



CHAPTER cii.

An Act to confer further powers upon the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne to enact provisions for the health local government and improvement of the said city and for other purposes.

A.D. 1926.

[4th August 1926.]

WHEREAS the city and county of Newcastle-upon-Tyne (hereinafter referred to as "the city") is a municipal and county borough to which the Municipal Corporations Acts apply and the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council are the urban sanitary authority for the district thereof within the meaning and for the purposes of the Public Health Acts :

And whereas it is expedient that such powers as are contained in this Act should be conferred upon the Corporation with respect to streets and buildings and to the health local government and improvement of the city :

And whereas it is expedient that the other provisions in this Act contained should be made :

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

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 :

[Ch. cii.] *Newcastle-upon-Tyne* [16 & 17 GEO. 5.]
Corporation Act, 1926.

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— 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 Newcastle-upon-Tyne Corporation Act 1926.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Town planning.

Part III.—Streets and buildings.

Part IV.—Sanitary.

Part V.—Sale of coke.

Part VI.—Financial.

Part VII.—Miscellaneous.

Interpretation.

3. In this Act unless otherwise expressly provided or the context otherwise requires—

Terms to which meanings are assigned by the Public Health Acts or by any Act wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction;

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

“The council” means the council of the city;

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

“The town clerk” “the medical officer” “the surveyor” and “the sanitary inspector” respectively mean the town clerk the medical officer of health the city surveyor and any sanitary inspector of the city and include any person duly authorised to discharge temporarily the duties of those officers respectively;

“The city fund” and “the city rate” mean respectively the city fund and the city rate of the city;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction thereof;

“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 by any county council or municipal corporation or other local authority as defined by section 34 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—

(a) borrowing or continuing on loan or reborrowing money; or

(b) 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.

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PART II.

TOWN PLANNING.

Power to make town planning schemes with reference to developed lands.

4. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the city notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as "the Act of 1925") shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Purposes for which land may be purchased for town planning schemes under this Part of Act.

5. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include—

- (a) the purpose of improving and developing frontages to and developing lands abutting on or adjacent to any new street or any widening of an existing street; and
- (b) the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being held in parcels or plots of inconvenient size or shape.

As to properties of which parts only are required for town planning schemes.

6.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any Order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory of which the Corporation have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the

property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such Order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

(2) If the arbitrator determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the arbitrator.

(3) If the arbitrator determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this subsection shall be borne and paid by such owner or other person.

(4) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

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(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

Restriction
on rights of
purchase
in certain
cases.

7. The provisions of paragraph (2) of Part II. of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Act but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or has been acquired by any company body or person for the purposes of a railway dock canal water or other public undertaking without the consent of such local authority company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Health.

Limitation
on require-
ments
under
scheme.

8.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

- (a) to require the demolition removal or alteration of any building existing at the date of the passing of the resolution of the council to prepare or adopt the scheme or of which the erection was commenced before that date; or
- (b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than

that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose ;

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unless and until the scheme is brought into operation for that purpose by an order of the Corporation approved by the Minister of Health and where an order is so made the provisions of subsection (2) of section 11 of the Act of 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Minister of Health for approval of an order under this section the Corporation shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners may make to them within such period (not being less than one month) as may be specified for that purpose in the order and may make such modifications in the order as they think necessary in consequence of any such representations.

(4) Upon the submission of the order (with or without modification) to the Minister of Health the Corporation shall serve on the owner a copy of the order as so submitted together with a notice that objections may be made to the said Minister within a period of one month from the date of service of the copy of the order and notice.

9. Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under this Part of this Act relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made by the Minister of Health under the Act of 1925 or any Act

Registration
of owner-
ship of
land and
service of
notices.

A.D. 1926. repealed thereby to be given by the Corporation in connection with the preparation of the said scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Corporation to serve a copy of any of such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company :

Provided that in any notice advertised by the Corporation pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

Definition of "owner" for certain purposes.

10. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of ownership of land and service of notices" the word "owner" has the same meaning as in the Lands Clauses Acts.

PART III.

STREETS AND BUILDINGS.

Restrictions on rights of breaking up streets in city.

11.—(1) Not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the city either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street and when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and settlement.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any streets in cases of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

12.—(1) The Corporation may make byelaws with respect to the height to which any new building (including any alteration of or addition to an existing building) may be erected. Byelaws as to height of new buildings.

(2) Nothing in this section or in any byelaw made thereunder shall apply to any building (not being a dwelling-house) belonging to or used or occupied by a railway company for the purposes of their undertaking with the authority of Parliament.

13.—(1) Every building erected after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is Means of escape from buildings.

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in case of
fire.

above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house offices or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) (a) From and after the first day of January one thousand nine hundred and twenty-seven the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house offices or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' notice of such appeal and of 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.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection. A.D. 1926.
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(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Corporation under this section.

(5) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(6) This section shall not apply to any premises to which sections 14 and 15 of the Factory and Workshops Act 1901 apply.

(7) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART IV.

SANITARY.

14.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated larder or other food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Food storage accommodation to be provided.

(2) (a) Every dwelling-house the erection of which was commenced before and is completed after the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated larder or other food storage accommodation and any owner who shall

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occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any owner aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives forty-eight hours' written notice of such appeal and of 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.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(d) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court of the county of Northumberland and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

As to
houses
without
proper
supply of
water.

15.—(1) (a) No premises shall be occupied or allowed to be occupied as a dwelling-house unless such premises are provided with proper and sufficient means of water supply (if such supply be available) and also (in any case where such means as aforesaid are provided) with a proper and sufficient supply of water.

(b) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Section 46 (Houses without proper supply of water) of the Newcastle-upon-Tyne Tramways and Improvement Act 1899 is hereby repealed.

As to
powers of
requiring
sanitary

16. The Corporation may exercise the powers of an urban authority under section 22 of the Public Health Acts Amendment Act 1890 (which relates to the pro-

vision of sanitary conveniences in workshops and manufactories) on the report of the medical officer or the sanitary inspector as well as on the report of the surveyor.

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conveniences for manufactories &c.

As to filthy premises.

17.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation are satisfied of the truth of the representations of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

18. For the purposes of section 55 (Regulation dustbins) of the Newcastle-upon-Tyne Corporation Act 1911 the expression "house" shall be deemed to include a warehouse shop or office.

Provision of regulation dustbins for warehouses &c.

19. The following provisions shall on and after the first day of January one thousand nine hundred and twenty-seven be in force with respect to the prevention of smoke and the emission of grit or gritty particles from chimneys within the city (that is to say):—

Prevention of smoke and grit.

(1) (a) For the purposes of section 91 of the Public Health Act 1875 a chimney of a furnace employed or to be employed—

(i) in the working of engines by steam; or

(ii) in any mill factory shipyard printing house dyehouse glass-house distillery brew-house sugar refinery bakery gas works water works electricity works or other buildings

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used for the purpose of trade or manufacture (although a steam engine be not used or employed therein);

which chimney sends forth smoke in such quantity as to be a nuisance shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by that Act notwithstanding that the smoke is not black smoke;

(b) For the purposes of sections 91 92 and 102 of the said Public Health Act 1875 and of this section the expression "smoke" shall include grit and gritty particles emitted from any chimney within the city so as to fall into any street or court or on any building in any street or court or on any yard garden or enclosure belonging thereto :

- (2) Where the complaint upon which a summons is issued relates to a smoke nuisance the person offending shall notwithstanding anything contained in section 96 of the said Public Health Act 1875 be liable to a penalty not exceeding five pounds and on a second conviction to a penalty not exceeding ten pounds and on each subsequent conviction to a penalty not exceeding fifty pounds Provided that a person shall not be liable to any penalty under the said section 96 as amended by this section by reason only of his holding the office of director of an incorporated company being the owners or occupiers of any premises or having the control of any furnace :
- (3) No order shall be made or penalty imposed under the said section 96 as amended by this section if in the opinion of the court the emission of smoke was due to an accident or to any other cause which could not have been foreseen nor shall any such order or penalty be made or imposed on an owner or occupier of premises in respect of a furnace constructed or altered upon the principle of consuming or burning and so as to consume or burn the smoke arising from such furnace if in the opinion of the court the emission of smoke was due to the act or default

of a stoker or engineer or other person employed by such owner or occupier : A.D. 1926.

- (4) No such order or penalty as aforesaid shall be made or imposed if the person against whom the proceedings are taken shall prove to the satisfaction of the court that the best practicable means within a reasonable cost (due regard being had to operating expenses and to local conditions and circumstances) have been used to prevent the emission of smoke in such a quantity as to be a nuisance :
- (5) Where in the opinion of any officer duly authorised by the Corporation to act in that behalf a smoke nuisance exists he shall within twenty-four hours after he has become aware thereof notify the occupier of the premises on which the nuisance exists :
- (6) No person shall be prosecuted or otherwise proceeded against for an offence under the said provisions of the Public Health Act 1875 as amended by this section unless he is notified of the intended prosecution or other proceeding within forty-eight hours (exclusive of Sundays) from the time of the commission of the offence Any such notification shall be in writing and shall be deemed to be duly given if addressed to the name or trade name of the person firm or company for whom it is intended and served at the premises where the furnace in respect of which it is given is situate upon any person having at the time of service the control or management of such premises Provided that in the case of a company having a registered office in the city the notification shall be served in manner provided by the Companies (Consolidation) Act 1908 :
- (7) The provisions of this section shall not apply to any locomotive steam engine used on the railway of any railway company nor to any ship boat or other description of vessel used in navigation :

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- (8) In the event of any general Act being passed amending the law relating to smoke nuisances the provisions of this section shall cease to have effect as from the date of the coming into operation of the said general Act.

PART V.

SALE OF COKE.

Weight ticket or note on delivery of coke over two hundred-weights.

20.—(1) Where any coke sold or represented to be sold as a load by weight and exceeding two hundred-weights in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered or in course of delivery is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any officer appointed for the purpose by the Corporation or to any inspector of weights and measures he shall be liable to a penalty not exceeding five pounds.

Weighing instrument or measure to be carried on vehicle.

21.—(1) The seller or person in charge of any vehicle from which coke is sold by weight in quantities exceeding fourteen pounds shall carry on such vehicle a weighing instrument or suitable measure of a type approved by the Corporation stamped by an inspector of weights and measures.

(2) Any person who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

22.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

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Regulating
sale of
coke under
two
hundred-
weights.

(2) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweights shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(3) Any person who shall fail to comply with the provisions of either of the two preceding subsections of this section shall be liable on the first occasion to a penalty not exceeding forty shillings and on the second or any subsequent occasion to a penalty not exceeding five pounds.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale in quantities not exceeding two hundredweights wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

(5) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice fixed outside the town hall. The production of copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this subsection have been complied with.

23.—(1) Any purchaser of coke in a quantity exceeding two hundredweights and any officer appointed for the purpose by the Corporation or any inspector of weights and measures may subject as hereinafter provided require that any coke sold as mentioned in the

Power to
require
weighing
or re-
weighing of
coke and
vehicles.

A.D. 1926. section of this Act of which the marginal note is "Weight ticket or note on delivery of coke over two hundredweights" or any vehicle used for the carriage of such coke be weighed or re-weighed by an instrument stamped by an inspector of weights and measures.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights and any officer appointed for the purpose by the Corporation or any inspector of weights and measures may subject as hereinafter provided require that any coke sold offered or exposed for sale as mentioned in the section of this Act of which the marginal note is "Regulating sale of coke under two hundredweights" be weighed or re-weighed or measured or re-measured by an instrument or measure stamped by an inspector of weights and measures.

(3) Provided that—

(a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation;

(b) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of not less than the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(4) If any person obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section or under any of the preceding sections of this Part of this Act.

PART VI.

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FINANCIAL.

24.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for paying the costs charges and expenses of this Act as hereinafter defined the sum requisite for that purpose and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the city fund and the city rate and they shall pay off all moneys so borrowed within five years from the passing of this Act which period shall be the prescribed period for the purposes of the enactments incorporated with this Act.

Power to Corporation to borrow.

(2) The provisions of this section prescribing or relating to the prescription of the fund or rate which may be mortgaged or charged shall not affect the operation of section 6 (Charge of Corporation stock) of the Newcastle-upon-Tyne Corporation Loans Act 1882 or limit the powers conferred on the Corporation by section 92 (Power to use one form of mortgage for all purposes) of the Newcastle-upon-Tyne Corporation Act 1911 or by the section of this Act of which the marginal note is "Consolidated loans fund."

25. The following sections of the following Acts (that is to say):—

Incorporation of certain provisions of existing Acts relating to borrowing.

Of the Newcastle-upon-Tyne Improvement Act 1892—

Section 145 (Corporation not to regard trusts):

Of the Newcastle-upon-Tyne Tramways and Improvement Act 1899—

Section 79 (Sinking fund for moneys borrowed and hereafter to be borrowed);

Section 80 (Provision as to increase and reduction of payments to sinking funds);

Section 82 (Power to borrow under Local Loans Act 1875);

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Section 83 (Power to re-borrow) as amended by section 102 (Amendment of section 83 of Act of 1899) of the Act of 1904;

Section 85 (Application of borrowed moneys);

Section 86 (Appointment of receiver);

Section 87 (Saving of charges); and

Section 90 (Protection of lenders from inquiry):

Of the Newcastle-upon-Tyne Tramways Extensions Act 1902—

Section 44 (Audit of accounts):

Of the Newcastle-upon-Tyne Corporation Act 1911—

Section 85 (Provision as to mortgages):

shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to the moneys borrowed by the Corporation under the powers of this Act and to the repayment thereof.

Expenses of execution of Act.

26. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (including all costs charges and expenses of and in relation to the borrowing of any moneys under the powers of this Act and all interest on and all instalments appropriations and sinking fund payments in respect of such borrowed moneys) other than such of them as are properly chargeable to capital and payable out of borrowed moneys shall except as otherwise provided by this Act be paid out of the city fund and the city rate.

Consolidated loans fund.

27.—(1) Notwithstanding anything contained in any existing Act of or relating to the Corporation or in the Public Health Acts Amendment Act 1890 or in any other Act or Order as from the thirty-first day of March one thousand nine hundred and twenty-seven or as from any succeeding thirty-first day of March the Corporation may if they think fit establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received—

(a) all moneys borrowed by the Corporation whether by the issue of stock or any other security together with any moneys temporarily borrowed without security in connection with the exercise of any statutory borrowing power;

- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers; and
- (d) a sum or sums equal to the aggregate amount of all dividends or interest payable in each year on the stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received (except of such moneys as have been borrowed from the Public Works Loan Commissioners) and of all sums provided by the Corporation as aforesaid before the thirty-first day of March as from which the consolidated loans fund shall be established.

(2) The moneys of the consolidated loans fund (subject as hereinafter provided) shall be used or applied by the Corporation—

- (a) in the exercise of any statutory borrowing power by the transfer of the required amount to the appropriate fund and account of the Corporation;
- (b) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; or
- (c) in the payment of dividends and interest on the stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

Provided that any moneys of the consolidated loans fund pending use or application as aforesaid may be invested in any statutory security and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund.

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(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with an order made by the Minister of Health on the application of the Corporation (which order the said Minister is hereby empowered to make) and such order may make provision for any matters incidental to the establishment and administration of the consolidated loans fund and may make such amendments or adaptations of any Act relating to the Corporation as may appear to the said Minister to be necessary for the purpose of bringing the provisions of that Act into conformity with the provisions of this section or any order made thereunder and any order so made shall operate as if enacted in this Act.

Investment
of and
payments
into
sinking
fund.

28. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act or of this Act the Corporation are empowered or required to form a sinking fund or loans fund each of the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say) :—

- (1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in any statutory security :
- (2) The said yearly sums and accumulations shall be paid and provided out of the city fund and

city rate and any interest dividends and annual proceeds arising from the investment thereof or of any moneys standing to the credit of any sinking or loans fund as aforesaid at or after the passing of this Act shall be paid into and form part of the city fund.

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29.—(1) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of the Newcastle-upon-Tyne Corporation Loans Act 1882 as amended by subsequent Acts (other than any provision requiring that stock shall be of one and the same class) the Corporation may from time to time by resolution of the council exercise the same by the creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price to bear such half-yearly or other dividends and to be so transferable (that is to say in books or by deed) as the Corporation by the resolution direct.

Creation of
Corporation
stock.

(2) All stock at any time and from time to time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of any resolution for creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall rank equally with all other securities of the Corporation at any time after the third day of May one thousand eight hundred and eighty-three granted or created by the Corporation in pursuance of any statutory borrowing power.

(3) Each resolution for creation of stock shall specify that the stock thereby created is redeemable at the option of the Corporation or is to be redeemed by the Corporation at par after the expiration of such period not exceeding sixty years from the date of creation as shall be fixed by such resolution.

(4) Stock so created shall be designated by the Corporation as Newcastle-upon-Tyne Corporation consolidated stock with the addition if so resolved by the Corporation of descriptive particulars as to dividend or year of issue or the like.

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PART VII.

MISCELLANEOUS.

Extending
maximum
term of
leases of
corporate
land.

30. The provisions of subsection (2) of section 108 of the Municipal Corporations Act 1882 in its application to the Corporation shall be read and have effect as if ninety-nine years were substituted in paragraph (b) of that subsection for seventy-five years.

Power to
add to fund
for main-
tenance of
swing
bridge.

31. The Corporation may if they think fit in any year and from time to time contribute to the bridge fund referred to in section 35 (As to swing bridge) of the Tyne Improvement Act 1925 and may apply their funds rates and revenues for that purpose Provided that the Corporation shall not in any year contribute under the powers of this section any greater sum than two hundred and fifty pounds.

Control of
petrol
pumps.

32.—(1) Every pump or other apparatus or appliance for the supply within the city by way of sale of petrol or other like fuel into the tanks of motor vehicles or into receptacles for filling such tanks shall for the purposes of the following provisions of the Weights and Measures Acts 1878 to 1904 be deemed to be a measure or measuring instrument and the said provisions shall so far as applicable extend and apply thereto accordingly :

Weights and Measures Act 1878—

Section 25 (Penalty on use or possession of unjust measures weights balances or weighing machines) as amended by the Weights and Measures Act 1889;

Section 26 (Penalty for fraud in use of weight measure balance &c.) as amended by the Weights and Measures Act 1889;

Section 27 (Penalty on sale of false weight measure balance &c.);

Section 28 (Stamping of weights and measures with denomination) as amended by the Weights and Measures Act 1904;

- Section 29 (Stamping of verification on measures and weights); A.D. 1926.
- Section 32 (Forgery &c. of stamps on measures or weights);
- Section 44 (Verification and stamping by inspectors of weights and measures);
- Section 48 (Power to inspect measures weights scales &c. and to enter shops &c. for that purpose);
- Section 49 (Penalty on inspector for misconduct);
- Section 53 (Power to local authority to make byelaws as to local verification &c.);
- Section 56 (Prosecution of offences and recovery of fines);
- Section 57 (Provisions as to summary proceedings) as amended by the Weights and Measures Act 1904;
- Section 58 (Limitation as to conviction for second offences);
- Section 59 (Evidence as to possession);
- Section 60 (Appeal from conviction); and
- Section 61 (Provision as to action against person acting in execution of Act):

Weights and Measures Act 1889—

- Section 1 (Verification of weighing instruments);
- Section 4 (Liability to imprisonment in cases of fraud) as amended by the Weights and Measures Act 1904;
- Section 7 (Working standards) as amended by the Weights and Measures Act 1904;
- Section 9 (General regulations);
- Section 13 (Fees for verification and stamping by inspectors) as amended by the Weights and Measures Act 1904;
- Section 14 (Publication of convictions);
- The First Schedule (Fees to be taken on the verification and stamping of weights measures and

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weighing instruments by inspectors of local authorities) so far as that Schedule remains unrepealed :

Weights and Measures Act 1904—

Section 5 (Powers of Board of Trade as to general regulations);

Section 9 (Fees for verification and stamping);
and

Section 12 (Verification and stamping by local inspectors of weights and measures).

(2) The provisions of this section shall cease to have effect on and from the date on which such pumps or other apparatus or appliances as are referred to in this section are made subject to verification and stamping by any general Act or any regulations made thereunder.

Prohibition
of tents
vans &c.

33.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the city without the previous approval of the Corporation but this subsection shall not apply to a tent van shed or structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months;

(b) Any person aggrieved by the withholding by the Corporation of their approval of any land for the purposes mentioned in this subsection may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(2) It shall not be lawful for any person to let or use any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who

is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

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(4) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

34. The Corporation may if they think fit in any year and from time to time supplement or add to the residue of the income of the Hospital of the Holy Jesus referred to in section 26 (Application of income of hospital) of the Holy Jesus Hospital Act 1847 (10 & 11 Vict. c. xxxiv.) and may apply for that purpose their funds rates and revenues Provided that the Corporation shall not in any year apply their funds rates and revenues for the purposes of this section to any greater extent than the sum of five hundred pounds.

Increase of amount divisible among master brethren and sisters of the Hospital of the Holy Jesus.

35.—(1) The agreements respectively dated the seventh day of February one thousand nine hundred and twenty-five and the eighteenth day of March one thousand nine hundred and twenty-six and made between the committee of stewards and wardens of the companies of freemen of the city and county of Newcastle-upon-Tyne of the one part and the Corporation of the other part of which copies are respectively set forth in Parts I. and II. of the schedule to this Act and the conveyance dated the seventeenth day of November one thousand nine hundred and twenty-five for carrying out the first-mentioned agreement are hereby confirmed and made binding on the parties thereto and the several provisions thereof shall have effect as if the same had been enacted in this Act.

Confirming scheduled agreements.

(2) As from the respective dates of the acquisition by the Corporation of the additional lands referred to in paragraph 3 of the first-mentioned agreement and in paragraph 2 of the secondly-mentioned agreement the said lands shall for all purposes form part of the Town Moor.

(3) A conditional agreement dated the twenty-first day of December one thousand nine hundred and twenty-five made between the Corporation of the one part and James Barnes Collin Henry Joseph Wakefield and Francis Edward Fremantle M.P. trustees of the Sutton Charity

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of the other part (a copy of which is set forth in Part III. of the schedule to this Act) which is made subject to the sanction of the Chancery Division of the High Court of Justice on behalf of the said Sutton Trustees is hereby confirmed and it shall be lawful for the Corporation (subject to such sanction by the Chancery Division of the High Court of Justice) to convey the lands the subject of such agreement to the said Sutton Trustees in fee simple.

(4) Copies of the plans referred to in the said agreements dated the seventh day of February one thousand nine hundred and twenty-five and the twenty-first day of December one thousand nine hundred and twenty-five (which plans are for the purposes of this subsection respectively marked "A" and "B") have been signed for purposes of identification by the Right Honourable the Lord Redesdale the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and have been deposited in the Parliament Office of the House of Lords in the Private Bill Office of the House of Commons and with the town clerk at his office.

Confirma-
tion of
byelaws.

36. 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 where otherwise provided in this Act.

Inquiries by
Minister of
Health.

37.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

38. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part III. (Streets and buildings) Part IV. (Sanitary) and Part VII. (Miscellaneous) of this Act as if those purposes had been mentioned in the said section 102.

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Power to enter premises.

39. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part III. (Streets and buildings) or Part IV. (Sanitary) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Penalty on occupier refusing execution of Act.

40. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the city 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 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 for owner Corporation liable for negligence only.

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

41. Where under this Act or under any general or local Act for the time being in force in the city the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consent of
Corporation
to be in
writing.

42. All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the city shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

As to
appeal.

43. 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 or a petty sessional court under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal.

Evidence
of appoint-
ments
authority
&c.

44. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the city it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the lord mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report

without further proof of the holding of any meeting or the production of any minute book or other record or document.

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45. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled or determined by a court of summary jurisdiction before whom any offender is convicted.

Damages and charges to be settled by justices.

46. Where under the provisions of this Act or any local Act in force in the city 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 those Acts or any of them are recoverable by the Corporation shall 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.

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

Recovery of demands.

48. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder 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 city.

Informations by whom to be laid.

49. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for indictments &c.

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Summons
or warrant
may
contain
several
sums.

50. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Application of
section 265 of
Public Health
Act 1875.

51. 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 this Act as if the same were re-enacted herein.

Judges not
disqualified.

52. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Compensa-
tion how
to be
determined.

53. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Powers of
Act
cumulative.

54. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown
rights.

55. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of
Act.

56. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the city fund and city rate and any sums so paid shall be repaid or transferred to the city fund out of moneys to be borrowed under the provisions of this Act as hereinbefore provided.

The SCHEDULE referred to in the
foregoing Act.

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PART I.

MEMORANDUM OF AGREEMENT made this seventh day of February one thousand nine hundred and twenty-five between JOHN ROBERT ANDREWS CHARLES SEPTIMUS ERRINGTON FREDERICK LEE CHARLES JAMES YOUNG HENRY YOULL THOMAS ALFRED BERTRAM FORSTER FREDERICK JAMES USHER CHARLES KERNOT SERGENT and BERTRAM THOMAS ORD being the Committee of Stewards and Wardens of the Companies of Freemen of the City and County of Newcastle-upon-Tyne which committee is hereinafter referred to as "the Stewards Committee" of the one part and the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY AND COUNTY OF NEWCASTLE-UPON-TYNE hereinafter referred to as "the Corporation" of the other part.

Stamp.

Ten
shillings.

WHEREAS the piece of land hereditaments and premises more particularly described in the schedule hereto hereinafter referred to as "the property" has been for very many years the subject of a dispute between the Stewards Committee and the Corporation the Stewards Committee contending that the property is vested in them for an estate in fee simple in possession and the Corporation that the property is vested in the Corporation for an estate in fee simple subject to a right or benefit of herbage in the resident freemen or burgesses of the city of Newcastle-upon-Tyne and the resident widows of deceased freemen or burgesses of the said city on the same terms as in the case of the Town Moor of Newcastle-upon-Tyne of which the Corporation contend that the property formed part :

And whereas by the Newcastle-upon-Tyne Improvement Act 1870 it was enacted amongst other things that the Stewards Committee should be authorised and required to act for and on behalf of the stewards and wardens and freemen and widows of freemen for all purposes relating to the Town Moor :

And whereas it has now been arranged between the parties that the said dispute shall be settled upon the terms and in manner hereinafter appearing :

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Now it is hereby agreed as follows :—

(1) The Stewards Committee shall sell and convey all their rights and all the rights of the freemen in the property to the Corporation whatever the same rights may be.

(2) The Corporation shall pay to the Stewards Committee the sum of £4,000 of which the sum of £400 shall be paid on the signing of this agreement as a deposit and in part payment of the purchase money and the balance shall be paid on completion as set out in clause 14 hereof.

(3) The Corporation shall purchase a piece of land (hereinafter referred to as "the additional land") of the same area as the property and shall cause the same to be conveyed to the Corporation in fee simple subject nevertheless to a right or benefit of herbage in the resident freemen or burgesses of the city and the resident widows of deceased freemen or burgesses in the like manner in all respects as the Town Moor of Newcastle-upon-Tyne is held and so that the said additional land shall become part of the said Town Moor.

(4) The said additional land shall be of such character and in such situation as has the approval of the Stewards Committee and in particular shall adjoin and be contiguous to the Town Moor.

(5) The said additional land shall be fenced off from adjoining land other than the Town Moor to the satisfaction of the Stewards Committee and the cost of such fencing shall be paid by the Corporation who shall also discharge all liability if any for compensation to the tenants thereof under the Agricultural Holdings Act.

(6) A duplicate of the conveyance of the additional land shall be executed and handed to the Stewards Committee.

(7) The Corporation shall grant to the trustees of William Richard Sutton the option of purchasing that portion of the property lying to the south-east of the footpath from Barrack Road to the New Mills and shown on the plan endorsed hereon by being hatched blue and containing in area 4,700 square yards or thereabouts at the price of 13s. 4d. per square yard and shall throw into the street that portion of the property hatched brown on the said plan and containing in area 1,287 square yards or thereabouts.

(8) With the exception of the land to be sold to the Sutton Trustees as aforesaid the remainder of the property is to be used and developed by the Corporation for housing purposes or open spaces or roads only.

(9) The whole of the legal costs and charges in connection with this agreement and the preparation and completion of the documents necessary to carry the same into effect shall be paid

by the Corporation including those of the Stewards Committee as follows namely in respect of the conveyance of the property for £4,000 the usual charges for vendors solicitors in accordance with the scale in Part I. of the First Schedule to the Order made under the Solicitors Remuneration Act 1881 and in respect of the purchase of the additional land and of the sale to the Sutton Trustees the usual charges under Schedule 2 of the said Order. A.D. 1926.

(10) No abstract of title to the property shall be rendered by the Stewards Committee but if required a statutory declaration will be supplied at the expense of the Corporation by some person acquainted with the property that the rents of the same have been paid to the Stewards Committee for the past thirty years at least.

(11) The property will be conveyed subject to all easements affecting the same and to all tenancies or occupations and the rights or claims of tenants or occupiers.

(12) The property is believed to be correctly described as to area and otherwise. If any error misstatement or omission be discovered in the schedule hereto the same shall not annul this agreement nor shall any abatement or increase in respect thereof be made in the amount to be paid by the Corporation.

(13) The Stewards Committee shall be required to give no other covenants for title than that against incumbrances.

(14) The conveyance or quitclaim of the property shall be completed at the offices of Messrs. Jno. D. & N. D. Walker at 3 Ellison Place Newcastle-upon-Tyne within two months of the approval by the Stewards Committee in writing in accordance with clause 4 hereof of the additional land when the Corporation shall pay the residue of the purchase money and shall be entitled to receipt of the rents and profits of the property all outgoing to that date being discharged by the Stewards Committee. The conveyance of the additional land shall be completed within six months of such approval by the Stewards Committee as aforesaid and if vacant possession be not then given the Stewards Committee shall be entitled to receipt of the rents and profits until vacant possession is given but free from all liability under the Agricultural Holdings Acts as before mentioned. If the Corporation shall not complete the purchase of the property at the time appointed the Corporation shall pay interest on the remainder of the purchase money at the rate of five pounds per centum per annum from that time until the same be paid and if the Corporation shall not complete the purchase of the additional land at the time appointed the Corporation shall pay interest on the purchase money payable by the Corporation for such additional land at the rate of five pounds per centum per annum from that time until the additional land be conveyed in accordance with clause 3 hereof.

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—

(15) The Corporation will on the next occasion of their applying to Parliament for a General Town Improvement Act include an application for and use their best endeavours to obtain a power for the Corporation and the Stewards Committee to carry out the terms of the above agreement and to confirm and ratify the same And the Stewards Committee shall if requested by and at the cost of the Corporation petition each or either House of Parliament in favour of the said application and support the said application in any reasonable manner.

As witness the hands and seals of the parties.

The SCHEDULE referred to.

All that piece of land of a triangular shape containing 19,250 square yards or thereabouts bounded on the north-east by the Barrack Road on the south-west partly by Walter Terrace partly by certain premises in a street called New Mills and partly by the said street called New Mills and on the north-west by a portion of the Town Moor occupied by the military as a recreation ground which said piece of land is more particularly delineated in the plan annexed hereto and coloured round with red The wall on the north-west boundary is not included.

Signed sealed and delivered by
the said JOHN ROBERT AN-
DREWS in the presence of—

HY. KITCHEN
77 Queens Road
Monkseaton
Engineer.

J. R. ANDREWS. (L.S.)

CHARLES S.
ERRINGTON. (L.S.)

FRED LEE. (L.S.)

C. J. YOUNG. (L.S.)

Signed sealed and delivered by
the said FREDERICK LEE and
CHARLES JAMES YOUNG in
the presence of—

GEO. R. KIRKUP
Clerk with Messrs. Jno. D.
and N. D. Walker
Solicitors

HENRY YOULL. (L.S.)

T. A. B. FORSTER. (L.S.)

F. J. USHER. (L.S.)

CHAS. K. SERGENT. (L.S.)

BERT. THOS. ORD. (L.S.)

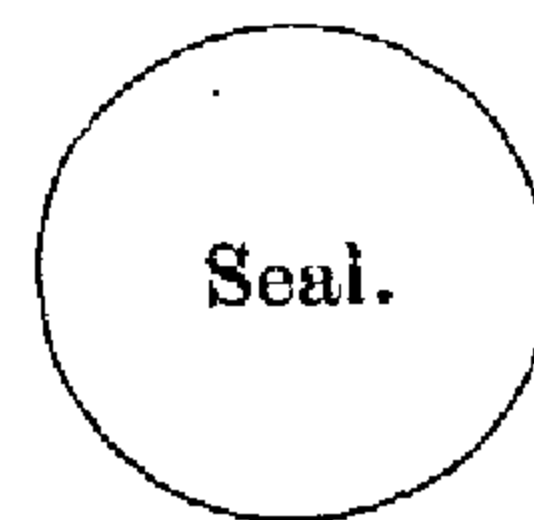
Newcastle-upon-Tyne.)

Signed sealed and delivered by
the said CHARLES SEPTIMUS
ERRINGTON HENRY YOULL
FREDERICK JAMES USHER
CHARLES KERNOT SERGENT
and BERTRAM THOMAS ORD
in the presence of—
NORMAN D. WALKER
Solicitor
Newcastle-upon-Tyne.

A.D. 1926.

Signed sealed and delivered by
the said THOMAS ALFRED
BERTRAM FORSTER in the
presence of—
I. F. JERDAN
Clerk with Keenlyside and
Forster
Solicitors
Newcastle-upon-Tyne.

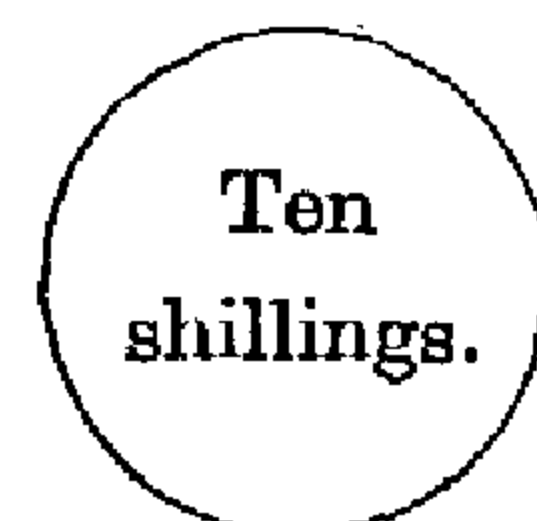
T. A. LOWE,
Deputy Lord Mayor.
E. H. MOTUM,
Acting Town Clerk.



PART II.

AN AGREEMENT made the eighteenth day of March one
thousand nine hundred and twenty-six between
JOHN ROBERT ANDREWS CHARLES SEPTIMUS
ERRINGTON FREDERICK LEE CHARLES JAMES
YOUNG HENRY YOULL THOMAS ALFRED BERTRAM
FORSTER FREDERICK JAMES USHER CHARLES
KERNOT SERGENT and BERTRAM THOMAS ORD
being the Committee of Stewards and Wardens of
the Incorporated Companies of Freemen of the City
and County of Newcastle-upon-Tyne (hereinafter
called "the Stewards Committee") of the one
part and the LORD MAYOR ALDERMEN AND CITIZENS
OF THE CITY AND COUNTY OF NEWCASTLE-UPON-
TYNE (hereinafter called "the Corporation") of the
other part.

Stamp.



WHEREAS the Corporation are entitled to the soil of the Town
Moor in the city and county of Newcastle-upon-Tyne for an
estate in fee simple but the same is subject to a right or benefit

[Ch. cii.] *Newcastle-upon-Tyne* [16 & 17 GEO. 5.]
Corporation Act, 1926.

A.D. 1926. of herbage in the resident freemen or burgesses of the said city and the resident widows of deceased freemen or burgesses of the said city which right or benefit is hereinafter referred to as the "herbage right":

And whereas by the Newcastle-upon-Tyne Improvement Act 1870 it is enacted amongst other things that there shall be for the purposes of that Act a committee of stewards and wardens which shall be authorised and required to act for and on behalf of the stewards and wardens and freemen and widows of freemen for all purposes relating to the Town Moor:

And whereas by the same Act it is enacted that the Corporation and the Stewards Committee may from time to time enter into and carry into effect such agreements as they may think fit for the purposes therein mentioned in relation to the Town Moor and in particular for amongst other things the formation of roads and paths by the Corporation for public use over along or across the Town Moor and that the Corporation and the Stewards Committee should have full power and authority to do all things by that Act authorised to be provided for by any such agreement and to execute make and do all such lawful acts deeds assurances and things as might from time to time be necessary or proper for carrying into effect any such agreement or any of the necessary or reasonable incidents or consequences thereof:

And whereas the Corporation are desirous of making a road across part of the Town Moor from the corner of the North Road and Moor Road to the junction of Lodore Road and Moorfield and thence continuing on the south side of Moorfield to Ilford Road in the city and county of Newcastle-upon-Tyne:

Now in pursuance of the provisions aforesaid and of all other powers in this behalf it is hereby agreed and declared between the parties hereto as follows:—

1. The Stewards Committee shall give and the Corporation shall take the herbage right in all that piece or parcel of land containing one acre or thereabouts being a portion of the Town Moor in the city and county of Newcastle-upon-Tyne and situate between the corner of the North Road and Moor Road the junction of Lodore Road and Moorfield and thence continuing on the south side of Moorfield to Ilford Road which said piece or parcel of land is shown coloured red on the plan numbered 1 signed in duplicate by Arthur Maule Oliver the town clerk on behalf of the Corporation and by John Robert Andrews on behalf of the Stewards Committee one copy whereof shall be kept by the Corporation and the other by the Stewards Committee to the intent that the same piece or parcel of land shall be used as a public road (and for no other purpose) freed and discharged from the aforesaid herbage right.

A.D. 1926.

2. The Corporation hereby covenants with the Stewards Committee that (a) the Corporation will within a reasonable time acquire the piece or parcel of land (hereinafter referred to as "the additional land") containing one acre or thereabouts which adjoins the Town Moor at the extreme north-west corner thereof and is shown coloured red on the plan numbered 2 signed in duplicate by Arthur Maule Oliver aforesaid on behalf of the Corporation and by John Robert Andrews aforesaid on behalf of the Stewards Committee one copy whereof shall be kept by the Corporation and the other by the Stewards Committee and add the same to the said Town Moor in lieu of the land appropriated in the said road across part of the Town Moor to be held by the Corporation in fee simple subject to a right or benefit of herbage in the resident freemen and burgesses and resident widows of deceased freemen and burgesses of Newcastle-upon-Tyne aforesaid in the like manner in all respects as the said Town Moor is held and so that the additional land shall become part of the said Town Moor and will at the expense of the Corporation fence the additional land off from the land next thereto and not forming part of the said Town Moor and (b) the Corporation will apply to Parliament for inclusion in the next Act of the Newcastle-upon-Tyne Corporation of a provision that the additional land shall by virtue of that Act vest in and be held by the Corporation in fee simple upon and for the same uses intents and purposes and under and subject to the same terms and conditions rights powers and privileges upon for under and subject to which the said Town Moor is vested in and held by them and so that the same shall for all purposes be deemed part thereof.

As witness the common seal of the Corporation and the hands and seals of the Stewards Committee parties hereto

ANTHONY OATES

Lord Mayor.

A. M. OLIVER

Town Clerk.

Seal.

Signed sealed and delivered by }
the said JOHN ROBERT AN- } J. R. ANDREWS. (L.S.)
DREWS in the presence of— }

T. H. SMIRK

Solicitor

Newcastle-upon-Tyne.

A.D. 1926. Signed sealed and delivered by }
the said CHARLES SEPTIMUS } CHARLES S. (L.S.)
ERRINGTON in the presence } ERRINGTON.
of—

T. H. SMIRK.

Signed sealed and delivered by }
the said FREDERICK LEE in } FRED LEE. (L.S.)
the presence of—

T. H. SMIRK.

Signed sealed and delivered by }
the said CHARLES JAMES } CHARLES J. YOUNG. (L.S.)
YOUNG in the presence of—

T. H. SMIRK.

Signed sealed and delivered by }
the said HENRY YOULL in } HENRY YOULL. (L.S.)
the presence of—

T. H. SMIRK.

Signed sealed and delivered by }
the said THOMAS ALFRED } T. A. B. FORSTER. (L.S.)
BERTRAM FORSTER in the }
presence of—

T. H. SMIRK.

Signed sealed and delivered by }
the said FREDERICK JAMES } F. J. USHER. (L.S.)
USHER in the presence of—

T. H. SMIRK.

Signed sealed and delivered by }
the said CHARLES KERNOT } CHAS. K. SERGENT. (L.S.)
SERGENT in the presence of—

T. H. SMIRK.

Signed sealed and delivered by }
the said BERTRAM THOMAS } BERT. THOS. ORD. (L.S.)
ORD in the presence of—

T. H. SMIRK.

PART III.

A.D. 1926.

MEMORANDUM OF AGREEMENT made the twenty-first day of December one thousand nine hundred and twenty-five between the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY AND COUNTY OF NEWCASTLE-UPON-TYNE (hereinafter called "the Corporation") of the one part and JAMES BARNES COLLIN and HENRY JOSEPH WAKEFIELD Esquires and FRANCIS EDWARD FREMANTLE M.P. a Lieutenant-Colonel in His Majesty's Territorial Army Reserve of Officers all of the Sutton Estate Office No. 183 Old Street in the county of London (hereinafter called "the Trustees") of the other part.

Stamp.

Sixpence.

WHEREBY it is agreed that subject to the approval of the Ministry of Health and of the High Court of Justice being obtained as hereinafter mentioned the Corporation shall sell and the Trustees shall purchase the inheritance in fee simple in possession free from incumbrances except as hereinafter mentioned of the property described in the schedule hereto at the price of thirteen shillings and fourpence per square yard and subject to the special conditions of sale hereinafter contained.

The property is sold subject to the exception of all mines and minerals in and under the property sold any easements affecting the property sold and the subsisting weekly tenancy of Messrs. Slaters who are not protected by the Rent Restrictions Acts the Corporation stating that so far as it is aware there are no easements affecting the property.

The purchase shall be completed within four calendar months after the sanction of the High Court of Justice to the contract shall have been obtained (which date is hereinafter referred to as "the date for completion") and on that day the Trustees shall pay the purchase-money whereupon the Corporation and all other necessary parties (if any) will execute a proper assurance of the property to the Trustees and such assurance shall be prepared by and at the expense of the Trustees and the draft thereof for perusal and approval on behalf of the Corporation shall be delivered at the office of the town clerk at the town hall Newcastle-upon-Tyne not less than twenty-one days and the engrossment thereof not less than fourteen days before the date for completion.

The property is sold subject to the approval of the Ministry of Health which approval the Corporation will use its best endeavours to obtain and unless such approval shall have been obtained within six calendar months from the date of this

A.D. 1926. agreement then this agreement shall at the expiration of that period be absolutely void.

This contract is also subject to the approval of the High Court of Justice being obtained in an action "In the matter of the estate of William Richard Sutton deceased And in the matter of the Mortmain and Charitable Uses Act 1891 Sutton and Others *v.* His Majesty's Attorney-General 1901 S. No. 1117" in which action the trustees are the present plaintiffs and the Trustees shall forthwith after receiving from the Corporation written notice that the approval of the Ministry of Health has been obtained make an application to the said court in the said action for the sanction of the court to the purchase and in case such sanction shall not be obtained to the contract either in its present terms or with such variations as may be assented to by both parties within four weeks after the receipt by the Trustees of the said notice of the approval of the Ministry of Health or within such extended time as the parties may agree then this contract shall be void.

The rents will be received or possession retained and the outgoings discharged by the Corporation up to the date for completion. As from that day the Trustees shall have the right to receive the rents or take possession and shall be bound to discharge the outgoings but the Trustees shall not be let into actual receipt of the rents or possession until the purchase shall have been actually completed and the rents and outgoings shall if necessary be apportioned between the Corporation and the Trustees for the purpose of this condition.

If the purchase shall not be completed on the date for completion the Trustees shall pay interest on the purchase money at the rate of five per cent. from that day until the purchase shall be completed provided that if the delay in completion shall arise from any other cause than the Trustees' own neglect or default they shall be at liberty at their own risk to place the purchase money in some bank to a deposit account and to give to the Corporation or its solicitor notice in writing of such deposit and after such deposit and notice they shall not be chargeable with interest on any purchase money so deposited at a higher rate than shall be allowed by the bank.

If either party shall be desirous of giving a notice to the other in respect of any matter incidental to or arising out of the agreement hereby made they may give such notice to the other party or their solicitor and any such notice may be served in manner prescribed by section 67 of the Conveyancing and Law of Property Act 1881 for the service of notices required or authorised by that Act.

The property has been for very many years the subject of a dispute between the stewards and wardens of the committee of freemen of Newcastle-upon-Tyne and the Corporation the said Stewards Committee contending that the property is vested in

them for an estate in fee simple in possession and the Corporation contending that the property is vested in it for an estate in fee simple in possession subject to the right or benefit of herbage in the resident freemen or resident burgesses of the city of Newcastle-upon-Tyne and the resident widows of deceased freemen or burgesses of the same city. In order to settle the said dispute the said Stewards Committee have sold and conveyed all their rights and all the rights of the freemen or burgesses or their widows in the property to the Corporation by a deed dated the 17th day of November one thousand nine hundred and twenty-five and the abstract of title to the property will consist of an abstract of this deed together with Kings Printers copies of the Town Moor Act 1774 the Newcastle-upon-Tyne Improvement Act 1870 and a declaration made by a competent person that the property is within the boundary of the Town Moor as defined at the date of the passing of the Town Moor Act 1774. The abstract shall be delivered to the Trustees' solicitors within seven days after the Corporation shall have received notice in writing that the said court has approved the purchase. The Corporation shall throw into the streets the land hatched brown on the plan annexed hereto and covenants with the Trustees properly to make up and form the streets so widened as public streets within six months after the completion of the building on the property sold and thereafter to keep the same in proper repair as public streets. If and when the property on the north side of New Mills co-extensive with part of the property sold is acquired by the Corporation for street widening purposes the Corporation shall remove the buildings standing thereon and throw the site thereof and also the land coloured blue on the said plan into the street.

If the Trustees shall insist on any objection as to any matter appearing in this agreement or connected with the sale which the Corporation shall be unable or on the ground of expense or other reasonable ground unwilling to remove or comply with the Corporation shall be at liberty notwithstanding any negotiation or litigation in respect of such requisition or objection to give to the Trustees or their solicitors notice in writing of its intention to rescind the contract for sale unless such objection be withdrawn and if such notice be given and the objection be not withdrawn within twenty-one days after the day on which the notice was sent the contract shall without further notice be rescinded.

If the purchase shall not be completed on the day hereby fixed for completion the Corporation may at any time thereafter provided they are not then themselves in default serve a notice on the Trustees requiring them to complete the purchase within thirty days from the date of service of the notice and if the Trustees shall not complete the purchase within the time so limited the Corporation shall be at liberty to rescind the contract

A.D. 1926. — or to resell the property at such time and in such manner as they shall think fit and in case of such resale any deficiency in price and all expenses attendant on such resale shall immediately thereafter be paid by the Trustees to the Corporation and in case of non-payment shall be recoverable by the Corporation as liquidated damages and any increase in price shall be applied in or towards payment of such expenses as aforesaid and the surplus (if any) shall belong to the Trustees.

As witness the corporate seal of the Corporation and the hands of the Trustees the day and year first above written.

The SCHEDULE.

All that land containing in area four thousand seven hundred square yards or thereabouts situate at the corner of Barrack Road and New Mills in the city and county of Newcastle-upon-Tyne which said land is shown on the plan annexed hereto and thereon coloured red.

Witness to the signature of the said

JAMES BARNES COLLIN

W. BALMAIN

Secretary to Trustees of

W. R. SUTTON

183 Old Street E.C.

JAS. B. COLLIN.

Witness to the signature of the said

HENRY JOSEPH WAKEFIELD

W. BALMAIN

Secretary to Trustees of

W. R. SUTTON

183 Old Street E.C.

H. J. WAKEFIELD.

Witness to the signature of the said

FRANCIS EDWARD FREMANTLE

W. BALMAIN

as above.

F. E. FREMANTLE.

ANTHONY OATES

Lord Mayor.

A. M. OLIVER

Town Clerk.

Seal.

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FOR

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