



CHAPTER cxviii.

An Act to define and extend the boundaries of the borough and parish of South Shields and to alter certain wards of the borough and parish to authorise the Corporation of the borough to provide and work omnibuses and to confer upon them further powers with respect to their tramway and electricity undertakings to consolidate the local rates leviable in the borough and parish to increase the tolls to be taken for the markets and fairs to authorise a certain street improvement and the purchase of lands and to make better provisions for the health local government and finance of the borough and for other purposes. A.D. 1921.

[19th August 1921.]

WHEREAS the borough of South Shields (in this Act called "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") acting by the council are the urban sanitary authority for the borough and have within the borough all the powers of a burial board :

And whereas the unrepealed provisions of the several Acts and Provisional Orders confirmed by or under the authority of Parliament mentioned in the First Schedule to this Act are immediately prior to the

A.D. 1921. — passing of this Act in force within the borough and it is expedient that certain of those provisions should be amended as provided by this Act :

And whereas the following Acts and parts of Act are in force within the borough (that is to say) :—

The Baths and Washhouses Acts 1846 to 1899 ;

The Infectious Disease Prevention Act 1890 ;

The Public Health Acts Amendment Act 1890 ;

The Public Libraries Acts 1892 to 1919 ;

The Notification of Births Act 1907 ;

The Public Health Acts Amendment Act 1907

(except sections 15 to 22 25 26 28 to 32 38

43 to 46 48 52 to 55 58 63 64 76 77 80 82 to

84 86 and 93) subject to certain alterations

made by the Secretary of State the Local

Government Board and the Minister of Health :

And whereas doubts have arisen as to the boundary of the borough and the parish of South Shields where it abuts upon the River Tyne and upon the sea and it is expedient that such boundary should be more clearly defined and also that the boundary of the borough and parish should be extended so as to include a portion of each of the parishes of Harton Whitburn and Boldon all in the rural district as by this Act provided and that the wards of the borough and parish should be altered and other incidental provision made as hereinafter mentioned and provided :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their tramway and electricity undertakings and that they should be empowered to provide and run omnibuses as in this Act is mentioned and that the period limited for the construction of certain tramways in the borough should be extended :

And whereas it is expedient to enlarge the powers of the Corporation relative to the acquisition and disposal of lands and to authorise them to acquire lands for and to make a street widening and improvement :

And whereas it is expedient that further and better provision should be made with reference to markets and fairs and to the local government health and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended as provided by this Act :

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And whereas all the expenses of the Corporation whether as a municipal or sanitary authority or otherwise are payable out of the borough fund and borough rate or out of the district fund and general district rate of the borough and it is expedient that all the said expenses of the Corporation should be defrayed out of the borough fund and borough rate :

And whereas the parish of South Shields is coterminous with the borough and it is expedient that the contributions of such parish to the borough rate should be levied as part and be paid out of the poor rate for the said parish and that in relation thereto the provisions contained in this Act with respect to differential rating in certain cases should be enacted :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows :—

For the provision and equipment of	£
motor omnibuses	20,000
For land and street improvement	23,500

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the costs thereof should be spread over a term of years :

And whereas it is expedient that further powers of borrowing should be conferred on the Corporation for the purposes of this Act :

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation and that other provision should be made as hereinafter mentioned :

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

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And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Minister of Health has been obtained :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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.

Short title.

1. This Act may be cited as the South Shields Corporation Act 1921.

Division of Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Extension of Borough.
- Part III.—Tramways and Motor Omnibuses.
- Part IV.—Electricity.
- Part V.—Markets and Fairs.
- Part VI.—Lands.
- Part VII.—Street Improvement and Work.
- Part VIII.—Consolidation of Rates &c.
- Part IX.—Financial Provisions.
- Part X.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and part of Act so far as they are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):.

Interpretation.

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned

shall in this Act have the same respective meanings A.D. 1921.
And—

- “The existing borough” means the borough of South Shields as it exists at the passing of this Act :
- “The borough” means until the appointed day the existing borough and thereafter the existing borough as extended by this Act :
- “The Corporation” means the mayor aldermen and burgesses of the borough :
- “The council” means the council of the borough :
- “The town clerk” “the surveyor” and “the treasurer” mean respectively the town clerk the surveyor and the treasurer of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any of such officers :
- “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough :
- “The county” means the county of Durham :
- “The county council” means the county council of the county :
- “The rural district” and “the rural council” mean respectively the South Shields rural district and the South Shields Rural District Council :
- “The added area” means the area comprising the portions of the several parishes of Harton Whitburn and Boldon by this Act added to the borough :
- “The added part of Harton” means the part of the parish of Harton which is coloured purple on the borough map :
- “The excluded part of Harton” means the remaining part of that parish :
- “The added part of Whitburn” means the part of the parish of Whitburn which is coloured yellow on the borough map :
- “The excluded part of Whitburn” means the remaining part of that parish :
- “The added part of Boldon” means the part of the parish of Boldon which is coloured green on the borough map :
- “The excluded part of Boldon” means the remaining part of that parish :

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“The existing parish of South Shields” “the existing parish of Harton” “the existing parish of Whitburn” and “the existing parish of Boldon” mean in each case the parish as it exists immediately before the appointed day and “the parish of South Shields” “the parish of Whitburn” and “the parish of Boldon” mean in each case until the appointed day the existing parish and thereafter the parish as altered by this Act :

“The appointed day” means the first day of November one thousand nine hundred and twenty-one :

“The borough map” and “the ward map” mean respectively the map of the borough and the map showing in distinctive colouring the wards of the borough which have been signed in triplicate by the Earl of Wemyss the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of each of which one has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office :

“The Tyne Commissioners” means the Tyne Improvement Commissioners :

“The Act of 1888” and “the Act of 1894” mean respectively the Local Government Act 1888 and the Local Government Act 1894 :

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same :

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same :

“The local Acts” means the unrepealed provisions of the local Acts specified in Part I. and of the Orders specified in Part II. of the First Schedule to this Act and of so much of the confirmation Acts specified in that schedule as relates to those Orders :

“The overseers” means the overseers of the parish of South Shields :

“Poor rate” means the poor rate of the parish of South Shields :

“Consolidated rate” means the poor rate as by this Act authorised to be levied and collected :

“The tramway undertaking” means the tramway undertaking of the Corporation for the time being authorised :

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation :

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed :

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation :

“The Act of 1853” means the South Shields Improvement Act 1853 and “the Act of 1896” “the Act of 1900” “the Act of 1903” and “the Act of 1915” mean the South Shields Corporation Acts 1896 1900 1903 and 1915 respectively.

A.D. 1921.

PART II.

EXTENSION OF BOROUGH.

Commence-
ment of
Part II. of
this Act.

5. This Part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the appointed day :

Provided that for the purpose of any proceedings preliminary or relating to the election of additional councillors under the section of this Act of which the marginal note is " First election of additional councillors and alderman " this Part of this Act shall be deemed to come into operation at such earlier date as may be necessary :

Provided also that for the purposes of sections 20 22 23 24 and 26 of the Act of 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 as amended by section 17 of the Finance Act 1907 section 6 of the Finance Act 1908 section 88 of the Finance (1909-10) Act 1910 the Revenue Act 1911 and any subsequent Act and as affected by any Order in Council made under section 6 of the Finance Act 1908 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) the existing borough shall be deemed not to have been altered and the added area shall be deemed to continue part of the county until after the thirty-first day of March one thousand nine hundred and twenty-two.

Extension
of borough
and parish.

6.—(1) The boundary of the existing borough and of the existing parish of South Shields shall be altered so as to include in addition to the area of the existing borough and parish the following parts of the rural district namely the added part of Harton the added part of Whitburn and the added part of Boldon.

(2) The boundary of the borough and of the parish of South Shields shall be that shown by the red line on the borough map and the whole of the area within that boundary shall be the borough for the purposes of the Municipal Corporations Acts and for all other purposes and shall also be the parish of South Shields and shall be the county borough of South Shields for the purposes of the Act of 1888.

(3) In amplification of and not to qualify the description aforesaid the boundary of the borough and of the parish of South Shields and of the county borough on the easterly (or seaward) side thereof is hereby declared to be the line of low water of the lowest spring tide of the North Sea and on the northerly and westerly (or river) sides thereof wherever the River Tyne is the boundary to include that river to the middle of the stream.

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(4) Nothing in this section shall take away lessen alter or prejudice any of the estates rights interests powers privileges authorities or immunities of the port sanitary authority in respect of the River Tyne or the ports therein or near thereto.

7.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent as soon as may be to the clerk of the county council to the clerk of the rural council to the clerk of the South Shields Rural and Southwick-on-Wear Joint Hospital Board to the Commissioners of Customs and Excise to the Board of Inland Revenue to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Electricity Commissioners to the Minister of Health and to the Minister of Agriculture and Fisheries and a copy of the ward map so deposited and certified in like manner shall be sent within the said period to the Registrar-General.

Borough
and ward
maps.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of the map so far as it relates to the boundaries of the borough and the map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation. All fees so received shall be carried to the credit of the borough fund.

8.—(1) Subject to the provisions of this Part of this Act the powers rights privileges authorities and duties of the Corporation as a municipal body and of the Corporation acting by the council as the sanitary authority for the district of the existing borough and

Authority
of Corpora-
tion
extended.

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as the burial board for the existing borough and of the Corporation acting in the execution of the local Acts and of all officers and servants of the Corporation in their respective official capacities shall as from the appointed day extend to and throughout the borough.

(2) Subject to the provisions of this Part of this Act the powers rights privileges authorities and duties of the county council the standing joint committee of the county and the rural council shall as from the appointed day cease to be exercisable by or attach to those councils and that committee so far as regards the added area. Provided that any provisions in any local Act or Order confirmed by or under the authority of Parliament for the benefit or protection of either of those councils or the said committee so far as they relate to or affect the added area shall from and after the appointed day enure for the benefit and protection of the Corporation.

Powers and
duties of
justices &c.
extended.

9.—(1) The powers and duties of the justices of the peace appointed for the existing borough and of the clerk to those justices and of the police constables and other peace officers of the existing borough shall extend to and apply throughout the borough.

(2) Provided that every person committing an offence in any part of the added area prior to the appointed day shall be tried adjudicated on and dealt with as if this Act had not been passed.

(3) Provided also that every proceeding which prior to the appointed day has been begun by or before any justice or justices in relation to any matter arising in or concerning any part of the added area may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

Application
of County
and Borough
Councils
(Qualifica-
tion) Act
1914.

Number of
councillors
and alder-
men.

10. For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of the borough.

11. The number of councillors of the borough shall be increased from forty-two to forty-five and the number of aldermen of the borough shall be increased from fourteen to fifteen.

12. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect—

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Division
into wards.

- (1) For the purposes of the election of councillors the borough shall be divided into fifteen wards :
- (2) The portion of the added area which is coloured yellow on the ward map shall form a new ward to be called Harton ward and three councillors shall be elected to represent that ward and one alderman shall be assigned thereto :
- (3) The portion of the added area which is coloured pink on the said map shall be included in the Simonside Ward :
- (4) The councillors representing the Simonside Ward who will not go out of office on the first day of November one thousand nine hundred and twenty-one shall be deemed from and after that date to represent that ward as altered :
- (5) The other thirteen existing wards of the borough and the number of councillors apportioned thereto shall remain unaltered.

13.—(1) The first election of councillors for the new ward constituted by this Act shall be held on the first day of November one thousand nine hundred and twenty-one and the mayor of the existing borough shall be the returning officer at the election for that ward. Provided that the mayor of the existing borough may appoint some other person to act as returning officer at that election.

First elec-
tion of
additional
councillors
and
alderman.

(2) The first election of the additional alderman of the borough shall take place on the ninth day of November one thousand nine hundred and twenty-one.

14.—(1) The councillors elected for the borough in the year one thousand nine hundred and twenty-one for the new ward shall retire as follows :—

Retirement
of addi-
tional
councillors
and
alderman.

- (A) The councillor who is elected by the smallest number of votes on the first day of November one thousand nine hundred and twenty-two :
- (B) The councillor who is elected by the largest number of votes on the first day of November one thousand nine hundred and twenty-four :
- (C) The other councillor on the first day of November one thousand nine hundred and twenty-three :

A.D. 1921.

(2) The additional alderman elected for the borough in the year one thousand nine hundred and twenty-one shall retire on the ninth day of November one thousand nine hundred and twenty-six.

(3) Provided that if for any reason it is doubtful which of the councillors ought to retire on the dates above specified the council shall at their first meeting after such doubt arises by a majority of votes or in case of an equality of votes by the casting vote of the chairman determine which of the councillors shall go out of office on the dates above specified respectively.

Town clerk
and other
officers
continued.

15. The town clerk and all other officers and servants of the Corporation of the existing borough who hold office on the appointed day shall continue to be the town clerk and officers and servants of the Corporation of the borough and shall hold their offices by the same tenure as at that day.

Borough
auditors.

16. The auditors of the existing borough who are in office on the appointed day shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors.

Compensa-
tion to
existing
officers.

17.—(1) Every clerk to justices and every officer or servant of or paid by the county council or of or paid by the standing joint committee of the county or of or paid by the rural council or of or paid by the South Shields Rural and Southwick-on-Wear Joint Hospital Board or of or paid by the parish councils of Harton Whitburn or Boldon and every other officer or servant who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances required by subsection (1) of section 120 of the Act of 1888 to be had in regard to cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the borough fund and borough rate and the

provisions of subsections (2) to (7) of section 120 of the Act of 1888 shall apply with the necessary modifications and with the substitution of the Minister of Health for the Treasury : A.D. 1921.

Provided that—

- (A) The non-acceptance of any office shall not be a bar to the right of any officer to compensation :
- (B) In the application of subsection (1) of section 120 of the Act of 1888 “ the Acts and rules relating to Her Majesty’s Civil Service ” shall mean the Acts and rules relating to Her Majesty’s Civil Service which were in operation at the date of the passing of the Act of 1888.

(2) For the purposes of subsection (1) of this section any clerk to justices officer or servant to whom that subsection applies and whose services are dispensed with or whose salary is reduced by the Secretary of State or the county council or the standing joint committee of the county or any other authority including the Corporation within five years from the appointed day because his services are not required or his duties are diminished in consequence of this Act and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Act.

(3) Subject to the provisions of this Act no person shall be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

(4) The expression “ officer or servant of or paid by the county council ” in subsection (1) of this section shall include all teachers employed in elementary schools maintained by the county council in the added area and the provisions of this section shall be read and have effect accordingly Provided that in the case of such teachers—

- (A) A period of five years next before the date at which any loss in respect of which compensation is claimed first arose shall be substituted for the period of five years referred to in subsection (2) of section 120 of the Act of 1888 :

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(B) Any expenses under this section in the case of teachers shall be paid by the Corporation out of the funds or rate out of which expenses of the Corporation under the Education Acts 1870 to 1919 are paid and if any compensation is payable otherwise than by an annual sum the payment of that compensation shall be a purpose for which the Corporation may borrow for the purposes of those Acts.

Actions &c.
not to
abate.

18. Any action or proceeding or any cause of action or proceeding which at the appointed day is pending or existing by or against the rural council or the parish council of any of the parishes affected by this Act respectively in relation exclusively to any part of the added area shall not be in anywise prejudicially affected by reason of the passing of this Act but may be continued prosecuted and enforced by or against the Corporation.

Saving for
contracts
&c.

19. Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by the rural council or the parish council of any of the parishes affected by this Act in relation exclusively to any part of the added area shall be of as full force and effect against or in favour of the Corporation and may be continued and enforced as fully and effectually as if instead of the rural council or the parish council the Corporation had done or suffered the same or been a party thereto.

Corporation
property
&c.

20. Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the appointed day attach to the Corporation in respect of the existing borough shall from and after that day attach to them in respect of the borough.

Mortgage
debts of
Corpora-
tion.

21. So much of any sums borrowed by the Corporation as will at the appointed day be owing and charged upon the borough fund and borough rate and

upon the district fund and general district rate of the existing borough shall by virtue of this Act be charged upon the borough fund and borough rate of the borough and shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable. A.D. 1921.

22.—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts specified in Part I. of the First Schedule to this Act and of the confirmation Acts specified in Part II. of the said schedule so far as they relate to the Provisional Orders specified in that Part and of any other local Act or Provisional Order or any order duly confirmed by or under the authority of Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough on the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof. Local Acts and Orders.

(2) From and after the appointed day the order of the Local Government Board made under the Public Health (Ships &c.) Act 1885 and dated the twenty-ninth day of March one thousand eight hundred and ninety-seven as altered by the order of the Local Government Board dated the second day of November one thousand nine hundred and five constituting the Tyne Port Sanitary Authority shall have effect as if the county borough of South Shields therein referred to were the borough and not the borough as it existed at the dates of the said orders. Tyne Port Sanitary Authority.

23.—(1) The provisions of the following Acts (namely) :— Adoptive Acts.

The Baths and Washhouses Acts 1846 to 1899;
The Infectious Disease (Prevention) Act 1890;
The Public Health Acts Amendment Act 1890;
The Public Libraries Acts 1892 to 1919; and
The Notification of Births Act 1907;

shall be in force in and apply to the borough as if the same had been adopted in respect of every part thereof.

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(2) Subject to the provisions of subsection (3) of this section such of the provisions of the Private Street Works Act 1892 as are in force in any part of the added area shall cease to be in force therein :

Provided that nothing in this subsection shall—

- (A) affect the operation prior to the appointed day of any such provisions of the said Act or anything duly done or suffered under any such provisions; or
- (B) affect any right privilege obligation or liability acquired accrued or incurred under any such provisions of the said Act; or
- (C) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any such provisions of the said Act; or
- (D) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid.

(3) Unless and until the Private Street Works Act 1892 is adopted by the Corporation the provisions of section 22 of that Act shall apply in respect of any street in the added area laid out after the appointed day which shall be dealt with by the Corporation under section 150 of the Public Health Act 1875 or any statutory modification thereof.

Powers
under
section 33 of
Act of 1894
and under
Public
Health Acts
Amend-
ment Act
1907.

24. Subject to the provisions of any order which the Minister of Health or a Secretary of State may hereafter make—

- (1) The provisions of any order heretofore made by the Minister of Health or the Local Government Board and conferring upon the council of the existing borough any of the matters mentioned in section 33 of the Act of 1894 and in that order shall be deemed to have effect as if any reference in those provisions to the existing borough the council of the existing borough and the existing parish comprised therein extended and applied to the borough the council of the borough and the parish of South Shields :
- (2) The provisions of any order made by the Secretary of State or the Local Government Board or the Minister of Health and declaring to be

in force in the existing borough any parts or sections of the Public Health Acts Amendment Act 1907 shall have and shall be deemed always to have had effect as if any reference in those provisions to the existing borough extended and applied to the borough and as if the said parts and sections were accordingly declared to be in force in the borough and the provisions of any such order declaring to be in force in the rural district any parts or sections of that Act shall on the appointed day be annulled in so far as they apply to the added area.

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25. Subject to the provisions of this Act—

Byelaws &c.

(1) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Corporation which on the appointed day are in force in the existing borough shall thenceforth apply to the borough until or except in so far as any such byelaws regulations list of tolls table of fees and payments or scale of charges may be altered or repealed :

(2)—(A) All byelaws and regulations made by the county council or by the rural council or their predecessors and in force immediately before the appointed day in any part of the added area shall on that day cease to be in force except as regards any work which has been begun before that day or as regards any work which has not been so begun but for which plans have been approved by the rural council before that day or have been sent to the surveyor or clerk to that council one month at least before that day and have not been disapproved by such council :

(B) As regards any such work as aforesaid the byelaws in force immediately before the appointed day shall continue to apply until the completion of the work in like manner and with the like effect as if those byelaws had been made by the Corporation and as if the Corporation and the borough were referred to therein instead of the rural council and the rural district :

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(c) Provided that any proceedings which if this Act had not been passed might have been taken by the county council or by the rural council for any offence committed before the appointed day against any byelaws and regulations made by that council or their predecessors in force immediately before the appointed day in any part of the added area may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for that council:

- (3) Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any other Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Act shall subject to the provisions of the above Acts remain in force and apply to the area to which it applied immediately before the appointed day:
- (4) Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added area and any order under those Acts which is then in force in the county shall cease to extend to the added area.

Education.

26. For the purposes and subject to the provisions of the Education Acts 1870 to 1919—

- (1) All public elementary schools (including the sites and schoolhouses) provided by the local education authority and situate within any part of the added area with the furniture and fittings of the schoolhouses and any furniture and fittings provided by such authority in any public elementary school in such area shall by virtue of this Act be transferred to and vested in the Corporation as the local education authority for all the estate and interest therein of the county council as the local education authority and all contracts debts and liabilities which at the appointed day are existing or are owing by or attach to the county council in

A.D. 1921.

respect exclusively of the said public elementary schools furniture or fittings or of any other public elementary school situate in any part of the added area or with respect to the officers teachers and servants of any of the said public elementary schools shall by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority :

Provided that section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this subsection :

- (2) Subject to any adjustment which may be made the liability for repayment of so much of any loan raised exclusively in respect of any public elementary school (including the site and school-house) and any furniture or fittings transferred to and vested in the Corporation by virtue of this Act as will be owing at the appointed day and the liability for the payment of interest on that part of the said loan shall by virtue of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as will be owing at the appointed day shall be charged on the borough fund and the borough rate and shall be repaid by the Corporation within the period (if any) for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :
- (3) Any byelaws in force in the existing borough immediately before the appointed day shall from and after that day apply to the borough until revoked or altered and from and after that day any byelaws then in force in any part of the added area shall cease to be in force therein :
- (4) Any managers of any public elementary school in the added area who were appointed by any of the parish councils by the rural council or by the county council shall vacate office on the appointed day.

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County
police.

27.—(1) On the appointed day such members (if any) of the police force of the county as shall be determined by agreement to be made as soon as practicable after the passing of this Act between the standing joint committee of the county and the watch committee of the existing borough or in default of any such agreement as shall be determined by a Secretary of State shall be transferred to and become part of the police force of the borough and any member of the county police force so transferred shall hold office upon the same tenure and upon the same terms and conditions as if this Act had not been passed and while he performs the same or similar duties his remuneration emoluments and allowances and the pension (if any) to which he is entitled shall not be less than they would have been if this Act had not been passed.

(2) The provisions of section 15 (2) of the Police Act 1890 as amended by any subsequent Act shall extend and apply to and in relation to any member of the police force transferred under the powers of this section as if that member had removed with the written sanction of the chief constable of the county.

(3) All the county police stations situate in any part of the added area with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively shall by virtue of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and the Corporation shall pay to the county council out of the borough fund or borough rate in consideration of such transfer such sums as shall be agreed or as in default of agreement shall be settled by arbitration in manner provided by the Act of 1888.

(4) In the event of the amount of the consideration for the transfer of the property which by virtue of this section is transferred to and vested in the Corporation not being ascertained before the appointed day the date of the final ascertainment of the consideration shall for the purposes of section 12 of the Finance Act 1895 be treated as the date of vesting.

Adjustment
of financial
relations
between
county and

28.—(1) (A) In any case where the extension of the existing borough by this Act affects the distribution of the proceeds of the local taxation licences or of the estate duty grant or of the local taxation (customs and

excise) duties between the county and the borough or between the county and the borough on the one hand and any other county borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made between the areas interested.

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—
county
boroughs.

(B) For the purposes of this subsection or of anything done or to be done in pursuance of this subsection any reference in this subsection to the proceeds of licences or duties shall include a reference to the sums which in pursuance of subsection (4) of section 17 of the Finance Act 1907 as amended by section 6 of the Finance Act 1908 and section 88 of the Finance (1909–10) Act 1910 and the Revenue Act 1911 or of any subsequent Act have been paid or will be payable in lieu of those proceeds and also any moneys payable in pursuance of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council).

(2) Any such adjustment as is authorised by subsection (1) of this section may be made by agreement between the councils of the borough the county and the county boroughs affected and if such adjustment shall not have been made before the thirty-first day of March one thousand nine hundred and twenty-three then on the application of any of the councils interested the Minister of Health may if he thinks fit either make the adjustment himself or appoint an arbitrator to make it.

(3) For the purposes of any such adjustment the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister of Health or an arbitrator appointed by him (as the case may be) shall be substituted in those provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister of Health be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

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Provided that—

- (A) in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Minister of Health under this section and to the costs of those inquiries; and
- (B) subsection (6) of section 32 of the Act of 1888 shall apply to any agreement or award made under this section.

Adjustment
for purposes
of licensing.

29.—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added area in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or in default of agreement by an arbitrator appointed by a Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by a Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

County
councillors
and elect-
oral
division.

30.—(1) Subject to the provisions of section 54 of the Act of 1888 the area of the electoral division of the county of which the added area forms part as diminished by the exclusion of that area therefrom shall continue to be an electoral division of the county and the person who immediately prior to the appointed day is the county councillor representing the said division shall be deemed from and after that date to represent the said division as so diminished.

(2) No county alderman or county councillor in office immediately before the appointed day shall be deemed to lose his qualification by reason of the inclusion of the added areas in the borough.

Continuing
South
Shields

31.—(1) The rural council shall continue and shall be deemed to have been elected for and shall be the rural district council for the rural district as diminished by

this Act and the person who immediately prior to the appointed day is rural district councillor elected to represent the existing parish of Harton on the rural council shall on that day cease to hold office as rural district councillor.

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Rural
District
Council.

(2) From and after the appointed day the excluded part of Harton shall be amalgamated with the parish of Whitburn and shall form part of the Whitburn Colliery Ward of the parish of Whitburn.

(3) The person who immediately before the appointed day represents the Cleadon Ward of the parish of Whitburn on the rural council shall continue to hold office for that ward as diminished by this Act and the person who represents the Whitburn Colliery Ward at the appointed day shall represent that ward as altered.

(4) The persons who immediately before the appointed day are rural district councillors elected to represent the parish of Boldon shall continue to represent as such councillors the said parish as diminished by this Act.

32.—(1) On the appointed day the parish council and the overseers of the existing parish of Harton shall cease to exist.

Provisions
as to
parishes
affected by
this Act.

(2) The parish councils and the overseers of the existing parishes of Whitburn and Boldon shall from the appointed day be the councils and overseers of the said respective parishes as diminished or altered by this Act and such councils and overseers shall subject to the provisions of this Act cease to exercise any rights privileges powers authorities or duties within the added area.

(3) Any powers and duties transferred by the Act of 1894 to the parish councils of the parishes affected by this Act shall so far as regards the added area be vested in and exerciseable by and imposed upon the persons and authorities in whom they would be vested or by whom they would be exerciseable or on whom they would be imposed in the case of the added area as if such area had been included in a parish or had been a parish in the existing borough and in the case of the excluded part of Harton as if that part had been included in the parish of Whitburn on the appointed day within the meaning of the Act of 1894 and all property and

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liabilities held or incurred for the purpose and by virtue of the said powers and duties shall be transferred to and vested in the respective persons and authorities aforesaid.

Arrears of
rates and
adjustment
of balances.

33.—(1) All sums in respect of rates made by the overseers of the poor of the existing parish of Harton and due or owing at the appointed day shall be collected and recovered by the overseers in respect of the added part of Harton and by the overseers of the parish of Whitburn in respect of the excluded part of Harton.

(2) Any balance in the hands of the overseers of the existing parishes of Harton Whitburn and Boldon at the appointed day and any sums collected after that date by them respectively in respect of any rate made before that date and if necessary any sum in respect of rates collected and recovered by the overseers as aforesaid shall be a matter for adjustment under section 62 of the Act of 1888.

Guardians
and rural
district
councillors.

34. Subject to the provisions of section 60 (Supplementary provisions as to guardians) of the Act of 1894 the following provisions shall have effect:—

- (1) The number of guardians for the parish of South Shields shall be increased from twenty-three to twenty-four:
- (2) The parish of South Shields shall for the purposes of the election of guardians be divided into five wards:
- (3) Of the existing wards of the parish of South Shields Nos. 1 2 and 3 Wards shall remain unaltered and the persons who at the appointed day are holding the office of guardians of the poor representing those wards respectively shall continue to represent those wards as if this Act had not been passed:
- (4) The portion of the added area which is added to the Simonside Ward for the purposes of the election of councillors of the borough shall be added to No. 4 Ward and the persons who at the appointed day are holding the office of guardians of the poor representing No. 4 Ward shall continue to represent that ward as altered by this Act:
- (5) The remainder of the added area that is to say that part which is formed into Harton Ward for the election of councillors of the borough

shall form a new ward for the purpose of the election of guardians and be called No. 5 Ward and one guardian shall be elected for that ward and the person who at the appointed day holds the office of rural district councillor for the existing parish of Harton shall be deemed to have been duly elected for and shall represent No. 5 Ward as a guardian as if he had been originally elected to represent that ward.

A.D. 1921:
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35. Subject to the provisions of this Act—

Property
&c. of rural
council.

- (1) All property rights and liabilities which immediately before the appointed day are vested in or attach to the rural council or the parish councils of any of the existing parishes of Harton Whitburn or Boldon in relation exclusively to the whole or any part as the case may be of the added area shall by virtue of this Act be transferred to and vest in and attach to the Corporation as urban sanitary authority and any property rights and liabilities vested in or attaching to the rural council or the parish council of any of the existing parishes of Harton Whitburn and Boldon respectively or any other authority affected by this Part of this Act or by anything done in pursuance thereof in relation to the whole or any part of the added area conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888 :
- (2) For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Act that section shall have effect as if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Act or by anything done in pursuance of this Act and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power

A.D. 1921.
—

to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act of 1888 but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister of Health may sanction :

Provided that for the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the amalgamation of the added area with the existing parish of South Shields that section shall have effect—

(A) as if the overseers and the overseers of the respective parishes of Whitburn and Boldon as altered by this Act and the persons who immediately before the appointed day were the overseers of the existing parish of Harton or if the circumstances of the case so require any persons who may be substituted for those persons by an order of the Ministry of Health were within the meaning of the said section as applied by this section an authority affected by this Act;

(B) as if the poor rate or any other rate leviable in pursuance of the said section as applied by this section were substituted for any fund mentioned in the said section; and

(C) as if for subsections (6) and (7) of the said section there were substituted the following subsections (that is to say):—

“(6) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part of a parish only the agreement or award may authorise the making of such a separate rate as if it were a poor rate and as if the part of the parish on which it is to be levied were a whole parish.”

“ (7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Minister of Health may authorise or direct.” A.D. 1921.

“ (8) For the purposes of this section the South Shields Rural and Southwick-on-Wear Joint Hospital Board shall be deemed to be an authority affected by this Part of this Act and for the purposes of the application of the Local Government (Adjustments) Act 1913 to any adjustment which may become necessary with respect to the said board any increase of burden thrown on the constituent authorities of the said board in consequence of this Act shall be deemed to be an increase of burden thrown on the ratepayers of the area of the said board within the meaning of that Act.”

36.—(1) The new sewer which has been or is being constructed by the rural council in the added area in connexion with the housing estate of the Corporation shall on the appointed day vest in the Corporation who shall forthwith after the appointed day repay to the rural council the amount of any payments (including interest and instalments in respect of borrowed moneys) which the rural council shall have properly made before the appointed day with the approval of the Ministry of Health in connexion with such sewer. As to new sewer in added area.

(2) In any adjustment between the Corporation and any authority having rights and liabilities in connexion with the said new sewer regard shall be had to the payments to be made by the Corporation under subsection (1) of this section but nothing in this section shall prejudice the right of any such authority to claim that the cost of constructing and maintaining such new sewer would if this Act had not been passed have been charged exclusively upon a special drainage district constituted under section 277 of the Public Health Act 1875 and that the approval of the Minister of Health would have been given thereto.

A.D. 1921.

(3) After the appointed day the rural council shall be entitled at all times to cause their drains and sewers to communicate with the sewers of the Corporation in the added area and the manner in which and the terms and conditions on and subject to which such communication shall be made shall be settled by agreement between the Corporation and the rural council or failing such agreement by the Minister of Health or an arbitrator appointed by him.

• Audit of accounts of parish councils.

37.—(1) The accounts of the parish councils of the parishes affected by this Act and of their committees and officers shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Act had not been passed.

(2) Provided that such audit may be held as soon as practicable after the appointed day any statutory provision or regulation as to the time of holding the audit to the contrary notwithstanding and that any sum certified by the district auditor to be due from any person shall be paid to the treasurer and shall if necessary be a matter for adjustment under section 62 of the Act of 1888.

Settlement and removal of poor.

38. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Part of this Act the following provisions shall have effect (that is to say):—

(1) Every person who at the appointed day has acquired or is in the course of acquiring a settlement in the existing parish of South Shields or in any of the other parishes affected by this Act by reason of any residence completed or in the course of completion or of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation—

(i) in the existing parish of South Shields; or

(ii) in the added area; or

(iii) in the excluded part of Harton the excluded part of Whitburn or the excluded part of Boldon;

shall be deemed to have acquired or to be in the course of acquiring in the first and second cases a settlement in the parish of South Shields and in the third case a settlement in the parish of Whitburn or the parish of Boldon (as the case may be) as diminished or altered by this Act and in each case as if the existing parish or the specified part of the existing parish (as the case may be) were and had always been the parish or a part of the parish in which by virtue of this section the person shall be deemed to have acquired or to be in the course of acquiring a settlement: A.D. 1921.

(2) Every person who at the appointed day has acquired or is in the course of acquiring a status of irremovability from the South Shields Union by reason of residence—

(i) in the existing parish of South Shields; or

(ii) in the added area; or

(iii) in the excluded part of Harton the excluded part of Whitburn or the excluded part of Boldon;

shall be deemed to have acquired or to be in the course of acquiring a status of irremovability in the first and second cases by reason of residence in the parish of South Shields and in the third case by reason of residence in the parish of Whitburn or the parish of Boldon (as the case may be) as diminished or altered by this Act.

39. Nothing in this Act shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment but any power vested in trustees to acquire land in the borough of South Shields or in the existing borough shall extend to lands in the borough. Ecclesiastical divisions and charities.

40. Until new valuation lists are in force the valuation list applicable to the added area shall be deemed to form part of the valuation list of the parish of South Shields and the portion of the valuation list applicable to the excluded part of Harton shall be deemed to form part of the valuation list of the parish of Whitburn. Valuation list.

A.D. 1921.
County rate
basis.

41.—(1) Subject to any future revision the basis or standard of county rate for the county shall be deemed to be altered—

- (A) by the deduction from the amount appearing therein as the net annual value of the agricultural land in the existing parishes of Harton Whitburn and Boldon respectively of such sums as will represent the net annual value of the agricultural land in the added part of Harton the added part of Whitburn and the added part of Boldon respectively; and
- (B) by the deduction from the amount appearing therein as the net annual value of the buildings and other hereditaments not being agricultural land in the existing parishes of Harton Whitburn and Boldon respectively of such sums as will represent the net annual value of the buildings and other hereditaments not being agricultural land in the added part of Harton the added part of Whitburn and the added part of Boldon respectively.

(2) For the purposes of this section the sum which will represent the net annual value of the agricultural land in the added parts of Harton Whitburn and Boldon respectively shall be such amounts as in relation to the amount appearing in the basis or standard of county rate as the net annual value of the agricultural land in those several parishes is in the same proportion as the rateable value of the agricultural land in those several added parts bears to the total rateable value of the agricultural land in the respective existing parishes.

(3) For the purposes of this section the sum which will represent the net annual value of the buildings and other hereditaments not being agricultural land in the added parts of Harton Whitburn and Boldon shall be such amounts as in relation to the amount appearing in the basis or standard of county rate as the net annual value of the buildings and other hereditaments not being agricultural land in those several parishes is in the same proportion as the rateable value of the buildings and other hereditaments not being agricultural land in those several added parts bears to the total rateable value of the buildings and other hereditaments not being agricultural land in the respective existing parishes.

(4) For the purposes of this section "rateable value" means the rateable value according to the valuation list in force at the appointed day in the several parishes. A.D. 1921.

42.—(1) For the purposes of the Spring Register one thousand nine hundred and twenty-two so far as it relates to the local government electors of the borough and parish and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have formed part of the borough and parish as from the first day of the qualifying period for that register. Lists and registers of electors.

(2) In the preparation of the Autumn Register one thousand nine hundred and twenty-one so far as it relates to areas affected by this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit from and after the appointed day instead of in separate parts for each area constituting a registration unit before the appointed day.

(3) If the Autumn Register in force for any local government electoral area affected by this Act is not so framed as to show the persons entitled to vote at an election to be held on or after the appointed day for any parish ward or other electoral division of the area the town clerk in the case of an election for a parish or ward within the borough and the registration officer of the parliamentary county in the case of an election for a parish ward or electoral division outside the borough shall make such alteration or rearrangement of the register as may be necessary for the purposes of such election. It shall be the duty of the overseers to render such assistance as may be required by the said town clerk or registration officer for the purpose of such alteration or rearrangement.

(4) Where in the opinion of the Minister of Health the circumstances so require that Minister may make such order as appears to him to be necessary to give effect to the provisions of this Act and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

43.—(1) The registration officer of the parliamentary county of Durham shall on publication of the electors' lists for each registration unit comprising any part of Duplicate entries in electors' lists.

A.D. 1921. the added area supply the registration officer of the parliamentary borough of South Shields with a sufficient number of copies of those lists.

(2) Except as otherwise provided in this section it shall be the duty of the registration officer of the parliamentary borough to issue such notices and otherwise to take such steps as are required by Rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections or in the said wards of the parish of South Shields for the purpose of guardians' elections.

(3) Where the registration officer of the parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the added area he shall forthwith notify the registration officer of the parliamentary county and that officer shall make such correction accordingly.

Saving for
existing
jury lists.

44. For the purposes of the jury lists the parishes affected by this Act shall be deemed to continue unaltered until the new lists come into operation.

Insurance
committees.

45.—(1) The Minister of Health may at any time after the passing of this Act by order make such provisions as appear to him to be necessary for transferring to the insurance committee for the borough such of the property rights and liabilities of the insurance committee for the county as relate to persons resident in the added areas.

(2) An order made under this article may authorise the insurance committee for the county to continue to act as insurance committee for the added areas until such date not being later than the thirty-first day of December one thousand nine hundred and twenty-one as may be specified in the order and may for that purpose postpone the operation of this Act so far as relates to the rights and duties of the respective insurance committees for the county and borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

(3) An order under this section shall have effect as if enacted in the National Insurance Act 1911 and may be revoked revised or amended by an order made in like manner as the original order. A.D. 1921.

(4) The persons who immediately before the passing of this Act are members of the respective insurance committees for the county and borough shall be deemed to have been appointed or elected and shall be the members of the respective insurance committees for the county and borough as altered by this Act.

46. This Act shall not alter the area of any parliamentary borough or parliamentary county or any division thereof. Saving as to parliamentary divisions.

47. Notwithstanding the alterations effected by this Act all contribution orders made by the guardians of the poor of the South Shields Union and all precepts made by the rural council before the appointed day shall be valid in law as if this Act had not been passed. Saving for contribution orders and precepts.

48. The rural council and the parish councils and overseers of the several parishes affected by this Act shall respectively liquidate as far as practicable up to the appointed day all the current debts and liabilities which they have respectively incurred or which they ought to discharge up to the said day and shall also before the said day make provision for raising sufficient funds to defray all expenses to be incurred for the added area or for the several parts thereof for which they act respectively and for the excluded parts of the said several parishes up to the thirty-first day of March one thousand nine hundred and twenty-two. In default of the making of such provision the Corporation may make and levy in and for the added area or the part thereof in respect of which the default has occurred (as the case may be) a precept on the overseers in respect of such area for such amount as shall be necessary to fulfil the provisions of this section and the overseers shall raise any amount so required by the levy of a rate in the nature of a consolidated rate for the added area or the aforesaid part thereof (as the case may be) and except as in this section provided and for the purposes thereof no rate shall be levied by the Corporation or the overseers in any part of the added area before the thirty-first day of March one thousand nine hundred and twenty-two. Liquidation of current debts in added area.

A.D. 1921.

Differential
rating in
added area.

49. The total amount in the pound of the consolidated rate or rates to be made and levied upon any rateable hereditament situate in the part of the borough which comprises the several added areas described in column (1) of the Third Schedule of this Act shall in each of the years specified in column (2) of that schedule be less by the sum stated under the particular year opposite to the description of the added area than the total amount in the pound of the consolidated rate or rates to be made and levied in the same year upon any hereditament within the part of the borough which comprises the existing borough.

North East
Durham
Joint Small-
pox
Hospital
Board.

50. As from the appointed day the members to be elected to represent the borough and the rural district respectively on the joint board constituted by the North-East Durham Joint Small-pox Hospital Orders 1904 to 1914 shall continue to be the same as provided by the North-East Durham Joint Small-pox Hospital Order 1914 and the persons now representing the borough and the rural district on the said joint board at that day shall respectively represent the borough and the area of the rural district as diminished by this Act until the next election of representatives on the joint board and these Orders shall from and after the appointed day have effect as if the county borough of South Shields therein referred to were the borough and not the borough as it existed at the dates of the said Orders and the South Shields Rural District therein referred to were the South Shields Rural District as diminished by this Act.

South
Shields
Rural and
Southwick-
on-Wear
Joint
Hospital
Board.

51.—(1) As from the appointed day the added area shall cease to be part of the South Shields Rural and Southwick-on-Wear Joint Hospital District constituted by the South Shields Rural and Southwick-on-Wear Joint Hospital Order 1903 (amended by the South Shields Rural and Southwick-on-Wear Joint Hospital Order 1904) and those Orders shall have effect as if the rural district of South Shields therein referred to were the rural district as diminished by this Act.

(2) The members of the South Shields Rural and Southwick-on-Wear Joint Hospital Board who at the appointed day represent the rural council on that board shall thereafter continue as such members and shall represent the rural district as diminished by this Act.

52. The following provision shall have effect for the protection of the Tyne Commissioners Nothing in the sections of this Act of which the marginal notes are "Extension of borough and parish" "Authority of Corporation extended" and "Powers and duties of justices &c. extended" shall take away lessen alter prejudice or interfere with the jurisdiction or any of the estates rights interests powers privileges or authorities of the Tyne Commissioners.

A.D. 1921.
 For protection of Tyne Improvement Commissioners.

53. Nothing in this Act contained shall prejudicially affect the rights and powers of the South Shields Gas Company and for the purposes of section 48 of the South Shields Gas Act 1904 the borough of South Shields shall be deemed to be the existing borough and not the borough.

Saving rights of South Shields Gas Company.

PART III.

TRAMWAYS AND MOTOR OMNIBUSES.

54. The period limited by the South Shields Corporation Act 1915 for the construction of Tramway No. 1 and so much of Tramway No. 2 along Sunderland Road in the parish of South Shields as is situate between the existing tramway at Dean Road and the commencement of the light railway authorised by the South Shields Light Railway Order 1920 is hereby extended for a period of five years from the passing of this Act and section 6 of the Act of 1915 shall be read and construed as if the period limited by this Act for the completion of that tramway and portion of tramway respectively had been the period limited by the Act of 1915 for the completion of the said tramway and portion of tramway respectively If the said tramway and portion of tramway respectively be not completed within the period by this Act limited for the completion thereof then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof respectively as shall then be completed.

Extension of time for construction of certain tramways under Act of 1915.

55. For the purposes of this Part of this Act the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road.

Definition of road authority.

A.D. 1921.

Power to
provide and
run omni-
buses.

56.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and along the following routes in the rural district outside the borough namely:—

(A) Along Boldon Lane commencing at the borough boundary to the commencement of the new road recently constructed or in course of construction leading from Boldon Lane to Boldon Colliery thence along such new road to Boldon Colliery aforesaid;

(B) Along Boldon Lane to East Boldon thence along the highway from East Boldon to East Boldon Station thence along Whitburn Road to the highway from Sunderland to South Shields thence along such highway to Cleadon Laws thence along the occupation road running westwards to the terminus of the South Shields Corporation Light Railway;

and also (with the consent of the Minister of Transport and the local authority of the district and the road authority of any road or roads to be traversed) along any other route within the rural district provided that the consents of the local and road authorities shall not be unreasonably withheld and any question whether or not such consent is unreasonably withheld shall be determined by the Minister of Transport.

(2) In the case of any application under the provisions of this section for the sanction of the Minister of Transport the Corporation shall give notice in writing of their proposals to the local authority of every district in which the service of omnibuses is to be run and to the road authority and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person the Minister of Transport may direct an inquiry to be held under the provisions of section 20 of the Ministry of Transport Act 1919.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any such lands omnibus carriage and motor

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houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their omnibuses Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(5) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(6) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if such omnibuses were carriages used on tramways.

(7) The powers conferred by this section of running motor omnibuses shall not be exercised on or over any road or bridge which any railway company are under obligation to maintain or repair except with the consent of the railway company which consent shall not be unreasonably withheld and any difference as to whether or not such consent is unreasonably withheld shall on the application of the Corporation be determined by the Minister of Transport.

57. The Corporation shall not without the consent of the Jarrow and District Electric Traction Company Limited or other the owners or lessees for the time being of the light railways authorised by the Jarrow and South Shields Light Railways Order 1901 (hereinafter called "the company") convey passengers for gain in omnibuses along or run omnibuses in competition with the said light railways of the company:

For protection of Jarrow and District Electric Traction Company Limited.

Provided that the Corporation may run omnibuses as part of their through service over the Jarrow Road between the terminus of the said light railways at Tyne Dock and the point where Leam Lane otherwise Reken-dyke intersects such road.

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Provisions
as to
adaptation
of roads &c.

58.—(1) (A) Before the Corporation commence to run omnibuses over any road or part of a road it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(B) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (A) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.

(C) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (A) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(D) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adapta-

tion alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened. A.D. 1921.

(E) Except as provided by paragraph (c) of this subsection not more than one payment or (in the case of a payment by instalments) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(F) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge a district council shall be deemed to be the road authority.

(2) Any payment made to a road authority (other than a railway company) under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections of the Local Government Act 1888.

(3) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any road over which any motor omnibus is run under the powers of this Act.

(4) No such agreement as is referred to in this section shall as respects any main road maintained by a local authority at the expense of any county council be made except with the concurrence of that county council.

59. Nothing contained in this Act shall impose any obligation on or enlarge any obligation of any railway As to bridges of

A.D. 1921.

railway
companies.

company to strengthen adapt or reconstruct any bridge maintainable by them provided—

That the Corporation and any railway company may enter into an agreement for the strengthening adaptation alteration reconstruction or maintenance of any such bridge and the Corporation may pay any sum which may be agreed towards the cost of any such works.

For pro-
tection of
Post-
master-
General.

60. If any adaptation alteration reconstruction or strengthening of any road or bridge under the provisions of this Act or any agreement made thereunder shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority or the railway company (as the case may be) shall be deemed to be "undertakers" within the meaning of the said Act.

Fares and
charges.

61.—(1) Subject to the provisions of this Act the Corporation may demand take and recover for passengers and parcels conveyed upon the omnibuses of the Corporation fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such omnibuses are run.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

(3) The Corporation may if they think fit convey on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges authorised by this Act shall be paid to such persons and in such manner as the Corporation may by notice annexed to the list of fares and charges appoint.

62. The omnibus undertaking authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the income and expenditure upon and in connexion with omnibuses shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connexion with the remainder of such undertaking.

A.D. 1921.
—
Omnibuses to form part of tramway undertaking.

63. The Corporation shall perform in respect of their omnibuses such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

Conveyance of mails.

64.—(1) The powers of running motor omnibuses under the provisions of this Act on any road or part of a road outside the borough may at the expiration of ten years from the date on which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the said Minister may determine.

As to cesser of powers.

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

65. If the Corporation do not within a period of three years from the passing of this Act provide a service of omnibuses on any route specified in the section of this Act of which the marginal note is "Power to provide and run omnibuses" or having provided shall discontinue such service the Minister of Transport if he thinks fit may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representations which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as

Provision in event of certain powers not being exercised within limited period.

A.D. 1921

from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

Provided that the section shall not apply or have effect in the event of the failure of the Corporation to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

Shelters or waiting-rooms.

66. The Corporation may erect and maintain within and with the consent of the local and road authorities beyond the borough sheds shelters or waiting-rooms and gangways for the accommodation of passengers on the routes of the Corporation tramways and on any omnibus routes established under the authority of this Act and may use for that purpose portions of the public streets or roads.

Power to require intending passengers to wait in lines or queues.

67. For the better regulation of persons desiring to travel in the carriages on the Corporation tramways and the omnibuses of the Corporation the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Corporation may make byelaws (subject to the provisions of the Tramways Act 1870 with respect to byelaws) requiring persons waiting to enter carriages at any stopping place or terminus upon any of their tramways or omnibuses to wait in lines or queues and to enter such carriages in the order in which they stood in such line or queue.

For protection of North Eastern Railway Company and Tyne Improvement Commissioners.

68. The following provisions for the protection and benefit of the North Eastern Railway Company (in this section referred to as "the company.") and the Tyne Commissioners shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company or the Tyne Commissioners as the case may be :—

Notwithstanding anything contained in this Act no shed shelter waiting-room gangway cloak-room or room barrier or post shall be erected maintained or provided nor shall any starting or stopping station or place be appointed nor shall the Corporation require persons waiting at any such

stopping place or any terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or exit from any station depôt or property belonging to the company or any ferry landing of the Tyne Commissioners or any approach thereto nor shall any such shed shelter waiting-room gangway cloak-room or room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the company nor on any ferry landing of the Tyne Commissioners or any approach thereto.

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69.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

Lopping of trees overhanging highways.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

70. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any motor omnibus of the Corporation anything which is calculated to obstruct or interfere with the working of such motor omnibus or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence

Penalty for malicious damage.

A.D. 1921. or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Corporation shall be liable to a penalty not exceeding twenty pounds.

For pro-
tection of
South
Shields
Gas Com-
pany.

71. For the protection of the South Shields Gas Company the following provisions shall unless otherwise agreed in writing between that company and the Corporation have effect (that is to say):—

The provisions of section 31 (For protection of South Shields Gas Company) of the Act of 1903 shall extend and apply to and with respect to the construction of the tramways referred to in the section of this Act of which the marginal note is "Extension of time for construction of certain tramways under Act of 1915" as if the said tramways had been authorised by the Act of 1903.

PART IV.

ELECTRICITY.

supply of
electricity.

—(1) As from the passing of this Act the added area shall be added to and form part of the area for the supply of electricity by the Corporation under and for the purposes of the South Shields Electric Lighting Order 1891 which area is hereby declared to be the borough as defined by the section of this Act of which the marginal note is "Extension of borough and parish" and the added area shall cease to be within the area of supply of the County of Durham Electrical Power Distribution Company Limited (hereinafter referred to as "the distribution company") except for the purpose of constructing or laying down and maintaining any works required by the distribution company for the supply of electricity in any other part of their area of supply under the South Shields Rural Electric Lighting Order 1903.

(2) Within one month after the passing of this Act the Corporation shall serve upon the distribution company a notice in writing requiring that company to sell to them upon the terms of section 2 of the Electric Lighting Act 1888 so much of the works of that company as are situate in the added area and are not required by that company for the purposes of carrying on the remainder of their undertaking and so much of the works of that company as are situate in the parish of Whitburn and are used by that company solely for the purposes of

the portion of their undertaking situate within the added area and such notice shall take effect in all respects as if the South Shields Rural Electric Lighting Order 1903 had conferred upon the Corporation a special power to purchase the works aforesaid upon the date of the passing of this Act or within one month thereafter and the notice aforesaid was a notice served in exercise of that power and the Corporation shall take over as from the date of such notice all wayleave and other agreements entered into by the distribution company with respect to any of the works aforesaid or with respect to any supply of electricity within the added area and shall indemnify that company from all claims and demands thereunder. A.D. 1921.

(3) So long as the County of Durham Electric Power Supply Company (hereinafter referred to as "the power company") are able and willing to afford a supply of electricity in bulk to the Corporation sufficient to enable them to fulfil all their requirements for or for the supply of electricity within the added area (except only the electricity required by the Corporation for their light railway in that area) the Corporation shall take the same from the power company on such terms and conditions as may from time to time be agreed or as failing agreement may be settled by arbitration and the Corporation may enter into and carry into effect agreements with the power company accordingly. Provided that this section shall not authorise the Corporation to lay any main in or interfere with any street beyond their area of supply as extended by this section.

(4) Nothing in this section contained shall derogate from or vary or prejudicially affect the rights powers duties or obligations of the power company under the County of Durham Electrical Power Supply Acts 1900 to 1909.

73. Any expenses reasonably incurred by the Corporation in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. Power to recover charge for reconnection.

74. The Corporation may refuse to supply electricity to any person whose payments for the supply of electricity or meter rent are for the time being in arrear. Power to refuse to supply

A.D. 1921. (not being the subject of a bonâ fide dispute) whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

electrical energy in certain cases.

Power to lay electric mains in private streets.

75. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Acts 1882 to 1909 and of the South Shields Electric Lighting Order 1891 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes hereof :

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor to any part of the ferry undertaking of the Tyne Commissioners or any approach thereto :

Provided also that the period of notice to be given by the Corporation to the South Shields Gas Company before commencing to dig or sink any trenches for laying down or constructing any mains wires or apparatus in any such street as is referred to in this section in which any main pipe or apparatus of the said company is laid or placed shall be seven days instead of three days.

PART V.

MARKETS AND FAIRS.

Tolls for markets and fairs.

76. The Corporation may in lieu of the amounts authorised by the Act of 1853 demand and take from any person occupying or using any shop stall shed standage or place in any market house market place or fair in the borough or bringing into any such place or fair any animal or thing specified in the schedule to the Act of 1853 or having any marketable commodity or any wagon cart or carriage with or without goods weighed or measured or otherwise resorting to the market or fair such increased stallage rent and tolls as they may by

resolution from time to time determine Provided that A.D. 1921.
no such increased stallage rent or toll shall exceed by
more than fifty per centum the stallage rent or toll which
they are authorised to demand and take in the like case
under the Act of 1853.

PART VI.

LANDS.

77. The Corporation may enter upon take appropriate and use all or any part of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the street improvement and work authorised by this Act including the provision of space for the erection of buildings adjoining or near any street. Power to purchase lands.

78. The provisions contained in the sections of the Acts of 1896 and 1900 respectively the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act:— Incorporation of certain provisions of Acts of 1896 and 1900.

Of the Act of 1896—

Section 42 (Correction of errors &c. in deposited plans and book of reference);

Section 43 (Period for compulsory purchase of lands);

Section 44 (Owners may be required to sell parts only of certain lands and buildings);

Section 46 (Corporation empowered or may be required to underpin or otherwise strengthen houses near works);

Section 49 (Power to acquire additional lands by agreement);

Section 50 (Power to take easements &c. by agreement);

Section 51 (Corporation may use their own lands for purposes of Act):

Of the Act of 1900—

Section 9 (Power to sell materials);

Section 16 (Compensation in case of recently altered buildings);

save that in construing section 42 of the Act of 1896 the expression "the parish clerk of the parish of Jarrow" wherever the same occurs in the said section shall be read

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as "the town clerk of the borough" and in construing section 44 of the Act of 1896 the reference to the Second Schedule to that Act shall be read as if it referred to the Second Schedule to this Act and in construing section 16 of the Act of 1900 "the twelfth day of January one thousand eight hundred and ninety-nine" shall be read as "the thirtieth day of November one thousand nine hundred and twenty."

Extinction
of private
rights of
way.

79.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Power to
retain sell
&c. lands.

80.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Municipal Corporations Act 1882 or the Housing Acts 1890 to 1919) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

(2) Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of any Government department to any alienation sale lease or other disposition of any lands acquired under any Act for which such approval would be required but for the provisions of this section.

Application
of capital
moneys.

81. Any capital moneys received by the Corporation under the section of this Act of which the marginal

note is "Power to retain sell &c. lands" on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health,

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PART VII.

STREET IMPROVEMENT AND WORK.

82. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections make and maintain the street improvement and work hereinafter described together with all proper and necessary works and conveniences connected therewith (that is to say):—

Power to execute street improvement.

A new road to be made in the borough fifty-five feet in width commencing at a point in the centre of Leam Lane eighteen yards or thereabouts in a westerly direction from the junction of Leam Lane and Jarrow Road and continuing thence in a south-westerly direction for a distance of one furlong $4 \frac{1}{2}$ chains or thereabouts and terminating at a point in the centre of Leam Lane one furlong five chains or thereabouts measured from the first-mentioned point along the centre line of the new road.

83. The following provisions for the protection of the North Eastern Railway Company (in this section called "the railway company") shall unless otherwise agreed between them the Corporation and the railway company apply and have effect (that is to say):—

For protection of North Eastern Railway Company.

(1) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Power to execute street improvement" the Corporation shall not in connexion with the street work enter upon take appropriate or use any land belonging to the railway company other than that indicated in red colour on the plan dated the nineteenth day of July one thousand nine hundred and twenty-one and signed by Thomas Hornsby on behalf of the railway company and by John Moore Hayton the town clerk on behalf of the Corporation (hereinafter

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called "the said plan"). Provided that not withstanding anything contained in this Act the powers of the Corporation for the compulsory purchase of such lands shall cease after the expiration of three years from the passing of this Act :

- (2) If the Corporation within a period of three years from the passing of this Act acquire the land mentioned in subsection (1) of this section they shall within three years from such acquisition construct at their own cost upon the said land and thereafter maintain as a public highway a new road fifty-five feet in width with proper and sufficient fences on both sides thereof to which new road the railway company shall have full rights of frontage and access thereto on both sides thereof :
- (3) The railway company shall be at liberty at any time to carry their railway or sidings over or under the said new road at any point or points but any bridge or bridges constructed over the said new road shall have a span equal to the width of the said new road but not exceeding fifty-five feet and a headway throughout such width of not less than sixteen feet unless otherwise agreed :
- (4) The Corporation shall before they demolish the buildings numbered 3 4 and 5 shown on the said deposited plans and in any event within three years from the acquisition of the said land erect five houses to the reasonable satisfaction of the railway company upon other land to be provided by the railway company Each house shall contain a living room a kitchen three bedrooms and all necessary conveniences except a bathroom and shall be constructed in accordance with plans and specifications to be submitted to and reasonably approved by the railway company The said houses shall on completion be and remain the property of the railway company :
- (5) The said new road shall not be opened or dedicated to the public until the Corporation have at their own cost obtained the consent of quarter sessions or such other authority as may

be necessary to the stopping up of that portion of Leam Lane as is coloured blue on the said plan and the abolition of all rights of way thereover The Corporation shall also take the necessary steps to vest in the railway company free of charge the soil of the said portion of Leam Lane :

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(6) The Corporation shall before the said new road is opened or dedicated to the public at their own cost remove from the portion of Leam Lane coloured blue on the said plan all sewers cables pipes and wires laid or erected therein or thereunder and shall at their own cost lay or reconstruct them in or under the said new road :

(7) Any difference that may arise between the Corporation and the railway company under this and the next following section shall be determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to any such arbitration.

84. Section 47 (Temporary stoppage of streets) of the Act of 1896 section 7 (Deviation from line and levels) section 8 (Power to make subsidiary works) and section 13 (For protection of Sunderland and South Shields Water Company) of the Act of 1900 and section 36 (For protection of South Shields Gas Company in respect of street works) and section 39 (Power to make general works) of the Act of 1903 shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act Provided that nothing in this section shall authorise any interference with any railway or work of the North Eastern Railway Company except with their consent in writing and in accordance with plans sections and specifications to be reasonably approved by the engineer of the railway company.

Certain provisions of local Acts to apply.

PART VIII.

CONSOLIDATION OF RATES &C.

85. This Part of this Act shall come into operation on the thirty-first day of March one thousand nine hundred and twenty-two.

Commencement of this Part of Act.

A.D. 1921.

—
All expenses
of Corpora-
tion to be
paid out of
borough
fund and
rate.

86.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund or general district rate shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

(2) The district fund shall be closed and any balance standing to the credit or to the debit of the district fund or the general district rate respectively shall be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connexion with the district fund or the general district rate respectively shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

As to con-
tribution to
borough
rate.

87. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 of the Municipal Corporations Act 1882 shall apply to such contribution.

Poor rate to
becalled "the
consolidated
rate."

88. The poor rate (inclusive of the contributions to the borough rate levied as part thereof in pursuance of the provisions of this Act) shall be called "the consolidated rate."

Differential
rating for
certain
classes of
heredita-
ments.

89. The provisions contained in this section shall have effect with respect to the consolidated rate to be hereafter made and levied by the overseers (that is to say) :—

- (1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of

any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of sixty-six per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section : A.D. 1921.

Provided that during the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of thirty-nine per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

Provided also that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say) :—

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only thirty-nine sixty-sixths of the amount payable under subsection (1) of the section of the South Shields Corporation Act 1921 of which the marginal note is ‘ Differential rating for certain classes of hereditaments ’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining twenty-seven sixty-sixths thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioner of Inland Revenue out of the sums payable by them to the local taxation account on account of the Estate Duty Grant.”

A.D. 1921.

(2) Nothing in this section shall in any way affect—

(A) the operation of the Agricultural Rates Act 1896 save as in this section is expressly provided or the payment of the sum certified by the Local Government Board or the Minister of Health as the amount of the share of the annual grant payable under that Act out of the local taxation account to the Corporation or in respect of the parish or the operation of the Ecclesiastical Tithe Rentcharge (Rates) Act 1920; or

(B) the amount of the contribution for any purposes to be made by the parish out of the poor rate; or

(C) the calculation of the amount in the pound of the part of the consolidated rate levied for the purposes of the relief of the poor and other expenses of the guardians and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate.

Amendment
of error in
consolidated
rate.

90. Any person who feels aggrieved by reason of any clerical or arithmetical error in a consolidated rate may apply to a court of summary jurisdiction sitting in and for the borough who after the applicant has given such notice to the overseers who made the rate and such persons as the court may think just may hear the case in like manner as in the case of summary proceedings and amend the rate so far as respects such error.

Amendment
of rates.

91. Section 221 of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the overseers of the parish were an urban authority and the rate therein mentioned were the consolidated rate and shall be extended to enable any rate to be amended so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

As to sec-
tion 133 of
Lands Clauses
Consolidation
Act 1845.

92. For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one half of the amount in the pound of the consolidated rate.

As to
recovery of
consolidated
rate.

93. No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against

any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

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PART IX.

FINANCIAL PROVISIONS.

94.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenue funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

Power to
borrow.

Purpose.	Amount.	Charges.	Period.
(A) For the provision and equipment of motor omnibuses.	£ 20,000	The revenue of the tramway undertaking and the borough fund and borough rate.	Six years from the date or dates of borrowing.
(B) For purchase of land and street improvement.	23,500	The borough fund and borough rate.	Forty-five years from the date or dates of borrowing.
(C) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

(2)—(A) The Corporation may also with the consent of the Minister of Transport borrow such further moneys as may be necessary for any of the purposes of Part III. (Tramways and Motor Omnibuses) of this Act and may also with the consent of the Electricity Commissioners borrow such further moneys as may be necessary for the purposes of Part IV. (Electricity) of this Act and may

A.D. 1921. with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of those parts respectively.

(B) In order to secure the repayment of any moneys borrowed under this subsection and the payment of interest thereon the Corporation may charge such revenue fund or rate as may be prescribed by the Minister with whose consent such moneys are borrowed.

(c) Any moneys borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister with whose consent it is borrowed.

(3) The provisions of this section prescribing the revenue funds or rates which may be charged shall not limit the powers conferred upon the Corporation by section 27 (Security for principal moneys) of the Act of 1900.

Section 234
of Public
Health Act
1875 not to
apply.

95. The powers of borrowing money given by this Act for purposes (A) in section 94 (1) shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application
of revenue
of electricity
under-
taking.

96. In addition to the provisions contained in article 52 (Application of revenue) of the South Shields Electric Lighting Order 1891 or in any other Act or Order the Corporation may if they think fit instead of carrying the net surplus remaining in any year of the revenue received by them in respect of their electricity undertaking and the annual proceeds of the reserve fund of that undertaking when amounting to the prescribed limit to the credit of the rate apply the whole or any portion thereof to any of the purposes of their electricity undertaking including the formation of a fund for working capital:

Provided that the fund so formed shall not at any time exceed a sum equivalent to one-half of the gross annual revenue of the electricity undertaking for the time being.

97. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund and borough rate or as the Corporation having regard to the nature of the expenditure shall deem just.

A.D. 1921.
 Expenses of execution of Act.

PART X.

MISCELLANEOUS.

98. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works instead of owner Corporation only liable for negligence.

99. Where under any enactment for the time being in force within the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under such enactment are recoverable by the Corporation from the owners shall unless otherwise expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

100. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applicable.

Confirmation of byelaws.

A.D. 1921.

As to appeal.

101. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any enactment for the time being in force within the borough may if no other mode of appeal is provided appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Protection
of Corpora-
tion and
officers
from per-
sonal
liability.

As to
breach of
conditions
of consent
of Cor-
poration.

102. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any enactment for the time being in force within the borough.

103. Where under any enactment for the time being in force within the borough 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 any act or thing without the required consent.

Authentica-
tion and
service of
notices &c.

104.—(1) Where any notice or demand or any licence or certificate under any enactment byelaw or regulation for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under any such enactment byelaw or regulation may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served :

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1921.

THE FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Title or Short Title.
16 & 17 Vict. c. lxxxiii.	The South Shields Improvement Act 1853.
24 Vict. c. xxiii. - -	The South Shields Improvement Amendment Act 1861.
59 & 60 Vict. c. 1. -	The South Shields Corporation Act 1896.
63 & 64 Vict. c. clviii. -	The South Shields Corporation Act 1900.
3 Edw. 7. c. cexxii. -	The South Shields Corporation Act 1903.
5 & 6 Geo. 5. c. lxiii. -	The South Shields Corporation Act 1915.

PART II.—CONFIRMATION ACTS AND PROVISIONAL ORDERS.

Session and Chapter.	Short Title.	Order thereby confirmed.
44 & 45 Vict. c. cv.	The Tramways Orders Confirmation (No. 1) Act 1881.	The South Shields Corporation Tramways Order 1881.
46 & 47 Vict. c. xciii.	The Tramways Orders Confirmation (No. 4) Act 1883.	The South Shields Corporation Tramways (Amendment) Order 1883.
54 Vict. c. lii.	The Electric Lighting Orders Confirmation (No. 4) Act 1891.	The South Shields Electric Lighting Order 1891.
1 Edw. 7. c. clxviii.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1901.	The South Shields (Extension) Order 1901.

The South Shields Corporation Light Railway Order 1920 confirmed by the Minister of Transport on the 19th day of October 1920.

A.D. 1921.

THE SECOND SCHEDULE.

DESCRIBING PREMISES OF WHICH PARTS ONLY MAY
BE TAKEN.

Work.	Number on deposited Plans.
Street Work No. 1	7.

THE THIRD SCHEDULE.

DIFFERENTIAL RATING TO CONSOLIDATED RATE OR
RATES.

COLUMN 1.	COLUMN 2.					
Description of added areas.	Year ending 31st Mar. 1923.	Year ending 31st Mar. 1924.	Year ending 31st Mar. 1925.	Year ending 31st Mar. 1926.	Year ending 31st Mar. 1927.	Year ending 31st Mar. 1928.
	<i>s.</i> <i>d.</i>					
The added part of Harton.	2 6	2 3	2 0	1 9	1 6	1 3
The added part of Whitburn.	2 6	2 3	2 0	1 9	1 6	1 3
The added part of Boldon.	1 3	1 0	0 9	0 6	0 3	Nil.

105.—(1) Save as otherwise expressly provided all offences against this Act and the local Acts and all fines forfeitures penalties costs and expenses imposed or recoverable thereunder or under any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

A.D. 1921.
 —
 Recovery of penalties &c. and repeal of penalty provisions of previous Acts.

(2) The following sections and parts of sections of local Acts are hereby repealed (namely):—

Section LXXIV. of the Act of 1853 (Compensation to be settled and damages and penalties recovered in manner directed by the Public Health Act 1848);

Section 21 (As to recovery of penalties) of the South Shields Corporation Tramways Order 1881;

Section 19 (Incorporation of sections of the Order of 1881) of the Act of 1896 and section 9 (Incorporation of certain sections of Order of 1881 and Act of 1896) of the Act of 1903 so far as those sections respectively apply the said section 21 of the said Tramways Order 1881;

Section 40 (Recovery of penalties &c.) of the Act of 1915.

106. Proceedings for the recovery of any demand made under the authority of this Act or the local Acts whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court otherwise having jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of demands in county court.

107. The following sections of the Act of 1896 (that is to say):—

Section 202 (Compensation &c. how to be determined);

Section 204 (Saving for indictments &c.);

Section 206 (Powers of Act cumulative);

Section 207 (Audit of accounts);

Section 208 (Inquiries by and expenses of Local Government Board);

Incorporation of certain sections of Act of 1896.

shall so far as the same are applicable and are not varied by and are not inconsistent with the provisions of this Act extend and apply to and in relation to this Act with

A.D. 1921. — the substitution of the Minister of Health for the Local Government Board Provided that for the purposes of this Act subsection (2) of the said section 208 shall have effect as if the words “not exceeding three guineas a day” were omitted therefrom.

Informa-
tions by
whom to be
laid.

108. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or the local Acts 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 officer acting for or within the borough.

Judges not
disquali-
fied.

109. A judge of any court or a justice shall not be disqualified from acting in the execution of any enactment for the time being in force within the borough by reason of his being liable to any rate.

Crown
rights.

110. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent the said Commissioners and Board are hereby respectively authorised to give.

Costs of Act.

111. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or such other funds and revenues and in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

A.D. 1921.

COLUMN 1.	COLUMN 2.					
Description of added areas.	Year ending 31st Mar. 1929.	Year ending 31st Mar. 1930.	Year ending 31st Mar. 1931.	Year ending 31st Mar. 1932.	Year ending 31st Mar. 1933.	Year ending 31st Mar. 1934.
	<i>s.</i> <i>d.</i>					
The added part of Harton.	1 0	0 10	0 8	0 6	0 4	0 2
The added part of Whitburn.	1 0	0 10	0 8	0 6	0 4	0 2

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