational land of the port authority.

66.—(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, place or use any shed, hut, shelter, booth, shop, stall 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 street to which this section applies, or on any common land, unenclosed moorland or other unenclosed land of whatsoever description adjacent to, and within 15 yards of, any street 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.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

(3) (a) This section applies to—

- (i) any trunk road in the borough; and
- (ii) any other street in the borough to which the Corporation may by order apply this section.

(b) Before making an order under this subsection the Corporation shall cause to be published, once in each of two successive weeks in a local newspaper circulating in the borough, 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 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 council.

PART III
—cont.

(c) If, before the expiration of the period specified in the notice, any objection to the application is received by the council, the Corporation shall consider any such objection and shall afford to any objector an opportunity of being heard by a committee of the council before making the order.

(4) Nothing in this section shall apply to—

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

(b) any building erected or work constructed with the consent of the Secretary of State in pursuance of section 194 of the Law of Property Act 1925, or of any other statutory provision or any scheme made pursuant to a statute; or

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

(5) In this section—

(a) the expression “container” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

(b) the expression “private property” does not include common land;

(c) the expression “vehicle” means a vehicle of any description, whether drawn or propelled by mechanical power or not.

Numbers of
houses.

1847 c. 34.

67. As from the appointed day the provisions of section 65 of the Towns Improvement Clauses Act 1847 (which requires the occupiers of houses and other buildings in the streets to mark their houses with numbers) shall in their application to the borough have effect as if after the words “with such numbers as the commissioners approve of” there were inserted the words “of such size, colour and type and in such positions as to be easily visible from the street”, and as if after the words “a number approved of by the commissioners” there were inserted the words “of such size, colour and type and in such position as to be easily visible from the street”.

Offences
under
sections 7 and
8 of Public
Utilities Street
Works Act
1950.

1950 c. 39.

68.—(1) Where the commission by undertakers of an offence in the borough under subsection (2) or (4) of section 7 or subsection (3) of section 8 of the Public Utilities Street Works Act 1950 is due to the act or default of persons executing works for the undertakers as contractors, those persons shall be guilty of the

offence and may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the undertakers.

PART III
—cont.

(2) In this section “undertakers” has the meaning assigned to it by subsection (1) of section 39 of the said Act of 1950.

69.—(1) In this Part of this Act—

Interpretation
of Part III
of Act.

“new street byelaws” has the meaning assigned to it by subsection (4) of section 157 of the Act of 1959;

“structure” means a wall (not being a wall forming part of a permanent building), fence, hoarding or similar erection;

“excavation” includes the demolition of any part of a building or structure situate below ground level;

and subject to section 3 (Interpretation) of this Act the 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) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of a site or the excavation for the foundations thereof, whichever is the earlier, began.

PART IV

PUBLIC HEALTH

A. Environmental health

70. The provisions of section 34 of the Public Health Act 1961 shall, in their application to the Corporation, have effect as if there were inserted at the end of subsection (1) of that section the words “and after such removal may erect or maintain such hoarding or fence as they consider expedient for the purpose of preventing, so far as may be reasonably practicable, any further accumulation of rubbish on that site: Provided that no such hoarding or fence shall be erected which unduly interferes with reasonable access by the owner to and from the site”.

Amendment
of section 34
of Public
Health Act
1961.
1961 c. 64.

71. The provisions of section 17 of the Public Health Act 1961 shall, in their application to the Corporation, have effect as if there were inserted in subsection (1) of that section the words “or otherwise so defective as to be in need of urgent repair” after the words “is stopped up”.

Amendment
of section 17
of Public
Health Act
1961.

PART IV
—cont.

Sanitary conveniences for persons employed on construction work.

72. The Corporation may by notice require a contractor engaged in or upon any building operations in the borough or in or upon the construction or reconstruction of any works therein, within such time as may be specified in the notice—

- (1) to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and
- (2) where the workpeople employed thereon comprise both men and women, to provide as aforesaid for men and women separately;

if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works—

1961 c. 34.

- (i) to which section 127 of the Factories Act 1961 applies; or

1954 c. 70.

- (ii) at any mine or quarry within the meaning of the Mines and Quarries Act 1954.

Sanitary conveniences used in common.

73.—(1) Where two or more sanitary conveniences are provided for or in connection with two or more separate houses in the borough and are used in common by the occupiers of the houses, the owner of the houses—

- (a) shall so far as is reasonably practicable allot the conveniences to the occupiers of particular houses so as to ensure that they are allocated proportionately, as nearly as may be, amongst the houses; and
- (b) shall cause the door or a wall of each convenience to be marked and kept marked with the number or other identification of the house the occupiers of which are entitled to use it.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence:

Provided that in any proceedings under this section in respect of a failure to keep the door or a wall of a convenience marked in accordance with the provisions of subsection (1) (b) of this section it shall be a defence for the defendant to prove that the failure was due to causes beyond his control.

Sanitary conveniences at places of public exhibition, betting offices, etc.

1963 c. 2.

74.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition, performance, amusement, game or sport to which the public are or will be admitted, is held, given or provided or is about to be held, given or provided, or in respect of which there is for the time being in force a licence under section 9 of the Betting, Gaming and Lotteries Act 1963, or a permit for the provision therein of amusements with prizes under Schedule 6 to that Act, to provide to the reasonable satisfaction of the

Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition, performance, amusement, game or sport or during the continuance of the licence or permit in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

PART IV
—cont.

(2) Any person aggrieved by a requirement of the Corporation under subsection (1) of this section may appeal to the magistrates' court.

(3) Any person who contravenes a notice served on him under this section within such reasonable period, not being less than the appropriate period after the date of the service of the notice as may be specified therein, and the public are thereafter admitted to the premises or place for any such exhibition, performance, amusement, game or sport or for effecting betting transactions or for participating in amusement for prizes, shall be guilty of an offence:

Provided that—

(a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises; and

(b) no proceedings shall be taken against a person who has contravened a notice served on him under this section if, on the date when the public are admitted to the premises or place in respect of which the notice was served, he has ceased to be the owner or occupier thereof.

(4) (a) The provisions of section 89 of the Act of 1936 shall, in their application to the borough, have effect as if there were inserted in subsection (1) of that section the words "or refreshment-house" for the words "refreshment-house or place of public entertainment".

(b) Nothing in this section shall apply to premises to which the said section 89, as amended by this subsection, applies by reason only of the holding therein of any exhibition, performance, amusement, game or sport to which the public are admitted.

(5) This section shall not apply to—

(a) premises or places in respect of which byelaws for preserving sanitary conditions at pleasure fairs and roller-skating rinks may be made by the Corporation under section 75 of the Public Health Act 1961;

1961 c. 64.

(b) premises in respect of which there is in force a licence under the Cinematograph Acts 1909 and 1952.

(6) In this section "appropriate period" means either a period of one month, or, in the application of subsection (1) of this

PART IV
—cont.

section to any temporary exhibition, performance, amusement, game or sport or place in respect of which there is such a licence or permit, a period of seven days.

Supply of water to premises where supply cut off.

75.—(1) Where an occupied house in the borough has ceased to be supplied with water sufficient for the domestic purposes of the occupants by reason of the absence or defective state of a supply pipe (not being a supply pipe which is laid in a highway) or the cutting off of the supply of water through that pipe or the absence or defective state of any fittings, the Corporation may, after giving not less than twenty-four hours' notice to the owner of the house of their intention to do so, without prejudice to any action or proceedings which they may take under any other enactment, repair or renew the pipe or execute such works and provide or repair such fittings and do such other things (including the making of any payment) as they may consider necessary to secure that the supply of water to the house is restored, and may recover the expenses reasonably incurred by them in so doing from the owner of the house.

(2) In any proceedings for the recovery of expenses under the preceding subsection the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne, or as to the apportionment between any such persons of their liability to bear the expenses:

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

(3) The powers and functions of the Corporation under the foregoing provisions of this section may be exercised by the chief public health inspector of the borough.

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

(5) The powers conferred by this section shall not be exercisable in relation to any house without the consent of the water undertakers (which consent shall not be unreasonably withheld) and in giving their consent the water undertakers—

(a) may attach thereto such reasonable conditions as they think fit, including, where the supply of water to an

occupied house has been cut off by those undertakers in exercise of their statutory powers, conditions to secure that the supply to that house is not restored under the powers of this section unless the Corporation pay to the undertakers any sum due to them in respect of the supply of water to that house, and any expenses reasonably incurred by them in cutting off the supply; and

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

(6) Any difference which may arise between the water undertakers and the Corporation under the last foregoing subsection (other than a difference as to the meaning or construction of the said subsection) shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

76.—(1) If the magistrates' court is satisfied upon a complaint by the Corporation that any smoke, gas or vapour from a chimney, flue or pipe of a building or structure forming part of or within the curtilage of, premises in the borough is prejudicial to the health of any of the inhabitants of the borough or a nuisance, the court may make an order requiring the owner of the chimney, flue or pipe, within such time as may be specified in the order—

(a) to cause it to be raised to a height so specified; or

(b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding one hundred pounds.

(2) Any person who contravenes an order made under this section shall be guilty of an offence.

(3) No complaint shall be made to a magistrates' court under this section in respect of—

(a) a building for the time being included in a list published by the Secretary of State under any enactments with respect to ancient monuments without the consent of the Secretary of State; or

PART IV
—cont.

1962 c. 38.

- (b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Secretary of State under section 32 of the Town and Country Planning Act 1962, not being a building to which paragraph (a) of this subsection applies, without the consent of the Secretary of State.

1961 c. 34.

1906 c. 14.

(4) This section shall not apply to premises subject to the Factories Act 1961 or controlled under the Alkali, &c., Works Regulation Act 1906 or belonging to or primarily used by the British Railways Board for the purposes of their undertaking.

Repair of
walls, etc.,
of yards.

77. If it appears to the Corporation that any party or boundary wall of any court, courtyard or yard attached to or forming part of any house in the borough or the fence or door of any such court, courtyard or yard—

- (a) has collapsed or been pulled down; or
- (b) is in danger of collapsing; or
- (c) is in such a state of disrepair as to be a source of serious inconvenience to the inhabitants of the house or to the public;

the Corporation may by notice require the owner or occupier of the house to carry out such works (including the rebuilding, reinstatement, removal or repair of any such wall, fence or door) as are reasonably necessary.

Amendment
of Act of
1957 relating
to closing
orders.

78. The following provisions of the Act of 1957 shall in their application to the borough have effect as if—

- (1) in subsection (2) of section 27 the following proviso were inserted:—

“ Provided that where the Corporation are satisfied that part of any premises as respects which a closing order has been made has been rendered fit for human habitation, they may determine the order so far as it relates to that part ”;

- (2) in paragraph (b) of subsection (3) of section 27 after the word “ determine ” there were inserted the words “ in whole or in part ”;

- (3) in subsection (5) of section 27 there were inserted the words “ or by the owner of part of any premises where such a closing order is in force in respect of that part ”;

- (4) in section 28 the following proviso were inserted:—

“ Provided that a demolition order shall not be made by virtue of this section in relation to any premises in respect of which a closing order has been determined so far as it relates to a part of those premises ”.

79.—(1) Where the Corporation are satisfied that it is expedient to execute urgent repairs to any building or structure in the borough arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by flooding, gales, lightning, earthquakes or landslides the Corporation may at their expense execute such emergency works of repair to the building or structure as in their opinion are necessary.

PART IV
—cont.

Repair of
damaged
buildings,
etc.

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

(3) The powers and functions of the Corporation under this section may be exercised by the chief public health inspector of the borough.

B. Sludge mains

80. In sections 80 to 83 of this Act—

“ pipe ” includes a tunnel;

“ sludge main ” means a pipe or system of pipes (together with any pumps or other machinery and any outfall or other works associated therewith) for the conveyance or disposal of the residue of sewage treated in any sewage disposal works vested in the Corporation or partly for that purpose and partly for the conveyance or disposal of any such residue or trade effluent as is referred to in paragraph (b) of subsection (1) of section 81 (Powers as to provision and maintenance of sludge mains) of this Act;

Interpretation
of this head
of Act.

and any expression which is also used in Part II of the Act of 1936 shall, except where the context otherwise requires, have the same meaning as in the said Part II.

81.—(1) Without prejudice to any other powers so enabling them, the Corporation may —

(a) provide and maintain sludge mains; and

(b) permit a pipe which is used or intended to be used solely for the purpose of conveying—

(i) the residue of sewage treated in a sewage disposal works (not being a sewage disposal works vested in the Corporation); or

(ii) any trade effluent (as defined in subsection (1) of section 11 of the Rivers (Prevention of Pollution) Act 1951) or the residue thereof;

Powers as to
provision and
maintenance of
sludge mains.

1951 c. 64.

to be connected with and its contents to be discharged into a sludge main and in giving such permission the Corporation may attach thereto such requirements as to

PART IV
—cont.

the treatment of the said residue or trade effluent or otherwise and such other terms and conditions (including the payment of money to the Corporation) as the Corporation may think fit.

(2) Subject to sections 80 to 83 of this Act, the Act of 1936 shall apply and have effect in relation to a sludge main as it applies and has effect in relation to a public sewer of the Corporation.

1950 c. 39. (3) The Public Utilities Street Works Act 1950 shall have effect in relation to a sludge main as it has effect in relation to a sewer which is not a public sewer.

Notices, etc. **82.**—(1) The Corporation shall not, in pursuance of the powers conferred on them by sections 80 to 83 of this Act, lay or construct a sludge main outside the borough except in accordance with proposals which have been agreed in writing by the council of the administrative county in which the sludge main is proposed to be laid or, in default of agreement, in accordance with proposals approved (with or without modifications) by the Secretary of State in the exercise of his powers under subsection (3) of this section.

(2) Where the Corporation propose to lay or construct a sludge main outside the borough they shall—

- (a) give notice to any owner or occupier of land directly affected by the proposals of the Corporation;
- (b) publish by advertisement in a local newspaper circulating in the district in which the proposed work is to be executed a notice describing the nature of the proposals and specifying the land in or on which they propose to execute any work and naming a place in the said district where a plan illustrative of the proposals may be inspected at all reasonable hours by any person free of charge;
- (c) serve, not later than the date of the publication of the advertisement, a copy of the notice on the local authority of the district in which the proposed work is to be executed.

(3) If, within twenty-eight days after the publication of the notice referred to in the last foregoing subsection, notice of objection to the proposals is served on the Corporation either by the local authority of the district in which the proposed work is to be executed or by any such owner or occupier, they shall not proceed with the proposals unless all objections so made are withdrawn or the Secretary of State, after a local inquiry, has approved the proposals either with or without modification.

(4) The council of a county shall be entitled to be heard at any local inquiry held in pursuance of the provisions of the last foregoing subsection if the inquiry relates to proposals which have been agreed in writing by them under subsection (1) of this section, and

the Corporation shall give to any council entitled to be so heard such notice as may be reasonably practicable of the time and place at which the inquiry is to be held.

PART IV
—cont.

(5) The provisions of paragraphs (b) and (c) of subsection (2) and of subsection (3) of this section shall not apply where the work the Corporation propose to carry out consists only of the laying or construction of a sludge main in a highway maintainable at the public expense and the Corporation are, or have obtained the consent of, the highway authority.

83.—(1) For the purpose of laying, constructing, inspecting, repairing, renewing or removing a sludge main outside the borough, the Corporation may temporarily stop up, divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the street from passing along and using the same.

Temporary
stopping up
of streets.

(2) The Corporation shall provide reasonable access for persons (whether on foot or proceeding by vehicle) bona fide going to or from any such land, house or building.

(3) Before exercising the powers of this section the Corporation shall make or secure the making of such arrangements as shall be reasonably necessary so as to cause as little interference with traffic as may be reasonably practicable during the exercise of the powers of this section.

(4) The Corporation shall not exercise the powers of this section—

- (a) as respects any trunk road, without the consent of the Secretary of State; or
- (b) as respects any other street without the consent of the highway authority, which consent shall not be unreasonably withheld and may be given subject to such reasonable conditions as the highway authority may require, and any question whether such consent is unreasonably withheld or any conditions so imposed are reasonable shall be determined by the Secretary of State; or
- (c) so as to obstruct or interfere with the access to, or exit from, any station or depot of the British Railways Board or passenger road transport operators without the consent, as the case may be, of the board, or those operators; or
- (d) with respect to any street upon which a service of stage carriages or express carriages is operated unless not less

PART IV
—cont.

than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised.

C. *Community health*Social
rehabilitation.

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

- (a) either within or without the borough 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 Corporation 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 Corporation 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 Corporation 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 Corporation may determine whether generally or in the circumstances of any particular case.

1948 c. 29.
1948 c. 43.
1970 c. 42.

(4) For the purposes of the National Assistance Act 1948, the Children Act 1948, and the Local Authority Social Services Act 1970, a person in accommodation provided by the Corporation under this section without the borough 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.

85. The Corporation may undertake investigations and research into matters affecting the borough relating to—

- (a) social or economic conditions; or
- (b) health or hygiene;

and may contribute by grants or otherwise towards the cost of similar investigations and research undertaken by other bodies or persons.

PART IV
—cont.

Research into matters concerning social conditions, etc.

86.—(1) The Corporation may effect the registration of any person in respect of a nursing home under Part VI of the Act of 1936 subject to such conditions (to be specified in the certificate of registration) as the Corporation consider appropriate for securing—

Special provisions as to registration of nursing homes.

- (a) that the number of patients accommodated in the nursing home and in particular rooms in the nursing home at any one time does not exceed such number as may be specified in the certificate of registration;
- (b) that the rooms occupied or to be occupied by patients in the nursing home are suitable in all respects for such patients;
- (c) that a person with such qualifications as may be specified by the Corporation, being not less than those possessed by a registered medical practitioner or a qualified nurse, or in the case of a maternity home a certified midwife, is in charge of the nursing home and of the persons employed thereat and is resident in the nursing home;
- (d) that the nursing home is adequately staffed both as respects the number and as respects the qualifications and experience of the persons employed thereat and adequately equipped with suitable fittings, furniture and equipment;
- (e) that the persons carrying on the nursing home shall take all reasonable steps to satisfy the Corporation that their requirements as to staffing qualifications and experience of staff are being complied with;
- (f) that the premises, fittings, furniture and equipment used in connection with the nursing home are adequately maintained;
- (g) that the patients received in the nursing home are under medical supervision and receive adequate medical and nursing care;
- (h) that there are adequate arrangements for feeding patients received in the nursing home and that an adequate and suitable diet is provided for them;
- (i) that records are kept in relation to the patients received in the nursing home containing such particulars as

PART IV
—cont.

may be specified by the Corporation, including in particular record cards for each patient with details of nursing care and times of medical visits.

(2) Any person aggrieved by a condition subject to which registration is effected under subsection (1) of this section may appeal to the magistrates' court and on any such appeal the court may confirm, reverse or vary such condition.

(3) If any condition imposed by or under subsection (1) of this section is contravened, the person carrying on the nursing home shall be guilty of an offence and, without prejudice to the foregoing provision, the power of the Corporation to cancel registration under section 188 (Cancellation of registration) of the Act of 1936 shall include power to cancel the registration on the ground that any such condition has not been complied with.

(4) A person authorised under section 191 (Inspection of nursing homes) of the Act of 1936 to inspect a nursing home, being a medical practitioner, may visit and interview in private any patient in the nursing home—

- (a) for the purpose of investigating any complaint as to his treatment made by or on behalf of the patient; or
- (b) in any case where the person so authorised has reasonable cause to believe that a patient is not receiving proper care;

and may, with the consent of the patient's own doctor, examine the patient in the nursing home in private and may require the production of and inspect any medical records relating to the treatment of the patient in the nursing home. The patient may require that any such interview or examination shall be conducted in the presence of one other person nominated by him.

1959 c. 72. (5) This section shall not apply to a mental nursing home within the meaning of Part III of the Mental Health Act 1959.

*D. Refuse collection and disposal*Restriction on
use of
dustbins, etc.

87.—(1) As from the appointed day, no person shall deposit in a dustbin or other receptacle used for the reception of house refuse or trade refuse which is to be removed by or on behalf of the Corporation, or in a receptacle provided by the Corporation under paragraph (a) of subsection (1) of section 76 of the Act of 1936—

- (a) any refuse of a liquid or partially liquid character;
- (b) any corrosive or explosive substance; or
- (c) any similar matter in such a state or condition that injury to the health of the employees of the Corporation may be caused thereby.

(2) As from the appointed day, no person shall use any dustbin provided by the Corporation (being a dustbin so provided for the removal of house refuse) for any purpose other than the deposit of refuse for removal by, or on behalf of, the Corporation.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence.

88. The Corporation may, as respects any premises in the borough, provide and maintain such number of dustbins or other receptacles for the reception of trade refuse as they may consider necessary.

Power to provide dustbins for trade refuse.

89. The Corporation may, at the request of the owner or occupier of any premises within the borough, provide and maintain at such premises a bulk refuse container on such terms and conditions and at such monthly, quarterly or annual charge as may be agreed between such owner or occupier and the Corporation.

Provision of bulk refuse containers by Corporation.

90.—(1) Where the owner or occupier of any premises within the borough provides a bulk refuse container, or where the Corporation at the request of the owner or occupier provide a bulk refuse container, the Corporation may by notice require him to provide and maintain to the satisfaction of the Corporation a good and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the Corporation such means of access from a street to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Corporation constructed to convey bulk refuse containers to and from refuse vehicles.

Maintenance of and access to bulk refuse containers.

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

(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”;

PART IV
—cont.

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

Means of
access for
removal of
refuse, etc.

91. The provisions of section 55 of the Act of 1936 shall, in their application to the borough, have effect as if the following subsections were substituted for subsections (1) and (2) thereof:—

“(1) (a) Where plans for the erection or extension of a building are, in accordance with building regulations, deposited with the Corporation, the Corporation shall reject the plans, unless it is shown to them that—

(i) satisfactory means of access can, and will, be provided from the building to a street for the purpose of the removal of refuse; and

(ii) the method of storage of refuse, together with the related facilities to be provided, are adequate:

Provided that this subsection shall not apply in relation to buildings erected in accordance with plans and specifications approved by the Secretary of State in connection with housing operations to which section 145 of the Act of 1957 applies.

(b) Any question arising under this subsection between the Corporation and the person by whom, or on whose behalf, plans are deposited as to whether any means of access or refuse storage accommodation proposed to be provided can be provided and ought to be accepted by the Corporation as satisfactory may on the application of that person be determined by a magistrates’ court.

(c) In this section ‘ refuse storage accommodation ’, in relation to a building, means accommodation for the storage of dustbins or other refuse containers containing or intended to contain the refuse arising from the use or occupation of the building.

(2) (a) It shall be unlawful for any person except with the consent of the Corporation to close or obstruct so as to interfere with the removal of refuse the means of access by which refuse is removed from any building, and the Corporation in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.

(b) Any person who contravenes the provisions of this subsection shall be guilty of an offence, and shall be liable in respect thereof to a fine not exceeding twenty pounds and to a further fine not exceeding two pounds for each day on which the offence continues after conviction thereof.”

92.—(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse in the borough and for prohibiting the use of any spoil or refuse tip in the borough so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

PART IV
—cont.
Tipping of
spoil and
refuse.

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

(a) contain provisions for imposing on persons offending against the byelaws fines not exceeding one hundred pounds for each offence and in the case of an offence continuing after the date of conviction a further fine not exceeding ten pounds in respect of each day on which the offence continues;

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

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse by the British Railways Board or by the statutory undertakers or the port authority for the purposes of their respective undertakings or by the Northumbrian River Authority.

93. The prohibition on the sorting over or disturbing of material in subsection (3) of section 76 of the Act of 1936 shall apply in respect of material deposited in any place in the borough used by a local authority for the deposit of refuse whether provided by the Corporation or not.

Control of
refuse tips.

E. Miscellaneous

94.—(1) Any person who sells or offers or exposes for sale shellfish within the borough shall keep a record of the name and address of the person from whom he obtains the shellfish, and shall on the application of the chief public health inspector inform him of the name and address of the person from whom he obtained the shellfish.

Sale of
shellfish.

(2) Any person required to keep a record or give information under this section who fails to keep such record or give such information, or who knowingly makes any misstatement in respect thereof, shall be guilty of an offence.

(3) Nothing in this section shall require any person to preserve any record kept thereunder for a longer period than three months from the date on which he obtained the shellfish to which that record relates.

(4) In this section “shellfish” includes all kinds of molluscs and crustaceans.

PART IV
—cont.Slaughter of
animals
otherwise than
for human
consumption.

95.—(1) As from the appointed day, the following provisions shall have effect in the borough with respect to the slaughter of any of the following animals, namely, horses, cattle, sheep, goats or pigs, where the animal is slaughtered owing to emaciation or disease, and the Meat Inspection Regulations 1963, do not have effect in relation to the slaughtering by reason of its not being for human consumption.

(2) The owner of any such animal shall comply with the following provisions:—

(a) except in the cases mentioned in paragraph (b) of this subsection, he shall not slaughter it, or cause it to be slaughtered, until he has given notice to an authorised officer of the intended slaughter of it, and not less than twenty-four hours from the giving of the notice have expired:

(b) if, by reason of accidental injury, illness or exposure to infection or other emergency affecting that animal or in order to comply with regulation 18 of the Slaughter of Animals (Prevention of Cruelty) Regulations 1958, it is necessary to slaughter it either before the expiration of twenty-four hours from the giving of such a notice as is required by paragraph (a) of this subsection, or without giving such a notice he may so slaughter it, or cause it to be so slaughtered; but—

(i) if the slaughter is before the expiration of the said twenty-four hours, he shall retain the carcase intact until the expiration of that period, or until its disposal is approved by an authorised officer, whichever first occurs; or

(ii) if the slaughter is without giving such a notice, he shall give notice thereof to an authorised officer as soon as practicable thereafter, and retain the carcase intact until the expiration of twenty-four hours from the giving of that notice, or until its disposal is approved by an authorised officer, whichever first occurs:

(c) he shall, on the application of an authorised officer made within two weeks from the date of its slaughter, furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposal of the carcase or any part thereof.

(3) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to

retain the carcase intact until the expiration of a period therein mentioned, he may permit a veterinary surgeon or veterinary practitioner—

PART IV
—cont.

- (a) to send, at any time during that period, to a laboratory a specimen taken from the carcase or the whole carcase; or
- (b) to take such a specimen, or the whole carcase, into his possession at any time during that period, and to retain it;

but, where the owner gives such a permission and it is acted upon, he shall give to an authorised officer notice of the action taken within twenty-four hours from the time when it is taken.

(4) Notwithstanding the requirement imposed by paragraph (b) of subsection (2) of this section on the owner of an animal to retain the carcase intact until the expiration of a period therein mentioned, if the slaughter was in a knacker's yard, or the carcase is moved to a knacker's yard immediately after the slaughter, the owner may take, or cause to be taken, from the carcase during that period any part or organ which, in the opinion of the owner, it is necessary so to take therefrom in order to prevent or minimise risk of nuisance or risk of deterioration of the carcase, but if he does so the owner shall during that period retain every part or organ so taken on the premises on which it was so taken, and in such manner as may be requisite for showing to the reasonable satisfaction of an authorised officer from what carcase it was taken.

(5) The owner of an animal who—

- (a) without reasonable excuse contravenes this section or fails to discharge an obligation thereby imposed on him; or
- (b) furnishes in response to an application under paragraph (c) of subsection (2) thereof information which he knows to be false;

shall be guilty of an offence.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or of any order, licence or act of the Minister of Agriculture, Fisheries and Food made, granted or done thereunder, or having effect by virtue of subsection (2) of section 89 thereof. 1950 c. 36.

(7) In this section—

“ authorised officer ” means any officer who is, by virtue of the Food and Drugs Act 1955, an authorised officer 1955 c. 16.
(4 & 5 Eliz. 2).

PART IV
—cont.

for the purpose of the examination and seizure of meat under the provisions of Part I of that Act relating to food unfit for human consumption;

“knacker’s yard” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption.

(8) References in this section to the Meat Inspection Regulations 1963 or the Slaughter of Animals (Prevention of Cruelty) Regulations 1958 or to any provision in those regulations are references to those regulations or that provision as amended or replaced by subsequent regulations.

Penalty for throwing rubbish into streams.

1930 c. 44.

96.—(1) Any person (except in the execution of some act which he has lawful authority to perform) who throws, casts, deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter whatsoever into any river, stream or watercourse within the borough (not being a main river for the purposes of the Land Drainage Act 1930) so as directly or indirectly and whether either singly or in combination with other similar acts of the same or any other person to obstruct or impede the flow of water in, into or out of the same shall be guilty of an offence.

(2) Before the Corporation first take any steps for the purpose of enforcing the provisions of this section they shall consult with the Northumbrian River Authority in regard to those provisions and their enforcement by the Corporation.

PART V

PUBLIC ORDER AND SAFETY

Life-saving equipment of Corporation.

97.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall remove or otherwise interfere with any life-saving equipment vested in the Corporation within the borough.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

1961 c. 64.

(3) The provisions of section 81 of the Public Health Act 1961 shall in their application to the borough apply to life-saving equipment vested in the Corporation.

98.—(1) The provisions of section 231 of the Act of 1936 shall in their application to the borough have effect as if in subsection (1) after paragraph (f) there were added the following paragraph:—

PART V
—cont.
Regulation of
bathing.

“(g) prohibit bathing or attempting to bathe during such periods as the Corporation shall cause to be displayed in a conspicuous manner on the seashore, promenade or parade, by means of flags or other means, notices that bathing in the sea or attempting to bathe therein is prohibited on account of danger.”

(2) Any byelaw may be made under the said section 231, as extended by this section, so as to have effect not only within the borough but also within a distance seaward from the borough not exceeding 1,000 yards from low-water mark of ordinary spring tides; and any offence against any such byelaw committed within that distance may be inquired into and dealt with as if it had been committed within the borough.

99.—(1) As from the appointed day no person shall at any place in the borough to which this section applies—

Touting,
hawking, etc.

(a) importune any person by touting for a hotel, lodging house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement or for a boat, hackney carriage or public service vehicle; or

(b) without the consent of the Corporation—

(i) hawk, sell or offer or expose for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (4) of this section; or

(iii) let for hire or offer or expose for hire—

(A) any animal or vehicle; or

(B) any chair, seat or form:

Provided that any consent given under paragraph (b) of this subsection—

(a) may be granted for such period, subject to the payment of such reasonable charges and to such terms and conditions as the Corporation may prescribe; and

(b) may be revoked at any time.

(2) The Corporation shall not withhold their consent under paragraph (b) of the foregoing subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons.

PART V
—cont.

(3) The prohibition imposed by subsection (1) (b) (i) of this section shall not apply to a sale or offering for sale to persons residing in, or employed or carrying on business at, premises in or adjoining a place to which this section applies.

(4) The prohibition imposed by subsection (1) (b) (ii) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

(5) This section applies to any place—

(a) in or on an esplanade, public car park, parade, promenade, marine drive or public walk;

(b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation, or under their management and control;

(c) in any street or part of a street to which this section applies by virtue of byelaws made by the Corporation under this section.

(6) Any person aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to the magistrates' court.

(7) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence.

Application of section 82 of Public Health Acts Amendment Act 1907.

1907 c. 53.

100. The provisions of section 82 of the Public Health Acts Amendment Act 1907 are hereby applied to the borough and in such application the expression "seashore" shall include the seashore as defined in section 3 (Interpretation) of this Act and any promenade or esplanade adjacent to the seashore.

Protection of seashore and adjoining land from pollution.

101.—(1) The Corporation may—

(a) cleanse the seashore within the borough and the adjoining land (including land below the level of mean low-water springs) by removing therefrom oil or any mixture containing oil or any other polluting, offensive or injurious substance which may have been deposited thereon by the action of any tidal or other waters; and

(b) for the purpose of preventing the pollution of the seashore within the borough and such adjoining land as aforesaid by any substance as aforesaid, spray or cause to be sprayed with chemicals or other substances any tidal

or other waters, and may do any other thing or take any other measure which in their opinion is likely to achieve that purpose.

PART V
—cont.

(2) Nothing in this section or done thereunder shall prejudice or affect the operation of the Sea Fisheries Regulation Act 1966, the Salmon and Freshwater Fisheries Acts 1923 to 1965, the Rivers (Prevention of Pollution) Acts 1951 to 1961, or the Oil in Navigable Waters Act 1955, or any byelaws from time to time in force made under any of those Acts, or permit the doing of any act which would have been unlawful by virtue of the provisions of the said Acts or of any such byelaw if this section had not been enacted.

(3) In this section “oil” has the same meaning as in the Oil in Navigable Waters Act 1955.

102.—(1) A stationary internal combustion engine shall not be used in the borough unless an effectual silencer is provided and used on the exhaust of the engine.

Silencers for
internal
combustion
engines.

(2) If any person uses such an engine in contravention of the foregoing subsection, or causes or permits such an engine to be so used, the Corporation may give him notice that the engine is being or has been so used; and if, after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint, he uses the engine as aforesaid, or causes or permits it to be so used, he shall be guilty of an offence.

(3) An authorised officer of the Corporation shall have the right 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, to inspect and test any silencer on the exhaust of such an engine found on the premises, and for that purpose to require the silencer to be taken off, and any expenses incurred under this subsection by such an officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises such an engine which is not provided with an effectual silencer on the exhaust thereof.

(4) Nothing in this section shall apply to an internal combustion engine used below ground in a mine within the meaning of the Mines and Quarries Act 1954.

1954 c. 70

103.—(1) As from the appointed day no person shall commence to erect in the borough a stand capable of affording seating or standing accommodation for twenty or more persons

Safety of
stands.

PART V
—cont.

at any one time unless he has given notice to the Corporation of his intention to do so, accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require, and the Corporation have approved the erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand, but only subject to—

- (a) such modifications of the plan, section and particulars submitted to them; and
- (b) compliance with such requirements as to maintenance and otherwise;

as may be specified in the notice, being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire, and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected, the Corporation shall have regard to that statement in considering what modifications and requirements are to be specified in a notice under subsection (2) of this section, but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice, or such further time as the Corporation may allow.

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan, section and particulars submitted to them; and, if within the said five weeks the Corporation have not given notice under subsection (2) of this section, they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Corporation under this section may appeal to the magistrates' court.

(6) Any person who—

- (a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or

- (b) erects such a stand otherwise than in accordance with a plan, section and particulars submitted to the Corporation under the said subsection (1), or, if notice has been given of any modifications under subsection (2) of this section, otherwise than in accordance with the said plan, section and particulars as modified by the notice; or
- (c) being the owner or occupier of such a stand erected otherwise than as aforesaid, allows twenty or more persons to be on the stand at any one time; or
- (d) being the owner or occupier of such a stand, fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section;

shall be guilty of an offence:

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936, as applied by this Act, the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(8) The provisions of this section shall not apply to a stand erected by the proprietor of a travelling circus, roundabout or amusement fair for the purposes of his business as such.

(9) In this section "stand" includes a structure, but does not include a building, or extension of a building, to which building regulations are applicable.

104.—(1) No procession shall pass through the streets of the borough 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 town clerk, and at the principal police station in the borough, 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 the borough 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 guilty of an offence.

PART V
—cont.

(3) In this section “ procession ” means any public or ceremonial procession or any walk organised by or for the benefit of a charity, or any circus procession or procession of wild animals:

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

Prohibition on solicitation of school children to sell or exchange articles, etc., at schools.

105.—(1) While any child is entering or leaving any school in the borough or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground, no person shall solicit such child—

- (a) to sell to such person any article or thing;
- (b) to exchange with such person any article or thing for any other article or thing.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

1944 c. 31.

(3) In this section the expression “ child ” has the same meaning as in section 114 of the Education Act 1944, and the expression “ article or thing ” includes any animal, fish, bird or other living thing.

Police telephone call boxes and shelters.

106.—(1) Subject to the provisions of this section, the Corporation may provide for the police authority—

- (a) such police telephone call boxes and installations; and
- (b) such shelters or boxes for the use of police constables;

in such positions in any street, park or public place in the borough as they think fit.

1969 c. 48.

(2) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunication conferred on the Post Office by section 24 (1) of the Post Office Act 1969.

(3) The Corporation shall not exercise the powers of this section—

- (a) as respects any trunk road, without the consent of the Secretary of State; or
- (b) without the consent of the undertakers concerned—

- (i) in or upon a bridge carrying a street over a railway or the approaches thereto, or under a bridge carrying a railway over a street; or

(ii) in a street belonging to, and maintainable by, any railway, port or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of such undertakers; or

(iii) so as to obstruct or interfere with the access to, or exit from, any station, dock, wharf or depot of any railway, port or passenger road transport undertakers; or

(c) without the consent of the owner and occupier of the premises concerned so as to obstruct the existing access to premises abutting on a street.

(4) A consent required by this section shall not be unreasonably withheld, but may be given subject to any reasonable conditions, including a condition that the Corporation shall remove a box or shelter either at any time, or at or after the expiration of a period, if reasonably required so to do by the person giving the consent.

(5) Any question whether a consent required by this section has been unreasonably withheld, or has been given subject to unreasonable conditions, or whether the removal of a box or shelter has been unreasonably required, shall—

(a) in the case of a consent of the Secretary of State, be referred to, and determined by, arbitration;

(b) in the case of any other consent, be referred to, and determined by, the Secretary of State.

107.—(1) Any person who wilfully, and without the consent of the appropriate authority—

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

(a) obstructs the access to a police telephone call box in the borough or to a structure provided in the borough for police purposes, or to a fire alarm provided by the Corporation; or

(b) interferes with equipment in such a call box, structure or fire alarm; or

(c) removes, alters, defaces or obscures a mark provided by the appropriate authority for indicating the position of such a call box, structure or fire alarm, or of a fire hydrant in the borough;

shall be guilty of an offence; and the appropriate authority may recover from him the expenses of removing the obstruction or of making good or replacing the equipment or mark, and the amount of such expenses in case of dispute respecting the same may be settled and determined by the county court.

PART V
—cont.

(2) Any person who telephones, or causes to be telephoned—

- (a) from a police telephone call box in the borough a statement which he knows to be false; or
- (b) from a call box of the Post Office telephone service in the borough, a statement which he knows to be false, made for the purpose of instigating police or ambulance action;

shall be guilty of an offence.

(3) If the false statement referred to in the foregoing subsection is an alarm of fire, he shall be guilty of an offence.

(4) In this section—

“structure” includes any installation; and

“appropriate authority” means, in relation to a fire alarm or fire hydrant, the Corporation and in any other case the police authority.

Disposal of
dangerous
containers.

108.—(1) No person shall within the borough dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of inflammable, explosive or poisonous substance and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from the container to any person or property.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence, and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing:

Provided that no proceedings shall be instituted for an offence under this section if the disposal or deposit of the container contravenes section 19 of the Civic Amenities Act 1967.

1967 c. 69.

(3) In this section “poisonous substance” means a substance specified in the Poisons List for the time being in force under section 17 of the Pharmacy and Poisons Act 1933.

1933 c. 25.

Boundary
walls.

109.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished by the Corporation leaving exposed a wall of adjoining premises, the Corporation may—

- (a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the

owner, partly at their expense and partly at the expense of the owner, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

PART V
—cont.

- (i) weatherproofing the surface of the wall;
- (ii) restoring or improving the appearance of the wall; or

- (b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where in the opinion of the Corporation any consent required for the carrying out of works proposed by them for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out will be, detrimental to the general appearance of the area in which the adjoining premises are situate, they may apply to the magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) An officer or servant of the Corporation, or of their contractor, acting in pursuance of an order of the magistrates' court or of the court of quarter sessions made in pursuance of the foregoing provisions of this section, and after the giving of not less than twenty-four hours' notice to the occupier of the land on which the exposed wall is situated may, at all reasonable times, and on producing, if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(3) Nothing in this section, nor the carrying out of any works thereunder, shall impose upon the owner of any such adjoining premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section.

110.—(1) Where the Corporation have under section 16 of the Act of 1957 accepted an undertaking that a house or building will not be used for human habitation or where—

Securing of
unoccupied
buildings.

- (a) by a closing order made under section 17, 18, 26 or 35 of the Act of 1957 or section 26 of the Housing Act

PART V
—cont.
1961 c. 65.

1961 the Corporation have ordered any house or building, or any part thereof, to be closed; or

- (b) by a clearance order made under section 44 of the Act of 1957 the Corporation have ordered any building or any part thereof to be vacated, and in such a case it appears to the Corporation that the building, or the part thereof (as the case may be), will not be, or is unlikely to be, demolished within six weeks from the date when, in pursuance of the order, the premises are vacated; or
- (c) a house or building in the borough is unoccupied for a period exceeding six weeks;

the Corporation may, if the house or building is not effectively secured so as to prevent entry into the house or building when unoccupied of any person other than a person authorised by the owner or the Corporation, after giving to the owner not less than forty-eight hours' notice of their intention to do so, themselves do such things in relation to the house or building or the part thereof (as the case may be) as are reasonably required effectively to secure the house or building so as to prevent entry.

(2) A notice shall not be given under subsection (1) of this section in any case where the Corporation have approved the use for any purpose of any premises which have been ordered to be closed so long as the premises are used for that purpose.

(3) Nothing in this section shall prejudice the powers of the Corporation to take steps to deal with any dangerous, ruinous or dilapidated house or building under any enactment.

(4) In this section—

“house” has the same meaning as in the Act of 1957;

“owner” includes any person deemed to be the person having control of the house for the purposes of Part II of that Act.

As to warning posts and signs.

111.—(1) The Corporation may provide, erect and maintain in the borough 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.

(2) Nothing in this section shall be in derogation of any order or regulation made by the Secretary of State in respect of traffic signs or any general or special directions given by him in pursuance of the Act of 1967.

112.—(1) Where there is on any land in the borough a pond, well, mineshaft, quarry or other excavation or escarpment or cliff which, by reason of its being unfenced or inadequately fenced or otherwise inadequately protected, constitutes a source of danger to children or other persons, the Corporation may pay, or contribute to the payment of, any expenses incurred in the execution, by any person who has the right to do so, of any works of repair, protection or enclosure which may be required to obviate the danger:

PART V
—cont.

Protection of
dangerous
ponds,
excavations,
etc.

Provided that, in the case of an excavation in respect of which any person may, under section 144 of the Act of 1959, or section 151 of the Mines and Quarries Act 1954, be required to execute works to obviate the danger the Corporation shall only pay, or contribute to the payment of, the expenses of executing such works where they are satisfied that it would be unreasonable in the circumstances of the case for such person to be required to bear the expense, or the whole of the expense (as the case may be), of executing such works.

1954 c. 70.

(2) If in the case of any such pond, well, mineshaft, quarry or other excavation or escarpment or cliff as aforesaid on any land in the borough—

- (a) the Corporation are unable, after making reasonable inquiry, to ascertain the name and address of the owner or occupier of the land; or
- (b) the Corporation have, by notice given to the owner or occupier of the land, requested the execution of such works of repair, protection or enclosure as they may consider necessary to obviate the danger, and, despite an offer made by the Corporation to pay or contribute to the payment of any expenses incurred by the owner or occupier in the execution of such works, the works are not executed within such reasonable time thereafter as may be necessary for the purpose;

the Corporation may, subject to the provisions of subsection (3) of this section, themselves execute such works at their own expense.

(3) (a) Where, in a case referred to in paragraph (b) of subsection (2) of this section, the Corporation propose themselves to execute works on any land they shall, before carrying the proposal into effect, serve notice on the owner or occupier of the land specifying the place where they propose to execute such works and the nature of the works proposed and the period, which shall not be less than twenty-eight days, within which notice of objection to the proposal may be sent in writing to the Corporation, and including notice of the right of appeal under paragraphs (b) and (c) of this subsection.

PART V
—cont.

(b) The Corporation shall consider any notice of objection sent to them by the owner or occupier of the land within the period so specified and give notice of their decision on the objection to the person by whom it was made.

(c) If that person is aggrieved by the decision of the Corporation he may, within twenty-one days after receiving notice thereof, appeal to the magistrates' court, and the court shall have power to make such order in the matter as it considers reasonable.

(4) If in pursuance of subsection (2) of this section, or of an order of a court made under paragraph (c) of subsection (3) of this section, the Corporation themselves execute works of repair, protection or enclosure on any land, they shall, unless otherwise agreed in writing between the Corporation and the owner or occupier of the land and unless otherwise provided in any such order of the court, maintain those works.

Removal,
etc., of
dangerous
trees.

113.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or of damage to property any tree in the borough should be removed, cut or felled, the Corporation may serve a notice on the owner or occupier of the premises on which such tree is growing or situated requiring him within twenty-one days to remove, cut or fell the tree or execute such other works as the Corporation may consider necessary to prevent the danger.

(2) The provisions of section 276 (Power of local authority to sell certain materials) of the Act of 1936 are applied for the purposes of this section and shall have effect as if the expression "materials" included timber.

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

(a) for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

"(a) that the notice or requirement is unreasonable;" and

(b) in subsection (6) thereof the words after "in so doing" were omitted.

(4) In any case where the removal or cutting down of or the execution of works in relation to any tree will interfere with the exercise by the Northumbrian River Authority of any of its

functions the Corporation shall (except in case of emergency) consult with the said river authority and the water undertakers before serving any notice under this section.

PART V
—cont.

114.—(1) In this section—

Mobile coffee stalls, etc.

“mobile stall” means any van, cart, motor car, trailer or other vehicle intended or adapted for use for the purpose of serving refreshments;

“refreshments” means any food or drink intended for immediate consumption but does not include ice-cream, water ice or any similar commodity.

(2) (a) On and after the appointed day no person shall, without the consent of the Corporation, sell or offer for sale any refreshments from a mobile stall in any street in the borough between the hours of ten o'clock in the evening and eight o'clock in the morning.

(b) The Corporation may refuse their consent under this subsection if they are satisfied that the sale or offer for sale of refreshments from a mobile stall between the hours of ten o'clock in the evening and eight o'clock in the morning, or the behaviour of persons resorting thereto during that period, is likely to cause annoyance to the occupiers of properties in the vicinity or members of the public; and in giving a consent the Corporation may impose such reasonable terms and conditions relating to the situation of, and the conduct of the business at, the mobile stall between the hours of ten o'clock in the evening and eight o'clock in the morning as they may think fit, but shall not impose any term or condition which requires the payment of money.

(3) The Corporation may at any time revoke, as from such date as the Corporation may specify (being a date not earlier than seven days from the date of service, upon the person to whom the consent was given, of notice of the revocation), any consent given under the last foregoing subsection if they are satisfied that the sale or offer for sale of refreshments from a mobile stall, between the hours of ten o'clock in the evening and eight o'clock in the morning, or the behaviour of persons resorting thereto during that period, has caused and is likely to continue to cause annoyance to the occupiers of adjacent properties or members of the public or if any term or condition imposed under the last foregoing subsection has not been complied with.

(4) Any person aggrieved by the refusal of the Corporation to give their consent under this section, or by any term or condition attached to such consent, or by the revocation of such consent,

PART V
—cont.

may within twenty-one days from the date of such refusal or revocation, or from the imposition of any term or condition, appeal to the magistrates' court.

(5) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence.

Disposal of
lost and
uncollected
property.

115.—(1) Where any lost or uncollected property is contained in a package, bag or other receptacle, the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so, for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the reasonable satisfaction of the Corporation to belong to any claimant, it shall thereupon vest in the Corporation:

Provided that any lost or uncollected property which is of a perishable nature and any lost property the custody of which involves unreasonable expense or inconvenience may, notwithstanding that it has not vested in the Corporation under this section, be disposed of at such time and in such manner as the Corporation may think fit, and, if it is sold, the proceeds of sale shall vest in the Corporation at the expiration of three months from the date on which the property came into their custody.

(3) Where any lost property becomes vested in the Corporation in pursuance of this section, the Corporation may, if they think fit, deliver to the person, whether an employee of the Corporation or not, who placed the lost property in the custody of the Corporation, the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall, in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section, have effect subject to those terms.

(5) In this section—

the expression “lost property” means any property coming into the custody of the Corporation, after being left on or in any premises occupied by the Corporation to which the public have access; and

the expression “uncollected property” means any property deposited in any cloakroom or parcels store provided

by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsections (1) and (2) of this section.

PART V
—cont.

PART VI

HACKNEY CARRIAGES, ETC.

- 116.**—(1) In this Part of this Act, unless the subject or context otherwise requires—
- “the Act of 1847” means the Town Police Clauses Act 1847; Interpretation and commencement of this Part of Act.
1847 c. 89.
 - “hackney carriage” has the same meaning as in the Act of 1847, but does not include a public service vehicle;
 - “motor vehicle” has the same meaning as in the Road Traffic Act 1960; 1960 c. 16.
 - “the prescribed distance” has the same meaning as in section 171 of the Public Health Act 1875; 1875 c. 55.
 - “private hire vehicle” has the meaning assigned to it by section 132 (Provisions as to motor vehicles let for hire) of this Act.

(2) The provisions contained in this Part of this Act shall come into operation on and after the appointed day.

117.—(1) The Corporation may fix the rates or fares, as well for time as distance, to be paid in respect of hackney carriages plying for hire within the prescribed distance by means of a table (hereinafter in this section referred to as “a table of fares”) made in accordance with the provisions of this section. Fixing of fares for hackney carriages.

(2) (a) Where the Corporation make a table of fares, they shall publish in at least one newspaper circulating in the borough a notice setting out the table of fares and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the town clerk and shall at all reasonable hours be open to public inspection without payment.

PART VI
—cont.

(3) If no objection to a table of fares is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares shall come into operation on 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, whichever is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the table of fares shall be of no effect unless and until it is confirmed by the Secretary of State and before confirming a table of fares the Secretary of State may, if he thinks fit, cause a local inquiry to be held into the same and after considering the report of the person who held the inquiry, may confirm the table of fares with or without modification.

(5) A table of fares made under this section shall have effect for the purposes of the Act of 1847 as if included in byelaws made by the Corporation under section 68 of that Act.

(6) On the coming into operation of a table of fares made under this section, any byelaws made by the Corporation for fixing the rates and fares under section 68 of the Act of 1847, or any table of fares previously made under this section, shall cease to have effect.

(7) Section 252 of the Act of 1933 shall extend and apply to a table of fares made under this section as it applies to byelaws made by the Corporation.

Stands for
hackney
carriages.

118.—(1) For the purposes of their functions under the Act of 1847, the Corporation may from time to time appoint stands for hackney carriages for the whole or any part of a day in any street in the borough and, with the consent of the owner, on any land not forming part of a street.

(2) Before appointing any stand for hackney carriages in exercise of the powers of this section, the Corporation shall give public notice of the proposal by advertisement in a local newspaper circulating in the borough and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.

(3) Nothing in this section shall empower the Corporation to appoint any such stand so as unreasonably to prevent access to any premises or in any station of the British Railways Board or on any part of the dock estate of the port authority as defined in section 3 (Interpretation) of the Tees and Hartlepoons Port Authority Act 1966, except with the consent of such board or authority.

(4) Any byelaws made by the Corporation before the passing of this Act for fixing stands for hackney carriages under section 68 of the Act of 1847 shall cease to have effect, but any stands fixed by such byelaws shall be deemed to have been appointed under this section.

PART VI
—cont.

(5) The Corporation shall not under the powers of this section appoint a stand in such a position as to interfere with access to any premises of passenger road transport operators except with their consent, and in deciding the position of stands the Corporation shall have regard to the position of any bus stops for the time being in use.

119.—(1) No person shall cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed or is deemed to have been appointed by the Corporation under the provisions of section 118 (Stands for hackney carriages) of this Act. Prohibition of other vehicles on hackney carriage stands.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

(3) Nothing in this section shall be deemed to make it an offence for a public service vehicle driver on a stage carriage or express carriage route to stop his vehicle on a stand or part thereof for so long as may be necessary solely for the taking up or setting down of passengers.

120.—(1) Any person who exhibits or who permits to be exhibited on any vehicle in the borough (not being a hackney carriage licensed to ply for hire or a public service vehicle) any sign (not being a sign required to be exhibited by virtue of section 14 of the Vehicles (Excise) Act 1962) or advertisement which might reasonably be taken to indicate that the vehicle is a hackney carriage licensed to ply for hire shall be guilty of an offence. Misleading signs on motor vehicles.
1962 c. 13.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, any person who exhibits or who permits to be exhibited on any vehicle in the borough (not being a hackney carriage licensed to ply for hire or a public service vehicle) which is offered or let for hire with the services of a driver any sign or advertisement containing the words “cab” “taxi”, “taxi-cab” or “for hire”, shall be deemed to have contravened the provisions of that subsection.

121.—(1) If a hackney carriage or a private hire vehicle licensed by the Corporation under the Act of 1847 is transferred to a person other than the proprietor or part proprietor whose name is specified in the licence for the hackney carriage or vehicle, the Transfer of hackney carriages, etc.

PART VI
—cont.

proprietor or part proprietor shall within seven days after such transfer give notice thereof in writing to the Corporation specifying the name and surname of the person to whom the hackney carriage or vehicle has been transferred and the licence shall be deemed to be revoked if the Corporation disapprove the transfer of the licence to that person:

Provided that the Corporation shall not disapprove the transfer of a licence to a person except upon the ground that he is not a fit and proper person to hold such a licence.

(2) Any person aggrieved by the refusal of the Corporation under this section may appeal to a court of quarter sessions.

(3) A proprietor or part proprietor who fails to give notice to the Corporation as provided by subsection (1) of this section shall be guilty of an offence.

Recovery of
costs of
inspections.

122. The cost, not exceeding two pounds, for inspection incurred by the Corporation in carrying out inspections of vehicles for the purpose of determining whether licences should be granted therefor under the Act of 1847 shall, if the Corporation so resolve, be recoverable from the proprietors thereof.

Fees for
driver's
licences.

123. The provisions of section 46 of the Act of 1847 shall in their application to the borough have effect as if there were inserted in that section the words "one pound for the first licence and five shillings for any succeeding licence" for the words "one shilling".

Suspension
and
revocation of
proprietor's
licences.

124.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a proprietor of a hackney carriage or a private hire vehicle on the ground of the unfitness of the hackney carriage or vehicle or for any other reasonable cause, and where the Corporation suspend or revoke such a licence under this subsection they shall give to any such proprietor notice of the grounds on which the licence has been suspended or revoked.

(2) Any such proprietor aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

Suspension
and revocation
of driver's
licences.

125.—(1) Notwithstanding anything in the Act of 1847, the Corporation may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle on the ground that he has since the granting of the licence been convicted of an offence involving dishonesty, indecency or violence, or for any other reasonable cause.

(2) Any such driver aggrieved by a decision of the Corporation under subsection (1) of this section may appeal to a court of quarter sessions.

126. Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to inspect any hackney carriage in the borough and any private hire vehicle in the borough which is for the time being licensed by the Corporation under the Act of 1847 for the purpose of ascertaining its fitness, and if he is not satisfied of the fitness of the hackney carriage or vehicle or of the accuracy of its taximeter, he may by notice in writing require the proprietor of the hackney carriage or vehicle to make it or its taximeter available for further inspection at such reasonable time and place as may be specified in the notice and suspend the licence of the proprietor until such time as he is so satisfied or the expiration of a period of two months, whichever shall first occur.

PART VI
—cont.
Fitness of
hackney
carriages, etc.

127. Notwithstanding anything in the Act of 1847, the Corporation shall not grant a licence to act as driver of a hackney carriage or a private hire vehicle to any person under the age of twenty-one years.

Minimum age
for drivers.

128. The Corporation may require any applicant for a licence to drive a hackney carriage or a private hire vehicle—

Fitness of
drivers.

- (a) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or such a vehicle; and
- (b) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a hackney carriage or such a vehicle.

129. Any person who, within the prescribed distance, on completion of the hire of a hackney carriage licensed by the Corporation under the Act of 1847, refuses to pay any fare lawfully due from him shall be guilty of an offence.

Penalty on
persons
refusing to
pay fare.

130. Notwithstanding anything in section 43 of the Act of 1847, any licence granted by the Corporation in respect of a hackney carriage or a private hire vehicle shall, if the Corporation think fit, remain in force for such period exceeding one year, but not exceeding three years, from the date of such licence as they may determine:

Corporation
may extend
period of
hackney
carriage
licences, etc.

Provided that nothing in this section shall affect the powers of the Corporation to suspend or revoke such a licence.

131. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage or vehicle let for hire unless the Corporation are satisfied of his ability to drive such a vehicle and for that purpose the Corporation may require him to provide facilities for a practical test of his ability to drive.

Tests for
drivers of
hackney
carriages.

PART VI
—cont.Provisions as
to motor
vehicles let
for hire.

132.—(1) The Corporation may make byelaws for applying in the borough with such consequential modifications as may be provided for in the byelaws, any of the provisions of—

- (a) sections 37 to 67 of the Act of 1847 as they apply with respect to hackney carriages and their proprietors and drivers; and
- (b) any byelaws made by the Corporation and in force with respect to such carriages, proprietors and drivers;

to private hire vehicles and their proprietors and drivers.

(2) In this section “private hire vehicle” means a motor vehicle not being a vehicle licensed under the provisions of the Act of 1847, with respect to hackney carriages, standing or plying for hire in the borough notwithstanding that such vehicle stands or plies for hire from private premises only and whether or not it is on view to the public, and which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances that it does not require to be licensed under the said provisions, but does not include—

- (a) a vehicle which is kept and used ordinarily for the purpose of being let out for hire by the day or for longer periods of hire;
- (b) a vehicle kept by any person in connection with any business carried on by him as a funeral director or undertaker and used wholly or mainly in connection with that business; or
- (c) a public service vehicle.

Construction
of motor
hackney
carriages to
be approved
by Corpora-
tion.

133.—(1) The Corporation may as a condition of their licensing any motor hackney carriage require that the construction of such hackney carriage as at the date when the licence was granted shall not be altered without the approval of the Corporation while the licence is in force.

(2) Any person who alters the construction of a motor hackney carriage in contravention of the provisions of this section shall be guilty of an offence and the court may in addition to a fine order the suspension of the licence for such motor hackney carriage.

Byelaws
as to hackney
carriages.

134. The power to make byelaws conferred upon the Corporation by section 68 of the Act of 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes, that is to say:—

- (a) for the examination and inspection of hackney carriages at such times and places as may be prescribed in such byelaws;

- (b) for the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) for regulating the conduct of passengers in hackney carriages;
- (d) for the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

135.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected, and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe, and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding one pound in any one year shall be borne by the owner of the hackney carriage.

Inspection
and
certification
of taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person who uses a taximeter or other similar apparatus which is not so certified or fails to submit the same for testing and inspection at such reasonable intervals of time as aforesaid, shall be guilty of an offence.

PART VII

MANAGEMENT

136.—(1) Notwithstanding anything in any enactment—

- (a) a grant of the exclusive right of burial in any part of a burial ground or cemetery maintainable by the Corporation; and

As to grants
of burial
licences and
certificates of
registration.

- (b) any licence granted by the Corporation;

may be given under the hand of the town clerk or his duly authorised deputy instead of under the common seal of the Corporation.

PART VII
—cont.

(2) For the purpose of—

(a) subsection (1) of this section; and

(b) any certificate of registration issued by the Corporation;

a grant, licence or certificate of registration shall be deemed to be given under the hand of the town clerk or his duly authorised deputy if a facsimile of his signature by whatever process reproduced is affixed to such grant, licence or certificate.

Recreational
and other
facilities for
employees.

137. The Corporation may, within or outside the borough, provide and maintain, or contribute to the cost of providing and maintaining, recreational, social and welfare facilities for their employees, and the Corporation may—

(i) erect and maintain buildings;

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

(iii) make regulations for the management of such buildings.

Microfilming
of documents.

138.—(1) The Corporation may make and retain microfilm recordings of documents of the Corporation.

(2) Notwithstanding anything contained in any enactment, the Corporation may destroy any documents of the Corporation, other than minute books, of which they have made and retained microfilm recordings:

Provided that—

(a) the Corporation shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962; and

(b) the Corporation shall afford a right of access for the public to a microfilm recording of a document which has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the document so destroyed.

(3) An enlargement of a microfilm recording of a document made in pursuance of this section shall be deemed for all purposes to be a copy of that document.

(4) Notwithstanding anything contained in any enactment or any rule of law, an enlargement of a microfilm recording of a document which has been destroyed in pursuance of this section

1958 c. 51.
1962 c. 56.

shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if the town clerk certifies that—

PART VII
—cont.

- (a) the document has been destroyed; and
- (b) a microfilm recording of the document has been made; and
- (c) the enlargement is an enlargement of that microfilm recording.

(5) In this section unless the context otherwise requires—

- (a) “document” means the whole or part of a register, book, map, plan or document which includes a notice, licence, certificate, scheme or order made, passed or granted by the council or any committee of the council;
- (b) “microfilm recording” means a reproduction of a document on film which is a product of photography or any process akin to photography and is in general beyond legibility with the naked eye.

139. For the avoidance of doubt it is hereby declared that the Corporation or their duly authorised officer may on being requested to do so produce, for inspection by any person who satisfies them or their duly authorised officer that he has a genuine interest therein, any plans or drawings which have been lodged or deposited with them in connection with any application made to the Corporation pursuant to any enactment for a decision, determination, grant, consent, agreement, approval or permission.

Inspection of plans relating to applications.

140. At any time after a period of six years from the date of the receipt by the Corporation of an application made to the Corporation for a decision, determination, grant, consent, agreement, approval or permission, the Corporation may destroy any documents received by them in connection with the application:

Destruction of documents connected with applications.

Provided that nothing in this section shall authorise the Corporation to destroy the application and a copy of any plan or plans approved by them in connection therewith, together with any related certificate, consent, permit or other document issued pursuant to any enactment.

141. The provisions of section 85 of the Act of 1967 shall, in their application to offences committed within the borough, have effect as if the following subsection was substituted for subsection (1) thereof:—

Information as to identity of drivers.

“ (1) This section applies to any offence under Part III of the Civic Amenities Act 1967 or under any of the foregoing 1967 c. 69.

PART VII
—cont.

provisions of this Act except an offence against any of the following provisions, that is to say, sections 9 (9), 17 (5), 31 (5) (in its application to England and Wales), 77 (7) and 80 (8).”

Information centres.
1948 c. 26.

142. The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the borough and its neighbourhood.

Hire of chairs, etc.

143. The Corporation may let chairs and other equipment on hire to organisers of exhibitions, shows and other functions within the borough and may make such charges for the hire of chairs and other equipment as they may think fit.

Provision of boating facilities.
1937 c. 46.

144. The powers of the Corporation under section 4 of the Physical Training and Recreation Act 1937 shall include the power to provide boating facilities and for that purpose the Corporation may, within the borough, provide and maintain such yacht basins, buildings, slipways, jetties, moorings, starting boxes and other works as may be necessary or expedient for the purpose thereof or in connection therewith.

As to minutes of council meetings, etc.

145. Notwithstanding anything contained in paragraph 3 of Part V of Schedule 3 to the Act of 1933, or in any other enactment or rule of law to the contrary, the minutes of the proceedings or 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, committee or sub-committee or, 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.

Data processing equipment.

146. The Corporation may provide data preparation and data processing services for any local authority, statutory or other body or person, or permit any such authority, body or person to use equipment for those purposes installed by the Corporation, and for those purposes the Corporation may perform all such other acts as may be necessary or convenient and may make such charges as may be agreed for the use of the said equipment.

Power to sell materials.

147.—(1) The Corporation may sell or dispose of all matters or things excavated or obtained in the construction of the works and all building and other materials of any houses, buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act, and also all matters or things in, under or upon any road, street or other place altered

by them for the purposes of this Act and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act:

PART VII
—cont.

Provided that—

(a) the Corporation shall not under the powers of this section sell or dispose of any matter or thing if any person other than the Corporation, before such sale or disposal, proves to the satisfaction of the Corporation that he is the owner thereof;

(b) if any person after such sale proves to the satisfaction of the Corporation that he was the owner of the matter or thing so sold, the Corporation shall pay the proceeds to him.

(2) This section shall not apply to section 113 (Removal, etc., of dangerous trees) of this Act.

148.—(1) The Corporation may for the purpose of enabling them to perform any of their functions under—

(a) any enactment in force at the passing of this Act which authorises the Corporation to acquire land compulsorily;

(b) any enactment mentioned in Schedule 1 to this Act; and

(c) this Act and any local enactment in force at the passing of this Act which authorises the Corporation to serve notice upon the owner or occupier of lands or premises requiring the execution by such owner or occupier of works on such lands or premises or which authorises the Corporation to execute works on lands or premises within the borough;

Power to
require
information
as to
ownership
of premises.

require—

(i) the occupier and any person having an interest in any premises in the borough, and any person who either directly or indirectly receives rent in respect of such premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises whether as freeholder, mortgagee, lessee or otherwise or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and

(ii) any person who has sold or otherwise disposed of, leased or let any premises in the borough to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let those premises.

PART VII
—cont.

(2) Any person who having been required by the Corporation in pursuance of this section to give to them any information fails to give that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence.

(3) For the purposes of this section the expression “interest” includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in paragraph (b) of subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Corporation in so far as they relate to the same subject-matter as this section.

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

149.—(1) Any power conferred on an officer of the Corporation by, or under, 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.

(2) The builder of, or contractor for, any building or works or any person employed by him in or about any building or works who—

(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;

shall be guilty of an offence.

Notice of
alteration of
rents without
notice to
quit.
1968 c. 42.

150.—(1) The provisions of section 12 of the Prices and Incomes Act 1968 (which enable a local authority to increase the rent payable to the authority for houses let on a weekly or other periodical tenancy whose rents fall to be carried to the authority’s housing revenue account without the tenancy being terminated) shall—

(a) apply to all houses within the meaning of the Housing (Financial Provisions) Act 1958 belonging to the Corporation; and

(b) as so applied, extend to a reduction as well as to an increase of rent.

(2) Accordingly the provisions of the said section 12 shall, as they apply to the Corporation as a local authority within the meaning of that section, have effect as if in subsection (1)—

(a) the words “on a weekly or other periodical tenancy” were omitted;

1958 c. 42.

(b) after the word "increased" there were inserted the words "or reduced"; and

(c) after the word "increase" there were inserted the words "or reduction";

PART VII
—cont.

and as if in subsection (4) for the definition of "local authority houses" there were substituted the words "'local authority houses' are houses belonging to the local authority" and after the word "increase" there were inserted the words "or reduction".

151. Notwithstanding anything in any other enactment, the Corporation may make reasonable charges in consideration of registering or undertaking to register or renew the registration of the name and requirements of any person seeking the exchange or transfer of a tenancy of a house provided by the Corporation under Part V of the Act of 1957. Charges for registration of persons seeking exchange of houses.

152.—(1) The Corporation may pay to any of their officers who act in any of the following capacities:— Officers of Corporation acting as receivers, etc. 1959 c. 72.

(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 Corporation;

(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 the Principal Probate Registrar or the amount of any payment which he is liable to make by reason of his acting in the course of his duties as an officer of the Corporation in any such capacity as aforesaid.

(2) The Corporation may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in any 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.

153.—(1) Where an officer employed by the Corporation, other than the town clerk, has given a general notice to the town clerk which, if the officer had been a member of a council, would have been deemed to be a sufficient disclosure of his interest in any contract or proposed contract by virtue of section 76 (4) of the Act of 1933, he shall be deemed for the purposes of section 123 of that Act to have given notice to the Corporation of his pecuniary interest in that contract or proposed contract. Disclosure by officers of Corporation of interest in contracts.

PART VII
—cont.

(2) The town clerk shall record in a book to be kept for the purpose particulars of any notice given under the preceding subsection, and the book shall be open at all reasonable hours to the inspection of any member of the council.

(3) Where the town clerk records in the said book a statement of matters concerning himself which, if he had been any other officer employed by the Corporation, might have been the subject of a notice under subsection (1) of this section, that record shall have the same effect for the purposes of section 123 of the Act of 1933 as a notice under subsection (1) of this section.

Public weighing or measuring equipment.
1963 c. 31.

154. The provisions of Part III of the Weights and Measures Act 1963 in their application to the borough shall have effect as if weighing or measuring equipment were deemed to be provided or available for use by the public in any case where a fee for such use is charged, notwithstanding that the use of such equipment is restricted to any particular class or classes of persons.

As to breach of conditions of consent of Corporation.

155. Where, under any enactment, the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose, any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences, equivalent to the execution of the work or the doing of the act or thing without the required consent.

Authorisation of appearance of Corporation officers in legal proceedings.

156. A resolution of the Corporation under section 277 (Appearance of local authorities in legal proceedings) 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.

Institution of proceedings for offences relating to certain excise duties.
1961 c. 36.

157. The authority of the Corporation given by virtue of section 11 of the Finance Act 1961 to the bringing by any constable of proceedings or any particular proceedings for an offence referred to in that section may be given on their behalf by a duly authorised officer of theirs and proved by the production of a document purporting to be the authority so given and to be signed by the officer giving it.

Compensation how to be determined.

158. When any compensation, costs, damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for, such amount shall, in case of dispute, be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Informations by whom to be laid.

159.—(1) All informations and complaints under or for the breach of any of the provisions of the Public Health Acts under

which the Corporation are empowered to take proceedings may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police constable acting for or within the borough.

PART VII
—cont.

(2) In this section “Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending that Act. 1875 c. 55.

PART VIII

GENERAL

160. 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.

161.—(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.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946. 1946 c. 31.

162. 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 or a constable. Restriction on right to prosecute.

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

(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;

PART VIII
—cont.

then, until the time for appealing has expired, or, if 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.

Evidence of
proceedings,
appointments,
etc.

164.—(1) In proceedings under any enactment, a document purporting to be certified by the town clerk as a copy of a resolution passed, order made or report received by the council or a committee thereof on a specified date, shall be evidence that that resolution, order or report was duly passed, made or received by the council or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the council or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the council or committee on that date.

(3) In this section “ officer ” includes a servant and an agent.

(4) Section 286 of the Act of 1936, and that section as applied by, or incorporated in, any other enactment, shall cease to apply to the council and its committees.

Liability of
directors, etc.

165.—(1) Where an offence under the sections of this Act mentioned in Schedule 2 to this Act or against any byelaw made pursuant to this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) In the foregoing subsection “ director ” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

Penalties for
offences
against Act.

166.—(1) Any person guilty of any of the offences against the provisions of this Act specified in column 1 of Part I of Schedule 3 to this Act shall be liable on summary conviction to a fine not exceeding the maximum specified in column 2 of Part I of the

said schedule opposite to such offence, or to imprisonment for a period not exceeding the maximum specified in column 3 of Part I of the said schedule opposite to such offence.

PART VIII
—cont.

(2) Any person guilty of any of the offences against the provisions of this Act specified in column 1 of Part II of Schedule 3 to this Act shall be liable on summary conviction to a fine not exceeding the maximum specified in column 2 of Part II of the said schedule opposite to such offence or where the contravention in respect of which a person is convicted of an offence against this Act is continued after conviction, the person shall be liable on summary conviction to a further fine not exceeding the maximum specified in column 3 of Part II of the said schedule opposite to such offence for each day or part of a day during which the contravention is shown to have been continued.

(3) Any person guilty of an offence against the provisions of this Act not hereinbefore specified or specified in Schedule 3 to this Act shall be liable on summary conviction to a fine not exceeding twenty pounds.

167.—(1) The Corporation may borrow—

Power to borrow.

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, such sums as may be necessary for paying 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.

(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. 1946 c. 58.

168.—(1) In this Act “the appointed day” means such day as may be fixed by resolution of the Corporation subject to and in accordance with the provisions of this section. The appointed day.

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

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

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

PART VIII
—cont.

(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.

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

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

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

to continue to carry on that business, or to use those premises for that purpose, until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under subsection (2) of section 163 (Appeals) of this Act.

Saving for trusts, etc.

169. No power conferred upon the Corporation by the following provisions of this Act, namely:—

Section 12 (Parking places in parks, etc.);

Section 29 (Disposal of land);

Section 30 (Golf courses);

Section 137 (Recreational and other facilities for employees);

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 Corporation, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of State, 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 Corporation, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

PART VIII
—cont.

170.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 4 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 section 33 (Provisions as to illuminations), and also to the following Parts of this Act, that is to say:—

- Part III (Streets);
- Part IV (Public health);
- Part V (Public order and safety).

(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 reference to the following sections of this Act, that is to say:—

- Section 39 (Enforcement of improvement line);
- Section 65 (Control of goods service areas);
- Section 70 (Amendment of section 34 of Public Health Act 1961);
- Section 71 (Amendment of section 17 of Public Health Act 1961);
- Section 72 (Sanitary conveniences for persons employed on construction work);
- Section 73 (Sanitary conveniences used in common);
- Section 74 (Sanitary conveniences at places of public exhibition, betting offices, etc.);
- Section 75 (Supply of water to premises where supply cut off);
- Section 76 (Power to order alteration of chimneys);
- Section 77 (Repair of walls, etc., of yards);
- Section 78 (Amendment of Act of 1957 relating to closing orders);
- Section 79 (Repair of damaged buildings, etc.);
- Section 80 (Interpretation of this head of Act);
- Section 81 (Powers as to provision and maintenance of sludge mains);
- Section 82 (Notices, etc.);
- Section 83 (Temporary stopping up of streets);
- Section 86 (Special provisions as to registration of nursing homes);
- Section 87 (Restriction on use of dustbins, etc.);
- Section 88 (Power to provide dustbins for trade refuse);
- Section 89 (Provision of bulk refuse containers by Corporation);

PART VIII
—cont.

- Section 90 (Maintenance of and access to bulk refuse containers);
- Section 91 (Means of access for removal of refuse, etc.);
- Section 92 (Tipping of spoil and refuse);
- Section 93 (Control of refuse tips);
- Section 94 (Sale of shellfish);
- Section 95 (Slaughter of animals otherwise than for human consumption);
- Section 96 (Penalty for throwing rubbish into streams);
- Section 101 (Protection of seashore and adjoining land from pollution);
- Section 102 (Silencers for internal combustion engines);
- Section 103 (Safety of stands);
- Section 108 (Disposal of dangerous containers);
- Section 109 (Boundary walls);
- Section 110 (Securing of unoccupied buildings);
- Section 111 (As to warning posts and signs);
- Section 112 (Protection of dangerous ponds, excavations, etc.);
- Section 113 (Removal, etc., of dangerous trees);
- Section 114 (Mobile coffee stalls, etc.);
- Section 132 (Provisions as to motor vehicles let for hire).

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

171. 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 or a sub-committee of a local authority.

Arbitration.

172. Save as otherwise expressly provided in this Act, in arbitrations under this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of any party (after giving notice in writing to the other party or parties) by the President of the Institution of Civil Engineers.

Continuance of certain enactments.

S.I. 1967/396.

173.—(1) The provisions of any Act or order to which this section applies which immediately before the 1st April, 1968, affected any area comprised as from that date in the borough, otherwise than in relation to property held on a charitable trust, shall, notwithstanding sub-paragraphs (a) and (b) of paragraph (1) of article 51 of the Teesside Order 1967, continue to apply to such area, and any reference therein to any area of local government shall in such application be construed as a reference to the borough.

(2) This section applies to—

- (a) any local Act, other than an Act confirming a provisional order, the Bill for which was not promoted by a local authority;

- (b) any Act confirming a provisional order made on the application of any body other than a local authority;
- (c) any order made on such application which was subject to special Parliamentary procedure;

PART VIII
—cont.

and for the purposes of this subsection “local authority” means—

- (i) the council of a county, an urban district or a rural district;
- (ii) the municipal corporation of any borough, acting by the council of that borough;
- (iii) any commissioners, trustees or other persons invested by any local Act with powers of town government and rating; or
- (iv) any local board constituted in pursuance of the Public Health Act 1848, the Local Government Act 1858, the Local Government (1858) Amendment Act 1861 and the Local Government Amendment Act 1863.

1848 c. 63.
1858 c. 98.
1861 c. 61.
1863 c. 17.

(3) This section shall not extend to any provision repealed by this Act or by any other Act passed during the same session of Parliament as this Act.

174. The enactments specified in Schedule 5 to this Act are Repeals. (in so far as they are not already repealed) hereby repealed to the extent mentioned in that schedule.

175. The transitional provisions contained in Schedule 6 to this Transitional Act shall have effect in relation to the repeals effected by this Act. provisions.

176.—(1) Nothing in this Act affects prejudicially any estate, Crown rights. 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 Corporation to take, use or in any manner interfere with, any land or hereditaments or any rights of whatsoever description—

- (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 Corporation to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 1950 c. 39. in any highway vested in or maintained by the Secretary of State.

PART VIII

—cont.

For protection
of certain
statutory
undertakers.

177. For the protection of the statutory undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the statutory undertakers, apply and have effect:—

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

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the generating board or the electricity board;

(b) mains, pipes or other apparatus belonging to or maintained by the Gas Council or the gas board;

(c) telegraphic lines belonging to or used by the Post Office;

(d) mains, pipes or other apparatus belonging to or maintained by the water undertakers;

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

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

“ position ” includes depth:

(2) Nothing in section 39 (Enforcement of improvement line) of this Act shall apply to any building or structure erected on operational land of the Post Office or which is used by the statutory undertakers for or in connection with the generation, transforming, switching, distribution or regulation of electricity, for the manufacture, distribution or storage of gas or for or in connection with the use by them as a pumping station, treatment works or reservoir for water except with the consent of the statutory undertakers which shall not be unreasonably withheld:

(3) Nothing in section 40 (Retaining walls) of this Act shall apply to any retaining wall erected on operational land of the statutory undertakers:

(4) Nothing in the following sections of this Act shall relieve the Corporation, or in the case of section 106 (Police telephone call boxes and shelters) of this Act the police authority, or any person acting with the consent of or on the requirement of the Corporation, from liability for damage caused by them 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 unreasonably inconvenient the access to any apparatus or operational land:—

PART VIII
—cont.

Section 44 (Protection of trees, grass verges and gardens);

Section 54 (Decorations in streets);

Section 55 (Pipes, etc., in streets);

Section 59 (Temporary stoppage of streets);

Section 60 (Power to regulate traffic);

Section 83 (Temporary stopping up of streets);

Section 106 (Police telephone call boxes and shelters):

- (5) Nothing in section 44 (Protection of trees, grass verges and gardens) of this Act shall affect the rights of the statutory undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

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

- (6) Before the Corporation determine to give any consent under section 47 (Restriction on buildings under footways) or give any licence under section 53 (Licence to erect scaffolding) of this Act they shall (except in the case of emergency) give at least seven days' notice to the statutory undertakers of their intention to do so and on giving any such consent or licence shall attach thereto such conditions as the statutory undertakers may within the said period of seven days require to secure that the person to whom such consent or licence is granted shall comply with the reasonable requirements of the statutory undertakers for the protection of any apparatus or for securing access to such apparatus or operational land of the statutory undertakers:
- (7) Notwithstanding anything in section 62 (Adjustment of boundaries of estates in connection with streets) of this Act, the statutory undertakers shall not, under the provisions of that section, be required to adjust or alter the boundaries of or exchange any operational land except with their consent, which shall not be unreasonably withheld:

PART VIII
—cont.

- (8) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 59 (Temporary stoppage of streets) or section 83 (Temporary stopping up of streets) of this Act or the prohibition of the passage or stoppage of vehicles in streets or the prohibition of the use of any street under the powers of section 60 (Power to regulate traffic) of this Act the statutory undertakers shall be at liberty at all times to execute and do all such works and things in, under or upon any such street as may be necessary for placing, inspecting, repairing, maintaining, renewing or removing any apparatus and to enter upon such street for those purposes or any of them with any necessary vehicles:
- (9) In exercising the powers conferred by subsection (3) of section 102 (Silencers for internal combustion engines) of this Act in relation to any premises occupied by or being constructed for the statutory undertakers and used or intended to be used by them in connection with the generation, manufacture, pumping, storage or supply of electricity, gas or water an authorised officer of the Corporation shall conform to such reasonable requirements of the statutory undertakers in the interest of safety and for preventing interference with any process carried on in such premises:
- (10) The provisions of section 103 (Safety of stands) of this Act shall not apply to any stand used by the statutory undertakers on operational land for the purposes of their undertaking:
- (11) (a) When the Corporation give any notice under subsection (1) of section 110 (Securing of unoccupied buildings) of this Act they shall give to the statutory undertakers a copy of such notice;
- (b) Nothing in the said section 110 shall prejudice the right of the statutory undertakers to enter upon any premises in the exercise of their statutory powers in that behalf:
- Provided that, without prejudice to any other obligation or liability arising in respect of any entry in exercise of statutory powers, the statutory undertakers in exercising such powers of entry in respect of any premises required to be secured under the said section 110 shall ensure that the premises are not left less secure by reason of the entry:
- (12) (a) Any difference which may arise between the Corporation and the statutory undertakers under this section shall be determined by arbitration;

(b) In settling any difference under this section, the arbitrator shall have regard to any duty or obligation which the statutory undertakers may be under in respect of any apparatus, and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

178. Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Board of Trade or the Secretary of State to certain operations and contain other provisions for the safety of navigation).

Saving for
Coast
Protection
Act 1949.
1949 c. 74.

179. Save as otherwise in this Act expressly provided, nothing in this Act contained shall extend to preclude, diminish, alter or take away any of the powers, rights, privileges or authorities vested in or exercisable by the port authority.

Saving for
port authority.

180. For the protection of the British Railways Board (in this section referred to as "the board") the following provisions shall, unless in any case it is otherwise agreed in writing between the Corporation and the board, apply and have effect:—

For protection
of the British
Railways
Board.

(1) (a) In this paragraph—

"the railway" means any railway of the board and any works connected therewith and includes any lands held or used by the board for the purposes of such railway or works;

"the 1930 works" means so much of any of the works authorised by the Stockton-on-Tees Corporation (Works) Act 1930 as may be situate upon, across, under or over the railway or may in any way affect the same and includes the maintenance, repair and renewal of such works;

"the engineer" means an engineer to be appointed by the board:

(b) If any additions or alterations either permanent or temporary to the railway or to the signal boxes, signals, signalling apparatus or the telephone or telegraph wires and works on the railway are in the opinion of the engineer necessary in consequence of the construction of the 1930 works the same shall be made and maintained by the board at the expense of the Corporation and the costs thereof as certified by the engineer so far as they are reasonably incurred shall be repaid to the board by the Corporation on demand:

PART VIII
—cont.

- (c) The Corporation shall at all times maintain and renew the bridges by which the railway is carried over the new streets forming parts of the 1930 works and all necessary works ancillary thereto in substantial repair and good order and condition to the reasonable satisfaction of the engineer and if and whenever the Corporation fail to do so after reasonable notice in that behalf the board may make and do in, over and upon as well the lands and property of the board as of the Corporation such works and things as the engineer shall think requisite in that behalf and the reasonable cost of so doing as certified by the engineer shall be repaid to the board by the Corporation on demand:
- (d) The Corporation shall be responsible for and make good to the board all costs, charges, losses, damages and expenses which may be occasioned to them or to the railway or to the traffic thereon or otherwise by reason of the renewal, maintenance or failure of the 1930 works over, under or adjacent to the railway or of any act or omission of the Corporation or of any person or persons in their employ or of their contractors or others whilst engaged upon the 1930 works and the Corporation shall effectually indemnify the board from all claims and demands upon or against them by reason of such maintenance or failure or of any such act or omission:
- Provided that the fact that any work or thing has been done in accordance with any plan, section, drawing or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Corporation from any liability for damages as aforesaid or affect any claim of the board for injury to the railway or the traffic thereon:
- (e) If at any time hereafter the board shall be desirous of widening or altering under statutory powers existing on the 10th July, 1930, any part of the railway affected by the 1930 works or of adapting the railway for working by electrical power the Corporation shall give to the board all proper and reasonable facilities for that purpose including the right in connection with electrification to make attachments subject to the reasonable approval of the Corporation to the works:
- (f) Any additional expense which the board may reasonably incur under statutory powers existing on the 10th July, 1930, in widening, altering, reconstructing, repairing or

maintaining the railway or other works by reason of the existence of the 1930 works upon, across, over or under the same shall be paid by the Corporation:

PART VIII
—cont.

- (g) The Corporation shall at all times provide to the reasonable satisfaction of the engineer for pedestrian and vehicular traffic going to or coming from any station or depot or property of the board access to which on the 10th July, 1930, was obtained from any road for which any of the 1930 works was substituted:
- (h) Any difference which may arise between the Corporation and the board under this paragraph shall be determined by arbitration:
- (2) Nothing in this Act shall alter or affect the liability, powers, duties or obligations of the board or the owners at the 28th July, 1913, of the portions of North Ormesby Road and Langbaugh Place, West Terrace and Westbourne Grove or of any other persons in respect to the maintenance and repair of the North Ormesby level crossing except with any rights, powers, privileges, benefits, duties and obligations which immediately before the passing of the Middlesbrough Corporation Act 1914 were vested in or attached to any person other than the North Eastern Railway Company (as predecessors of the board) and were then vested in or attached to the Middlesbrough Corporation (as predecessors of the Corporation) which continue to vest in or attach to and may be exercised or performed by the Corporation. 1914 c. cv.

181. The costs, charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act shall be paid by the Corporation. ^{Costs of Act.}

SCHEDULES

Section 148.

SCHEDULE 1

ENACTMENTS MENTIONED IN SECTION 148 OF THIS ACT

1875 c. 55.	Public Health Act 1875.
1890 c. 59.	Public Health Acts Amendment Act 1890.
1907 c. 53.	Public Health Acts Amendment Act 1907.
1925 c. 71.	Public Health Act 1925.
1930 c. 44.	Land Drainage Act 1930.
1936 c. 49.	Public Health Act 1936.
1937 c. 40.	Public Health (Drainage of Trade Premises) Act 1937.
1957 c. 56.	Housing Act 1957.
1960 c. 62.	Caravan Sites and Control of Development Act 1960.
1961 c. 48.	Land Drainage Act 1961.
1961 c. 64.	Public Health Act 1961.
1961 c. 65.	Housing Act 1961.
1964 c. 56.	Housing Act 1964.
1967 c. 9.	General Rate Act 1967.

Section 165.

SCHEDULE 2

SECTIONS OF ACT TO WHICH SECTION 165 OF THIS ACT APPLIES

Section 45	(Mixing of mortar, etc., in streets);
Section 48	(Buildings and structures over highways);
Section 53	(Licence to erect scaffolding);
Section 65	(Control of goods service areas);
Section 66	(Sale of food and articles on verges);
Section 74	(Sanitary conveniences at places of public exhibition, betting offices, etc.);
Section 119	(Prohibition of other vehicles on hackney carriage stands);
Section 120	(Misleading signs on motor vehicles);
Section 121	(Transfer of hackney carriages, etc.).

Section 166.

SCHEDULE 3

MAXIMUM PENALTIES FOR OFFENCES AGAINST ACT

PART I

(1)	(2)	(3)
Provision of Act contravened	Maximum fine	Maximum period of imprisonment
Subsection (5) of section 34 (Entry on land for certain purposes)	£100	3 months
Subsection (3) of section 107 (Offences in respect of telephone boxes, fire hydrants, etc.)	£50	3 months

PART II

SCH 3
—cont.

(1)	(2)	(3)
Provision of Act contravened	Maximum fine	Maximum daily fine
Subsection (7) of section 39 (Enforcement of improvement line)	£100	
Subsection (5) of section 47 (Restriction on buildings under footways)		£5
Subsection (3) of section 48 (Buildings and structures over highways)	£20	
Subsection (2) of section 49 (Excavations near highways)	£100	
Section 52 (Damage to obstruction lights, etc.)	£100	
Subsection (3) of section 53 (Licence to erect scaffolding)	£10	£2
Subsection (4) of section 55 (Pipes, etc., in streets)	£10	
Subsection (4) of section 65 (Control of goods service areas)	£25 in respect of first offence, £50 in respect of subsequent offences	
Subsection (2) of section 66 (Sale of food and articles on verges)	£20	£2
Subsection (2) of section 73 (Sanitary conveniences used in common)	£20	£1
Subsection (2) of section 76 (Power to order alteration of chimneys)	£50	£5
Subsection (5) of section 95 (Slaughter of animals otherwise than for human consumption)	£50	
Subsection (2) of section 102 (Silencers for internal combustion engines)	£50	£2
Subsection (6) of section 103 (Safety of stands)	£100	£2
Subsection (2) of section 107 (Offences in respect of telephone boxes, fire hydrants, etc.)	£50	

Section 170.

SCHEDULE 4
SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO SECTION 33 AND PARTS III, IV AND V OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
289	Power to require occupier to permit works to be executed by owners.
290	Provisions as to appeals against, and the enforcement of, notices requiring execution of works.
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.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act 1925.

1925 c 22.

PART III

SCH. 4
—cont.

SECTION APPLIED TO SECTIONS 39, 65, 70 TO 83, 86 TO 96, 101, 102, 103,
108 TO 114 AND 132 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

SCHEDULE 5
ENACTMENTS REPEALED

Section 174.

Session and chapter	Title or short title	Extent of repeal
32 & 33 Vict. c. lxxiv	Stockton-on-Tees Extension and Improvement Act 1869	The whole Act.
44 & 45 Vict. c. cxlvii	Stockton Bridge Act 1881	The whole Act.
52 & 53 Vict. c. xcii	Stockton-on-Tees Extension and Improvement Act 1889	Sections 1 to 75, sections 82 to 253, Schedules 1 to 5.
10 Edw. 7 & 1 Geo. 5 c. lxxix	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1910	Stockton-on-Tees Order 1910.
3 & 4 Geo. 5 c. cxliii	Local Government Board's Provisional Orders Confirmation (No. 19) Act 1913	Stockton-on-Tees Order 1913.
13 & 14 Geo. 5 c. iv	Ministry of Health Provisional Orders Confirmation (No. 1) Act 1923	Stockton-on-Tees Order 1923.
15 & 16 Geo. 5 c. xcvi	Stockton-on-Tees Corporation Act 1925	Sections 66 to 107, Schedules 3 and 4.
20 & 21 Geo. 5 c. cxvii	Stockton-on-Tees Corporation (Works) Act 1930	Sections 1 to 29, sections 37 to 43, Schedules 1 and 2.
20 & 21 Geo. 5 c. clxxii	Stockton-on-Tees Corporation (General Powers) Act 1930	Sections 1 to 17, sections 35 to 44, sections 53 to 73.
23 & 24 Geo. 5 c. lx	Ministry of Health Provisional Orders Confirmation (Maidstone and Stockton-on-Tees) Act 1933	Stockton-on-Tees Order 1933.

SCH. 5
—cont.

Session and chapter	Title or short title	Extent of repeal
23 & 24 Geo. 5 c. lxxxiii	Middlesbrough Corporation Act 1933	Sections 9 to 12, sections 198 to 245, sections 247 to 285, sections 287 to 317, sections 332, 363, 364, sections 366 to 370, sections 372 to 386, sections 388 to 419, sections 426 to 431, Schedules 1, 8 and 9.
26 Geo. 5 & 1 Edw. 8 c. xxxvi	Ministry of Health Provisional Order Confirmation (Stockton-on-Tees) Act 1936	The whole Act.
1 & 2 Geo. 6 c. liv	Redcar Corporation Act 1938	Sections 5 to 11, sections 52 to 65, sections 67 to 139, section 147, sections 172 to 189, sections 191 to 208 and the Schedule.
1 & 2 Geo. 6 c. xcvi	Stockton-on-Tees Corporation Act 1938	Sections 1 to 18, sections 42 to 67, sections 69 and 70, sections 76 to 89, sections 91 to 95 and the Schedule.
11 & 12 Eliz. 2 c. xxxvii	Durham County Council Act 1963	So much as applies to the borough.

SCHEDULE 6

TRANSITIONAL PROVISIONS

Section 175.

(1) Notwithstanding the repeals effected by this Act—

(a) all existing bonds, mortgages, annuities, stock or other securities granted, payable or created under any of the existing enactments shall continue valid and available for all purposes and for and against all parties and the holders of all such bonds, mortgages, annuities, stock or other securities shall be in the like position and entitled to the like powers, rights and remedies as if this Act had not been passed and as if article 51 of the Teesside Order 1967 had ceased to have effect;

S.I. 1967/396.

(b) all acts, works, matters and things before the commencement of this Act done or commenced under the powers of the existing enactments or any of them and which were at the commencement of this Act valid and available or in progress and all existing notices, notices to treat, agreements, awards, conveyances, contracts, covenants, deeds, instruments, leases,

obligations, rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued, enforced and completed as if this Act had not been passed and as if article 51 of the Teesside Order 1967 had ceased to have effect;

SCH. 6
—*cont.*

S.I. 1967/396

- (c) all actions, arbitrations, prosecutions and proceedings by, with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the existing enactments or any of them may be continued, commenced or prosecuted by or against the Corporation as if this Act had not been passed and as if article 51 of the Teesside Order 1967 had ceased to have effect;
- (d) any enactment in the existing enactments which altered or prescribed the boundaries of the borough or of any district, parish, ward, electoral division or other area or which abolished any such area or which enacted provisions consequent upon any such alteration shall continue to have effect as if this Act had not been passed and as if article 51 of the Teesside Order 1967 had ceased to have effect;
- (e) all existing byelaws, rules, regulations, orders and licences shall continue in force until repealed, altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;
- (f) all rates, rents, tolls and other sums at the commencement of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed and as if article 51 of the Teesside Order 1967 had ceased to have effect;
- (g) all books and documents which under any of the existing enactments or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed and as if article 51 of the Teesside Order 1967 had ceased to have effect.

(2) The mention of particular matters in this schedule shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

1889 c. 63.

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