

Newcastle upon Tyne Corporation Act, 1960

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CHAPTER xli

An Act to confer further powers upon the lord mayor aldermen and citizens of the city and county of Newcastle upon Tyne and the stewards and wardens committee of the Town Moor in the city in relation to the Town Moor to confer further powers upon the Corporation in relation to the local government health improvement and finances of the city and for other purposes.

[29th July 1960.]

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

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

And whereas the Corporation are entitled to the soil of the Town Moor for an estate in fee simple but the same is subject to a right or benefit of herbage in the resident freemen or burgesses of the city and the resident widows of deceased freemen or burgesses of the city (ordinarily called and hereinafter referred to as "the freemen") which right or benefit is known as and is in this Act called "herbage right":

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

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

And whereas the construction of the Royal Victoria Infirmary in the city (hereinafter referred to as "the infirmary") upon a portion of the Town Moor was authorised by the Newcastle upon Tyne Corporation (New Infirmary Site) Act 1898 and the extension of the infirmary upon a further portion of the Town Moor was authorised by the Royal Victoria Infirmary Newcastle upon Tyne Act 1917:

And whereas by virtue of the National Health Service Act 1946 and certain orders made thereunder the infirmary is administered by the board of governors of the United Newcastle upon Tyne Hospitals (hereinafter referred to as "the board"):

And whereas it is expedient that the infirmary be extended and enlarged and such extension and enlargement is not practicable elsewhere than on lands forming part of the Town Moor:

And whereas it is expedient that the Corporation and the stewards committee should be empowered to appropriate and convey to the board a portion of the Town Moor containing about eight point three four acres for the extension and enlargement of the infirmary:

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

And whereas it is expedient that the Corporation should be empowered to use a further portion of the Town Moor containing about seven acres together with certain other land in the city belonging to them for the purposes of providing parking places for vehicles:

And whereas it is expedient to make further provision with regard to the superannuation and other benefits to be granted to employees of the Corporation and others and with regard to the finances and funds of the Corporation and of certain charities administered and managed by them:

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

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

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

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

PART I

PRELIMINARY

1. This Act may be cited as the Newcastle upon Tyne Short title. Corporation Act 1960.

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

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Town Moor and parking places.

Part III.—Finance superannuation etc.

Part IV.—Miscellaneous.

Part V.—General.

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

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

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

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

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

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

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

“ the council ” means the council of the city;

PART I
—cont.

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

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

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

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

PART II

TOWN MOOR AND PARKING PLACES

Interpretation
of Part II.

4. In this Part of this Act—

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

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

“the Act of 1911” means the Newcastle upon Tyne Corporation Act 1911;

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

“the board” means the board of governors of the United Newcastle upon Tyne Hospitals;

“the brown lands” means the lands containing four point six acres or thereabouts adjoining Barrack Road in the city and coloured brown on the signed plans;

“the green lands” means the lands at Coxlodge in the city containing seven point six eight acres or thereabouts and coloured green on the signed plans;

“parking place” has the meaning assigned to that expression by section 68 of the Public Health Act 1925;

“the pink lands” means the lands forming part of the Town Moor containing eight point three four acres or thereabouts adjoining Richardson Road in the city and coloured pink on the signed plans;

“the signed plans” means the plans which have been signed in triplicate by Edward Alexander Henry Legge-Bourke the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which plans one copy has been deposited in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk at his office;

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

PART II
—cont.

5.—(1) Notwithstanding anything contained in the Act of 1774 or in the Act of 1870 the Corporation and the stewards committee may upon and subject to such terms and conditions as they think fit appropriate and convey the pink lands to the board freed and discharged from all herbage right as a site for the extension and enlargement of the Royal Victoria Infirmary and upon the execution of such conveyance all herbage right and all rights of way and rights of user in or upon or over the pink lands shall be by virtue of this Act wholly extinguished:

Power to Corporation to convey lands for hospital buildings and provision of lands in lieu.

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

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

Provided that so much of the green lands as is used on the date of the passing of this Act for allotments shall not be used for any other purpose without the consent of the Minister of Agriculture Fisheries and Food which consent may be given unconditionally or subject to such conditions as the said Minister thinks fit but shall not be given unless the said Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the Corporation or that such provision is unnecessary or not reasonably practicable.

6.—(1) Notwithstanding anything contained in the Act of 1774 or in the Act of 1870 all herbage right and all rights of way and rights of user in or upon or over the blue lands shall be suspended so long as the Corporation are providing a parking place thereon under the provisions of subsection (2) of this section.

Provision of parking places.

(2) Notwithstanding anything contained in the Act of 1774 in the Act of 1870 or in the Act of 1911 the Corporation may upon the whole or any part of the blue lands or the brown lands provide maintain and manage a parking place together with all necessary buildings conveniences and appurtenances and may from time to time vary the position and size of such parking place upon the blue lands or the brown lands (as the case may be).

PART II
—cont.

(3) Without prejudice to the generality of the provisions of subsection (2) of this section the Corporation may exercise the following powers upon and in respect of the whole or any part of the blue lands or the brown lands:—

- (a) they may enclose and lay out those lands and adapt the same for use as a parking place and may erect fences and construct and provide roads paths ramps steps gardens and lighting;
- (b) they may provide and maintain cloakrooms waiting-rooms shelters offices information bureaux and displays lavatories and conveniences;
- (c) they may make reasonable charges for the use of the parking place;
- (d) they may make byelaws as to the use of the parking place and in particular as to the vehicles or class of vehicles which may be entitled to use the same and the conditions upon which such parking place may be used:

Provided that the powers of paragraph (c) of this subsection shall not be exercised in relation to the blue lands.

(4) The Corporation may upon such terms and conditions and subject to such restrictions and for such period as they may think fit license or permit any person to collect and retain such reasonable charges for the use of the said parking place buildings or structures as the Corporation may approve.

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

(6) Nothing in this section shall empower the Corporation—

- (a) to sell or supply motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles;
or
- (b) to carry on the business of maintaining or repairing motor vehicles.

(7) The Corporation shall not construct any building or erection on the blue lands under the powers of this section except to such extent and in such manner as may be agreed between the Corporation and the stewards committee or as failing agreement may be determined by the Minister of Agriculture Fisheries and Food.

PART III

FINANCE SUPERANNUATION ETC.

7.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;

Power to
borrow.

(b) without the consent of any sanctioning authority such sums as may be necessary for the payment of the costs charges and expenses of this Act;

PART III
—cont.

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 preceding 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.

8.—(1) In this section “the bridge” and “the bridge fund” have the meanings assigned to those expressions by section 35 (As to swing bridge) of the Tyne Improvement Act 1925.

Amendment
of section 35
of Tyne
Improvement
Act 1925.

(2) So much of subsection (7) of the said section 35 as requires the Corporation to divide the bridge fund into two portions in the manner therein mentioned and so much of subsection (8) of that section as requires the Corporation to apply the income of the said portions of the bridge fund in the proportions mentioned in the said subsection (7) shall cease to have effect and the Corporation shall apply the whole of the income of the bridge fund in or towards the discharge of the costs and expenses incurred by them from time to time in connection with the maintenance and repair of the bridge pursuant to subsection (2) of the said section 35.

9. Section 129 (Renewal and repairs fund) of the Newcastle upon Tyne Corporation (General Powers) Act 1935 shall be read and have effect as if there were added at the end of that section the following subsection:—

Amendment
of section 129
of Newcastle
upon Tyne
Corporation
(General
Powers)
Act 1935.

“(5) In this section ‘buildings’ includes works.”

10.—(1) Section 11 (Expenses of public entertainment etc.) of the Newcastle upon Tyne Corporation Act 1956 shall be read and have effect as if after the words “reasonable payments” there were inserted the words “(including payments for travelling expenses)”.

Amendment
of section 11
of Newcastle
upon Tyne
Corporation
Act 1956.

(2) Section 1 of the Local Authorities (Expenses) Act 1956 shall have effect in its application to the Corporation as if the expression “members of the council” in that Act included members of committees or of sub-committees of the council who are not themselves members of the council.

PART III
—cont.

Research into
matters
concerning
social
conditions etc.

11. The Corporation may undertake investigations and research into matters affecting the city 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.

Financial
provisions
relating to
St. Mary
Magdalene
and Holy Jesus
Charity.

12.—(1) In this section—

“the charity” means the St. Mary Magdalene and Holy Jesus Charity;

“the scheme” means the scheme confirmed by the Hospital of St. Mary Magdalene and other Charities (Newcastle upon Tyne) Charity Scheme Confirmation Act 1959.

(2) Notwithstanding anything in any enactment the Corporation as trustees of the charity may invest any moneys forming part of any fund of the charity not for the time being required to meet payments out of that fund and which in their opinion ought to be invested in the purchase of any of the investments specified in paragraphs (a) to (g) of subsection (1) of section 13 (Investment of superannuation fund) of this Act and accordingly the provisions of the proviso to the said subsection (1) and of subsection (2) of the said section 13 shall apply for the purposes of this subsection as if for references to the superannuation fund maintained by the Corporation there were substituted references to that other fund.

(3) The Corporation may with the consent of the Charity Commissioners borrow such sums as may be required for the purpose of defraying expenses incurred or to be incurred by them in exercising their powers as trustees of the charity under the scheme.

(4) All moneys borrowed by the Corporation under subsection (3) of this section shall be charged indifferently on all the revenues of the Corporation.

(5) Any sums paid by the Corporation in respect of interest or sinking fund charges on or in making any other provision for the repayment of any moneys borrowed by them under subsection (3) of this section or in defraying any other expenses incurred in connection with such provision or repayment shall be deemed to be expenses incurred by them in exercising their powers as trustees of the charity under the scheme and shall be recoverable by the Corporation from the charity.

Investment
of super-
annuation
fund.

13.—(1) In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest any moneys forming part of but not for the time being required to meet payments out of the superannuation fund maintained by the

Corporation under that Act in securities in which trustees are authorised to invest there were substituted an obligation to invest such moneys as follows (namely):—

PART III
—cont.

- (a) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or
- (b) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part of any such dominion commonwealth union dependency or colony; or
- (c) in or upon any of the stocks bonds mortgages or securities of any municipality or county or district council or local or public authority or board in the United Kingdom or in any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or of the legislature concerned to issue the same; or
- (d) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or
- (e) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or by royal charter being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or
- (f) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof has at the time of making the investment at least sixty years to run; or
- (g) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value thereof;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

PART III
—cont.

Provided that the investment of such moneys as aforesaid in any investment of the nature specified in paragraph (e) of this subsection shall be subject to the following qualifications:—

(i) No investment shall be made in any such investment as aforesaid unless the company has paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless—

(A) the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; or

(B) in the case of a company which has not been incorporated or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend of at least five per centum on its ordinary stock or shares for each of the four years immediately preceding the date of the amalgamation;

(ii) No investment shall be made in any such investment as aforesaid at any time when the value of all the investments made under the said paragraph (e) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund.

(2) For the purposes of the last foregoing subsection the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

Investment
of other
funds of
Corporation.

14. Any enactment (other than the Local Government Superannuation Act 1937) conferring power upon or requiring the Corporation to invest any moneys standing to the credit of but not for the time being required to meet payments out of any fund maintained by the Corporation in statutory securities (as defined for the purposes of that enactment) or in securities in which trustees are authorised to invest shall have effect as if for that power or requirement (as the case may be) there were substituted a power or requirement to invest such moneys (other than any moneys forming part of the consolidated loans fund) in any of the investments specified in paragraphs (a) to (g) of subsection (1) of section 13 (Investment of superannuation fund) of this Act and the provisions of the proviso to the said subsection (1) and of subsection (2) of the said section 13 shall accordingly apply for the purposes of this section as if for references to the superannuation fund maintained by the Corporation there were substituted references to that other fund.

15. The salary wages fees and other payments paid or made to an employee of the Corporation in respect of any part-time employment by the Corporation or any other local authority (additional to his ordinary whole-time employment)—

PART III
—cont.

Certain remuneration and service excluded for superannuation purposes.

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

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

16.—(1) Section 3 (Power to grant allowances in certain cases) of the Act of 1937 shall in relation to any employee of the Corporation who is granted an allowance under that section beginning on or after the date of the passing of this Act be read and have effect as if in subsection (1) of that section—

Amendment of section 3 of Act of 1937.

- (a) for the words “ Local Government and other Officers’ Superannuation Act 1922 or the Poor Law Officers’ Superannuation Act 1896 ” there were substituted the words “ Local Government Superannuation Acts 1937 to 1953 ”;
- (b) after the words “ one shilling ” there were inserted the words “ and threepence ”;
- (c) after the words “ two pounds ” there were inserted the words “ sixteen shillings and threepence ”.

(2) For the purposes of the Pensions (Increase) Act 1956 and the Pensions (Increase) Act 1959 allowances granted under section 3 of the Act of 1937 which began after the thirty-first day of March nineteen hundred and fifty-two and before the date of the passing of this Act shall be deemed to have begun before the first day of April nineteen hundred and fifty-two and all allowances which began before the date of the passing of this Act shall be deemed to include the increase provided for by the Pensions (Increase) Act 1956.

PART III
—cont.Extension of
section 3 of
Act of 1937.

17.—(1) In this section “voluntary school” has the meaning assigned to that expression by the Education Act 1944.

(2) The powers of the Corporation under subsection (1) of section 3 (Power to grant allowances in certain cases) of the Act of 1937 shall be and are hereby extended so as to enable the Corporation if they think fit and subject to the provisions of that subsection to grant a weekly allowance to an employee of the managers or governors of any voluntary school in the city who becomes incapacitated after the date of the passing of this Act and for the purposes of this section the said subsection (1) shall have effect as if that employee were in the employment of the Corporation.

PART IV

MISCELLANEOUS

Noise or
vibration
nuisance.

18.—(1) Excessive or unreasonable or unnecessary noise or vibration which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936:

Provided that—

- (a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise or vibration occasioned in the course of a trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise or vibration having regard to the cost and to other relevant circumstances;
- (b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise;
- (c) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

(2) Nothing in this section shall apply to a noise or vibration occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

(3) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

Electronic or
mechanical
accounting
equipment.

19. At any time after the Corporation have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any other person use or permit that other person to use the said equipment for the purposes of that other person and they may make such charges as may be agreed for the use of the said equipment.

20. The rent for the time being recoverable by the Corporation under a tenancy of any premises forming part of any housing accommodation belonging to the Corporation may be increased or reduced or the terms and conditions of that tenancy may be varied amended or added to by the service by the Corporation on the tenant of a notice—

PART IV
—cont.

Notice of
variation of
rent etc.

- (a) specifying the amount of the increase or reduction of rent or the variation or amendment of or addition to the terms and conditions ; or
- (b) in the case of an increase or reduction in rent showing in general terms how the increase or reduction of rent has been determined and indicating that the revised rent has been or will be included in the rent book provided by the Corporation;

whether or not such notice is accompanied by a notice to quit but such increase reduction variation amendment or addition shall not take effect until such date as may be specified in the notice not being earlier than four weeks after the service thereof:

Provided that if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Corporation requiring them to treat the notice as a notice to quit the notice shall be deemed to be a notice to quit the premises on the said date or in the case of an increase or reduction in rent notified by means of a general notice as aforesaid and an entry in the rent book such later date (not being more than four weeks from the date on which the revised rent is so entered) as the tenant may indicate in the counter-notice.

21.—(1) The Corporation may advance money to the purchaser or lessee of any land acquired from or leased by the Corporation for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Loans for
erection etc.
of buildings.

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

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

- (a) fix the rate of interest to be paid in respect of the advance or (if the advance is made by instalments) any instalment thereof being a rate not less than one-quarter per centum in excess of the rate of interest which at the date on

PART IV
—cont.

- which the terms of the advance are settled was the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance or where the advance is made by instalments the date on which the last instalment is made;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any such days in the year as may be specified in the instrument after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining—
- (i) the amount by which the annuity is to be reduced; or
 - (ii) the amount by which the period is to be reduced; when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
- (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or
 - (ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

PART IV
—cont.

(4) In this section the expression “lessee” includes a person to whom the Corporation have agreed to grant a lease and the expression “lease” shall be construed accordingly.

PART V

GENERAL

22. The sections of the Act of 1936 mentioned in the schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application
of general
provisions of
Act of 1936.

23.—(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 the expression “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers mentioned therein.

(3) In this section the expression “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

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

Costs of Act.

SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED GENERALLY

Section	Marginal note
283	Notices to be in writing; forms of notices &c. Authentication of documents. Service of notices etc.
284	
285	

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Table of Statutes referred to in this Act

Short title	Session and chapter
Newcastle upon Tyne Town Moor Act 1774	14 Geo. 3 c. 105 (Local).
Newcastle upon Tyne Improvement Act 1870	33 & 34 Vict. c. cxx.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Newcastle upon Tyne Corporation (New Infirmery Site) Act 1898	61 & 62 Vict. c. ccxxvii.
Newcastle upon Tyne Corporation Act 1911	1 & 2 Geo. 5 c. cxix.
Royal Victoria Infirmery Newcastle upon Tyne Act 1917	7 & 8 Geo. 5 c. lvi.
Trustee Act 1925	15 & 16 Geo. 5 c. 19.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Tyne Improvement Act 1925	15 & 16 Geo. 5 c. xxxiii.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Newcastle upon Tyne Corporation (General Powers) Act 1935	25 & 26 Geo. 5 c. cxxiv.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Newcastle upon Tyne Corporation Act 1937	1 Edw. 8 & 1 Geo. 6 c. xciv.
Education Act 1944	7 & 8 Geo. 6 c. 31.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
National Health Service Act 1946	9 & 10 Geo. 6 c. 81.
Local Authorities (Expenses) Act 1956	4 & 5 Eliz. 2 c. 36.
Pensions (Increase) Act 1956	4 & 5 Eliz. 2 c. 39.
Newcastle upon Tyne Corporation Act 1956	4 & 5 Eliz. 2 c. lxxxii.
Hospital of St. Mary Magdalene and other Charities (Newcastle upon Tyne) Charity Scheme Confirmation Act 1959	7 & 8 Eliz. 2 c. xiv.
Pensions (Increase) Act 1959	7 & 8 Eliz. 2 c. 50.

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