

[24 & 25 GEO. 5.]

*Tynemouth
Corporation Act, 1934.*

[Ch. lxxvi.]



CHAPTER lxxvi.

An Act to empower the mayor aldermen and burgesses of the borough of Tynemouth to construct additional waterworks and a street improvement to confer further powers upon them and make further provision with respect to their water and electricity undertakings to make further provision for the health local government improvement and finance of the borough and for other purposes.

A.D. 1934.

[25th July 1934.]

WHEREAS the borough of Tynemouth in the county of Northumberland (hereinafter referred to as "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas extensive powers with regard to the supply of water and electricity and certain other undertakings and with regard to the improvement and government of the borough have been conferred upon the Corporation by the Acts and Orders specified in Parts I and II of the First Schedule to this Act which Acts and Orders are hereinafter referred to collectively as "the local Acts" and each of them separately as an Act or Order of the year in which it was passed into law or came into force:

And whereas the Corporation are the owners of a water undertaking from which they are (under and in

A.D. 1934.

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pursuance of the provisions of certain of the local Acts) required to and do supply and distribute water within the borough and within certain districts outside the borough and from which they are (under and in pursuance of the provisions of certain of the local Acts and of certain agreements referred to in this Act) also required to supply and in certain cases do supply water in bulk to the local authorities of other districts in the neighbourhood of the borough for distribution by them :

And whereas the districts outside the borough within which the Corporation are required to and do supply and distribute water are the urban district of Whitley and Monkseaton and the urban district of Ashington :

And whereas the districts outside the borough to the local authorities of which the Corporation are required to and either do or may be called upon to supply water in bulk for distribution by them are the Bedlingtonshire Urban District the Cramlington Urban District the Seaton Delaval Urban District the Newbiggin-by-the-Sea Urban District the Morpeth Rural District (for the supply of the parishes of Ulgham Widdrington East Chevington Ellington Lynemouth and Pegswood) and the borough of Morpeth (hereinafter referred to as "the bulk supply districts") :

And whereas in the case of certain of the bulk supply districts it is provided by certain provisions of the local Acts that as from the thirtieth day of September one thousand nine hundred and thirty-four such supplies shall be paid for by the local authorities of the said respective districts at the cost to the Corporation of providing and affording the same and it is expedient that the provisions of this Act with respect to the ascertainment of such cost and otherwise in connection therewith should be enacted :

And whereas for the before mentioned and other purposes and in order to ensure that so far as practicable the water undertaking shall be carried on without loss and without profit to the Corporation it is expedient that the rates charges and prices at which the Corporation are or may be required to supply water be altered increased and provided for as enacted in this Act :

And whereas by the Tynemouth Corporation (Water) Act 1898 the Corporation were authorised to construct

A.D. 1934.
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certain waterworks including an impounding reservoir in the county of Northumberland to be called the Font reservoir for the purpose of taking collecting diverting impounding and using the waters of the river Font and its tributaries and by section 28 (For protection of mill-owners and others) of that Act the Corporation are required at all times to cause to pass into the river Font not less than one hundred and sixty-seven cubic feet of water per minute :

And whereas the Font reservoir has been completed and the waters impounded thereby are now being supplied by the Corporation for the purposes of their water undertaking :

And whereas the demand for water within the limits of supply of the Corporation and for supply by them of water in bulk has increased is increasing and is likely further to increase and it is expedient that the obligations of the Corporation in regard to the discharge of compensation water into the said river should be varied as by this Act provided :

And whereas the Corporation have entered into an agreement with the owners lessees and occupiers of all the mills and works upon the river Font southward of the embankment of the Font reservoir to its junction with the river Wansbeck and all other persons interested as riparian owners in the waters which by the said Act of 1898 the Corporation are entitled to take and use being riparian owners upon the said portion of the river Font to pay compensation to them instead of discharging compensation water under the Act of 1898 as amended by this Act and a copy of the said agreement is set forth in the Third Schedule to this Act :

And whereas it is expedient that the Corporation be authorised to construct the additional waterworks described in this Act and to acquire lands therefor and that the other provisions contained in this Act with respect to the water undertaking should be enacted :

And whereas it is expedient that the Corporation should be empowered to construct the street improvement by this Act authorised and to acquire lands for the purposes thereof and for other purposes :

And whereas it is expedient that further powers should be conferred upon the Corporation with reference

A.D. 1934. to the management control and improvement of their
— promenades parks and pleasure grounds and of the
seashore :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their electricity undertaking and with respect to the acquisition use and disposal of land by the Corporation as by this Act provided :

And whereas it is expedient that further and better provision should be made with reference to streets and buildings sewers and drains sanitary matters and human food and otherwise for the local government health and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas it is expedient that further provision be made with regard to the finances of the Corporation and with regard to the borrowing of money and the application of revenue from their undertakings :

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

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For the construction of the waterworks by this Act authorised and the works in connection therewith and for the purchase of lands therefor...	139,000
For and in connection with new mains extensions of mains and service pipes and other waterworks purposes	60,000
For the purchase of lands for and in connection with and for the construction of the street improvement by this Act authorised ...	25,000

And whereas the several works included in such estimates are permanent works and it is expedient

that the cost thereof should be spread over a term of A.D. 1934.
years :

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

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

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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Tynemouth Corporation Act 1934 and this Act and the Tynemouth Corporation (Water) Acts 1897 to 1924 may be cited together as the Tynemouth Corporation Acts 1897 to 1934. Short and collective titles.

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

Part I.—Preliminary.

Part II.—Waterworks and water supply.

Part III.—Street improvement.

Part IV.—Lands.

Part V.—Parks recreation grounds seashore baths &c.

Part VI.—Electricity.

Part VII.—Streets buildings sewers and drains.

Part VIII.—Infectious disease and sanitary provisions.

Division of Act into Parts.

A.D. 1934.

- Part IX.—Human food.
- Part X.—Hoardings advertisements &c.
- Part XI.—Financial provisions.
- Part XII.—Miscellaneous.

Incorporation of Acts.

3.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(a) The Lands Clauses Acts with the following exceptions and modification:—

(i) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act;

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(b) The Waterworks Clauses Act 1847 except—

(i) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(ii) Sections 75 to 82 relating to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

Provided that the water to be supplied by the Corporation need not be constantly laid on under pressure except in the district as defined in section 4 (Interpretation) of the Act of 1916 and need not be supplied at a pressure greater in the case of the district than the pressure afforded by gravitation from the Hebron service reservoir by that Act authorised and in the case of any other part of the area for the supply of water by the Corporation than the pressure afforded by gravitation from the service reservoir from which the supply is given;

(c) Sections 12 to 21 of the Waterworks Clauses Act 1863; A.D. 1934.

(d) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act and "the centre of the railway" means the centre of such waterworks respectively.

(2) In the construction of the provisions of the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the Railways Clauses Consolidation Act 1845 the expressions "the promoters of the undertaking" "the undertakers" and "the company" mean respectively the Corporation and in the construction of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes incorporated herewith the expression "the limits of the special Act" shall for the purposes of this Act be deemed to include any street which the Corporation require to open and break up for laying down any lines of pipes or works therein in exercise of the powers of this Act.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act or by the Public Health Acts meanings are assigned have in this Act in relation to the relative subject-matter the same respective meanings And in this Act—

"The borough" means the borough of Tynemouth;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The mayor" and "the council" mean respectively the mayor and the council of the borough;

"The town clerk" "the treasurer" "the surveyor" "the medical officer" and "the sanitary inspector" mean respectively the town clerk the treasurer the surveyor and the medical officer of health of the borough and any sanitary inspector of the borough;

A.D. 1934.

- “ The general rate ” and “ the general rate fund ” mean respectively the general rate and the general rate fund of the borough ;
- “ The local Acts ” means the unrepealed provisions of the Acts specified in Part I and of the Orders specified in Part II of the First Schedule to this Act and so much of the Confirmation Acts specified in the said Part II as relates to those Orders and each of those Acts and Orders are in this Act referred to as the Act or Order of the year in which the same was passed into law or came into force ;
- “ The Act of 1933 ” means the Local Government Act 1933 ;
- “ The Minister ” means the Minister of Health ;
- “ The water undertaking ” means the water undertaking of the Corporation as from time to time authorised ;
- “ The water limits ” means the limits within which for the time being the Corporation are or shall be authorised to supply water ;
- “ The Font reservoir ” means the reservoir authorised by and constructed under the Act of 1898 ;
- “ The standing arbitrator ” means the standing arbitrator appointed under the section of this Act of which the marginal note is “ Standing arbitrator ” ;
- “ The street improvement ” means the street improvement and the works in connection therewith by this Act authorised ;
- “ The fish quay undertaking ” means the fish quay undertaking of the Corporation as from time to time authorised ;
- “ The tramway undertaking ” has the same meaning as that assigned to that expression by the Act of 1919 ;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation as from time to time authorised ;
- “ The electricity limits ” means the limits within which for the time being the Corporation are or shall be authorised to supply electricity ;

- “ Infectious disease ” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough and includes any other infectious disease which the Minister may by order under section 60 of the Public Health Act 1925 declare to be a dangerous infectious disease; A.D. 1934.
- “ Child ” means a person under the age of sixteen years;
- “ Food ” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ Daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction therefor;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- “ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of

A.D. 1934.
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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 general rate fund and all rates Exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation;

“Bond” means a Corporation bond issued under the powers of the section of this Act of which the marginal note is “Power to borrow by issue of bonds”;

“Security of the Corporation” means any mortgage bond debenture annuity stock or other security granted issued or created by the Corporation;

“Stock regulations” means regulations made under section 204 of the Act of 1933 or any regulations superseded by regulations so made;

“The registrar” means the person or bank appointed by the Corporation under the stock regulations;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending that Act;

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending that Act;

“Local enactment” includes this Act and any local Act order byelaw or regulation for the time being in force within the borough.

5. As from the passing of this Act the provisions of Parts II III IV and V of the Public Health Act 1925 (as amended by any subsequent enactments and as extended or amended by this Act in relation to the

Application
of Parts II
III IV and
V of Public
Health
Act 1925.

Corporation and the borough) shall be in force in and A.D. 1934.
apply to the borough and the following enactments
shall be repealed :—

The Act of 1916—

- Section 63 (Power to define future line of existing streets);
- Section 65 (Erection of bridges);
- Section 66 (Power to grant licences for bridges over streets);
- Section 67 (Restriction on placing rails beams &c. over streets);
- Section 68 (Prevention and removal of projections over streets);
- Section 69 (Trees or shrubs overhanging streets and footpaths);
- Section 80 (Prohibiting entry of petrol &c. into sewers);
- Section 81 (For preventing soil sand and other debris from being washed into street or sewer);
- Section 82 (Watercourse choked up to be a nuisance under Public Health Act 1875);
- Section 83 (Watercourse not to be covered in except in accordance with approved plan);
- Section 85 (Corporation may require enlarged sewer);
- Section 86 (Corporation may make communications between private drains and their sewers on payment &c.);
- Section 99 (Cleansing of verminous persons);
- Section 100 (Houses infested with vermin to be cleansed);
- Section 108 (Establishment &c. of offensive trades);
- Section 145 (Fire alarms);
- Section 146 (Street orderly bins);
- Section 147 (Public drinking fountains).

A.D. 1934.

The Act of 1924—

Section 42 (For preventing water flowing on footpaths):

Provided that the repeal by this section of section 63 (Power to define future line of streets) of the Act of 1916 shall not invalidate anything lawfully done by the Corporation under that section before the passing of this Act and the provisions of section 33 of the Public Health Act 1925 shall apply in lieu of the provisions of the said section 63 to any line of frontage duly prescribed and defined by the Corporation under that section 63 before the passing of this Act as if the line were an improvement line within the meaning of the said section 33.

PART II.

WATERWORKS AND WATER SUPPLY.

*Waterworks.*Power to
make
works.

6. Subject to the provisions of this Act the Corporation may wholly in the county of Northumberland and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 An aqueduct or line or lines of pipes (No. 1) situate wholly in the urban district of Earsdon commencing by a junction with the gravitation main of the Corporation in the North Shields to Morpeth road and terminating in the Earsdon service reservoir (Work No. 2) hereinafter described;

Work No. 2 A service reservoir to be called "Earsdon service reservoir" situate wholly in the urban district of Earsdon in the enclosures at present occupied by "White House" and adjoining gardens and on the south side of the main street in the village of Earsdon;

Work No. 3 An aqueduct or line or lines of pipes (No. 2) situate partly in the urban district of Earsdon and partly in the urban district of Whitley and Monkseaton commencing in the

Earsdon service reservoir (Work No. 2) hereinbefore described and terminating by a junction with the water main of the Corporation in Broadway in the urban district of Whitley and Monkseaton;

A.D. 1934.
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Work No. 4 An aqueduct or line or lines of pipes (No. 3) situate wholly in the borough commencing by a junction with the gravitation main of the Corporation in a road at Moorhouses and terminating in the Chirton Grange service reservoir (Work No. 5) hereinafter described;

Work No. 5 A service reservoir to be called "Chirton Grange service reservoir" situate partly in the urban district of Earsdon and partly in the borough in the enclosures numbered respectively in the said urban district 593 and in the borough 600 on the 1/2500 Ordnance map (new series 1919) Northumberland sheet No. LXXXVI.16;

Work No. 6 An aqueduct or line or lines of pipes (No. 4) situate partly in the urban district of Earsdon and partly in the borough commencing in the Chirton Grange service reservoir (Work No. 5) hereinbefore described and terminating by a junction with the main of the Corporation in a road leading from the road at Moorhouses to Preston White House;

Work No. 7 A water tower to be called the "Moorhouses water tower" situate wholly in the borough in the enclosures numbered in the borough 514 and 515 on the 1/2500 Ordnance map (new series 1919) Northumberland sheet No. LXXXVI.16 and on the east side of Billy Mill Lane;

Work No. 8 A clear water tank to be called "Fontburn tank" situate wholly in the parish of Ritton White House in the rural district of Rothbury in the southern portion of the enclosure numbered in that parish 19 on the 1/2500 Ordnance map (second edition 1897) Northumberland sheet No. LIII.11.

7. In addition to the waterworks in this Part of this Act described the Corporation may subject to the

Subsidiary
waterworks.

A.D. 1934.

provisions of this Act upon any lands shown on the deposited plans and acquired by them for the purposes of the water undertaking make and maintain all such cuts channels aqueducts culverts tunnels drains sluices bye-washes overflows washouts gauges tanks filter-houses filter-beds embankments bridges roads approaches telegraphic and telephonic apparatus engines pumps machinery appliances apparatus and conveniences connected with or ancillary to the said works or necessary for inspecting maintaining repairing cleansing managing working or using the same or required for the purposes of the water undertaking but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Limits of
deviation
for water-
works.

8. In constructing the works by this Part of this Act authorised the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that (except in the case of the water tower (Work No. 7)) no embankment of a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and five feet in addition and that except for the purpose of crossing over a stream dyke watercourse or railway no part of the aqueduct shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for
completion
of water-
works.

9. If the waterworks by this Part of this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such

of those works or so much thereof respectively as shall then be completed. Provided that subject to the restrictions and provisions of this Act the Corporation may at any time after the expiration of the said period lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply. A.D. 1934.

10. The works constructed by the Corporation and the lands and easements acquired by them for the purposes of the water undertaking under the powers of this Part of this Act shall so long as the same respectively are vested in the Corporation form part of the water undertaking. New works to form part of water undertaking.

11. The provisions of section 46 (For protection of North Eastern Railway Company) of the Act of 1916 except subsection (3) of that section shall extend and apply (*mutatis mutandis*) to and in relation to the works by this Part of this Act authorised as if that section had been expressly inserted in this Act and as if the name of the London and North Eastern Railway Company had been mentioned in that section instead of the name of the North Eastern Railway Company. For protection of London and North Eastern Railway Company.

Provisions as to compensation water.

12.—(1) The following provisions of the Act of 1898 (namely):— Varying provisions as to compensation water of Act of 1898.

Subsections (3) (4) and (5) of section 28 (For protection of millowners and others);

Section 29 (Gauge to be constructed for measuring water passing down river Font);

Section 30 (Disputes as to gauge to be settled by an engineer);

Section 31 (Riparian owners and their officers may inspect gauge);

Section 32 (Penalty in case Corporation fail to supply the stipulated quantity of compensation water);

shall be read and have effect as if the words “at some point therein not more than one thousand yards below the foot of the embankment of the Font

A.D. 1934. — “reservoir” were substituted in subsection (3) of the said section 28 for the words “at such point as aforesaid” and in the said section 29 for the words “at the point hereinbefore mentioned.”

(2) Notwithstanding anything contained in subsection (5) of section 28 (For protection of millowners and others) of the Act of 1898 and for the purposes of the said sections 30 31 and 32 of that Act as amended by this section the expression “riparian owners” shall mean the several owners lessees and occupiers of mills and works upon the river Font southward of the embankment of the Font reservoir to its junction with the river Wansbeck and other persons interested in the waters which by the Act of 1898 the Corporation are authorised to take and use being riparian owners upon the said portion of the river Font.

Confirma-
tion of
scheduled
agreement.

13.—(1) The agreement set out in the Third Schedule to this Act is hereby confirmed and made binding on the Corporation and all other persons who are parties thereto.

(2) The Corporation shall not be obliged to cause at any time after the passing of this Act to pass into the river Font any greater quantity of water than fifty-five cubic feet of water per minute and the Act of 1898 shall be read and have effect as if that quantity were referred to in subsection (3) of section 28 of that Act in lieu of the quantity therein mentioned.

Provisions
of this
Part of this
Act to be
taken as
compensa-
tion.

14. The foregoing provisions of this Part of this Act relating to compensation water shall be taken and accepted by all persons interested as full compensation for all water which the Corporation may take collect divert impound and use under the Act of 1898 as amended by this Act.

Rates for supplies of water in detail and in bulk &c.

Standing
arbitrator.

15.—(1) As soon as may be after the passing of this Act and in any case not later than the first day of September nineteen hundred and thirty-four and subsequently at such time or times as may be necessary the Minister shall appoint an independent person (being either a civil engineer or an accountant) as the standing arbitrator for the purposes of this Act.

(2) The standing arbitrator appointed under the provisions of this section shall continue in office from the time of his appointment until another standing arbitrator is appointed by the Minister. A.D. 1934.

(3) The remuneration and expenses of the standing arbitrator shall be fixed from time to time by the Minister and (subject as hereinafter in this subsection provided) be paid by the Corporation and shall be charged to the bulk supply account or the distribution account (as respectively defined in subsection (1) of the section of this Act of which the marginal note is "Revision of rates and prices") or partly to one of the said accounts and partly to the other of them as the standing arbitrator may determine:

Provided that nothing in this subsection shall prejudice or affect the powers of the standing arbitrator under the provisions of the Arbitration Act 1889 to direct that his remuneration and expenses relating to any reference to and award by him or any part thereof shall be borne and paid by any one or more of the parties to the reference.

16. As from the thirtieth day of September nineteen hundred and thirty-four section 21 (New rates for supply of water for domestic purposes and by measure) of the Act of 1924 shall be repealed and the following sections of the Act of 1897 as amended by the Act of 1907 shall be read and have effect as if the following amendments had been made therein (that is to say):—

Act of 1897—

Section 33 (Rate at which water is to be supplied for domestic purposes) as amended by section 33 (Amendment of section 33 of Act of 1897) of the Act of 1907 shall be read and have effect as if in lieu of the words "one shilling and sixpence" there had been inserted therein the words "one shilling and tenpence or such other rate as shall for the time being be fixed by the standing arbitrator in pursuance of the section of the Tynemouth Corporation Act 1934 of which the marginal note is 'Revision of rates and prices'" and as if

A.D. 1934.
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after the first proviso to that section there had been inserted the following proviso :—

“ Provided also that in respect of the half-year ending on the thirty-first day of March nineteen hundred and thirty-five and pending the fixing of the uniform charges to be fixed by the said arbitrator as aforesaid which shall come into force as from the quarter commencing on the first day of April nineteen hundred and thirty-five the rate so to be charged shall be the yearly rate fixed by the Corporation as payable in respect of the year ending on the thirty-first day of March nineteen hundred and thirty-five for supplies of water in detail in the borough and the urban district of Whitley and Monkseaton ” ;

Section 38 (Rates for supply of water for other than domestic purposes) shall be read and have effect as if in lieu of the words “ one shilling ” there had been inserted therein the words “ one shilling and sixpence or such other rate as shall for the time being be fixed by the standing arbitrator in pursuance of the section of the Tynemouth Corporation Act 1934 of which the marginal note is ‘ Revision of rates and prices ’ ” and as if at the end of that section there had been inserted the following proviso :—

“ Provided also that in respect of the half-year ending on the thirty-first day of March nineteen hundred and thirty-five and pending the fixing of the uniform charges to be fixed by the said arbitrator as aforesaid which shall come into operation as from the quarter commencing on the first day of April nineteen hundred and thirty-five the rate so to be charged shall be the yearly rate fixed by the Corporation as payable in respect of the year ending on the thirty-first day of March nineteen hundred and thirty-five for supplies of water in detail in the borough and the urban district of Whitley and Monkseaton : ”

Provided that notwithstanding anything contained in this Act the rates and charges for the supply of water within the urban district of Ashington shall not exceed the rates and charges authorised by the Act of 1897 and the Act of 1907. A.D. 1934.

17. Subject to the provisions of this Act and as from the reading of the meters for the quarter ending on the thirty-first day of March nineteen hundred and thirty-five the following sections of and schedules to the Act of 1919 shall be read and have effect as if the following amendments had been made therein (that is to say):—

New rates
for supply
in bulk.

Act of 1919—

Section 61 (Confirming agreement with Bedlingtonshire Council) and the Second Schedule shall be read and have effect as if in lieu of paragraph 9 of the agreement set out in that schedule the following paragraph had been inserted therein:—

“ 9. The urban authority shall pay to the Corporation for the water supplied to them hereunder the price per one thousand gallons for the time being fixed by the standing arbitrator for water supplied by the Corporation in bulk in pursuance of the section of the Tynemouth Corporation Act 1934 of which the marginal note is ‘ Revision of rates and prices.’ ”

Section 63 (For supply of water in bulk to Cramlington Seaton Delaval and Newbiggin Councils) and the Fourth Schedule shall be read and have effect as if in lieu of paragraph 9 of that schedule the following paragraph had been inserted therein:—

“ 9. The council shall pay to the Corporation for the water supplied by them hereunder the price per one thousand gallons for the time being fixed by the standing arbitrator for water supplied by the Corporation in bulk in pursuance of the section of the Tynemouth Corporation Act 1934 of which the marginal note is ‘ Revision of rates and prices.’ ”

A.D. 1934.

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Supply in
bulk to
Morpeth
Rural
District
Council.

18.—(1) As from the passing of this Act the Corporation shall continue the supply of water in bulk to the Morpeth Rural District Council (in this section called "the council") afforded under section 53 (Supply in bulk to Morpeth Rural District Council) of the Act of 1916 upon the terms and conditions expressed in this section.

(2) The quantity of water to be supplied by the Corporation to the council shall (subject as hereinafter provided) be such quantity not being more than three hundred thousand gallons a day as may from time to time be demanded by the council by notice in writing Provided that—

(a) in the event of the local government boundaries of the Morpeth Rural District as constituted on the first day of May nineteen hundred and thirty-four being at any time or from time to time altered in such a manner as to reduce the area of the district as then constituted the said maximum quantity of three hundred thousand gallons shall as from the date of such alteration or alterations respectively taking effect be reduced to such extent as may be agreed between the Corporation and the council or as (in default of agreement) shall be determined by arbitration under this section regard being had to the nature and requirements for water of any area excluded from the district as a result of such alteration; and

(b) if the council shall require on any one day in any quarter a quantity of water exceeding by more than one-fifth the average daily quantity supplied under this section (or in the case of the first year after the passing of this Act supplied under section 53 of the Act of 1916) in the corresponding quarter of the previous year they shall give to the Corporation not less than ten days' notice of such requirement stating the approximate increased quantity of water required.

(3) As from the passing of this Act until the reading of the meters for the quarter ending on the thirty-first day of March nineteen hundred and thirty-five the price per one thousand gallons to be paid by the council to

the Corporation for water supplied to the council under this section shall be sixpence per thousand gallons but as from such reading as aforesaid shall be the price per one thousand gallons for the time being fixed by the standing arbitrator for water supplied by the Corporation in bulk in pursuance of the section of this Act of which the marginal note is "Revision of rates and prices" Provided that as soon as may be practicable after the settlement by the standing arbitrator of such last-mentioned price such financial adjustment shall be made between the council and the Corporation as shall be necessary to secure that the council shall pay for the said supply in respect of the period from the thirtieth day of September nineteen hundred and thirty-four to the thirty-first day of March nineteen hundred and thirty-five the price so settled.

A.D. 1934.
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(4) All water so supplied and taken shall be taken in an even and continuous flow throughout every day of twenty-four hours and at the pressure available by gravitation at the point at which it shall be taken and shall up to but not exceeding the quantity of two hundred thousand gallons per day be taken either from the existing Hebron service reservoir or from the line or lines of pipes of the Corporation (Work No. 3) authorised by the Act of 1916 at a point to be agreed between the Corporation and the council or (in default of agreement) determined by arbitration under this section Any quantity of water (within the maximum quantity aforesaid for the time being in force) in excess of two hundred thousand gallons per day required by the council shall be taken from the Font gravitation main (Work No. 6) authorised by the Act of 1898 at a point on such main to be agreed or determined as aforesaid.

All such water shall be taken either by means of the existing main of the council from the Hebron reservoir or by means of a main or mains to be constructed by the council at their own expense between such points as aforesaid and such of the waterworks of the council as the council may determine.

(5) All water so supplied and taken shall be measured by a meter or meters to be provided and fixed by the Corporation at a point to be agreed upon or in default

A.D. 1934. — of agreement determined under this section and the said meter or meters shall remain the property of the Corporation and be under their sole control and be maintained by them. The said meter or meters shall be placed in some suitable chamber or building to be provided, and maintained by the council on a site to be provided by them. The council shall pay rent to the Corporation for the said meter or meters at the rate for the time being charged by the Corporation for a meter or meters of the same size. The council shall at all reasonable times be at liberty on giving twenty-four hours' notice to the Corporation to inspect the said meter or meters and the works appertaining thereto and to test the accuracy thereof.

(6) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council if such failure be occasioned by frost unusual drought or any other unavoidable cause or accident or during necessary repairs or if and so long as such supply would interfere with the supply of water within the water limits or with any supply which the Corporation are required to give to any company body or person under any of the provisions of the Tynemouth Corporation Acts 1897 to 1924.

(7) The council shall by notice in writing given to the Corporation at least fourteen days before the first day of April in each year inform the Corporation of the quantity of water (according to an estimate to be made by them as accurately as possible and within the maximum quantity aforesaid for the time being in force) which the council will require in the year commencing on such first day of April but the council shall not be bound to take any minimum quantity of water or to pay for any greater quantity than that actually taken and measured as aforesaid.

(8) All payments for the water supplied under this section shall be made quarterly on the twenty-first day of January the twenty-first day of April the twenty-first day of July and the twenty-first day of October in every year.

(9) Any difference between the Corporation and the council under the foregoing provisions of this section

shall be settled by arbitration by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party.

A.D. 1934.

(10) Section 53 (Supply in bulk to Morpeth Rural District Council) of the Act of 1916 and section 66 (As to supply to Morpeth Rural District) of the Act of 1919 are hereby repealed and any agreements or arrangements made between the Corporation and the council with respect to the supply of water in bulk by the Corporation to the council subsequent to the passing of the Act of 1916 and prior to the passing of this Act shall upon the passing of this Act cease to have effect.

19. As from the reading of the meter for the quarter ending on the thirty-first day of March nineteen hundred and thirty-five paragraph 2 of the agreement for the supply of water in bulk dated the twenty-fifth day of July nineteen hundred and five and made between the Corporation of the one part and the mayor aldermen and burgesses of the borough of Morpeth of the other part shall be read and have effect as if at the end of that paragraph the following proviso had been inserted :—

Amendment
of Morpeth
agreement.

“ Provided also that as from the reading of the meter for the quarter ending on the thirty-first day of March nineteen hundred and thirty-five the price to be charged and paid for such supply shall be the price per one thousand gallons for the time being fixed by the standing arbitrator for water supplied by the Corporation in bulk in pursuance of the section of the Tynemouth Corporation Act 1934 of which the marginal note is ‘ Revision of rates and prices.’ ”

20. In order to provide for the prices to be paid in respect of water in bulk supplied by the Corporation to the Bedlingtonshire Cramlington Seaton Delaval and Newbiggin-by-the-Sea Urban District Councils and the mayor aldermen and burgesses of the borough of Morpeth (in this section collectively referred to as “ the councils ”) in respect of the period from the thirtieth day of September nineteen hundred and thirty-four to the thirty-first day of March nineteen hundred and thirty-five

As to rates
for supplies
in bulk in
respect of
period from
30th Sep-
tember
1934 to
31st March
1935.

A.D. 1934.

(in this section referred to as "the said period") the following provision shall have effect:—

The councils shall respectively continue to pay in the first instance to the Corporation in respect of the said supplies the price of sixpence per thousand gallons :

Provided that as soon as may be practicable after the fixing by the standing arbitrator of the price to be paid per one thousand gallons for water supplied by the Corporation in bulk under the provisions of the section of this Act of which the marginal note is "Revision of rates and prices" such financial adjustments shall be made between the councils and the Corporation as shall be necessary to secure that the councils shall pay for the said supplies in respect of the said period the price so fixed.

Price for
new bulk
supplies.

21. The Corporation shall not enter into any new agreement under the provisions of section 37 (For supply of water to other authorities) of the Act of 1898 as amended by section 60 (Amendment of section 37 of Act of 1898) of the Act of 1919 for the supply of water at a price less than the price per one thousand gallons for the time being fixed by the standing arbitrator for water supplied by the Corporation in bulk in pursuance of the section of this Act of which the marginal note is "Revision of rates and prices."

Revision of
rates and
prices.

22.—(1) Notwithstanding anything contained in the Tynemouth Corporation (Water) Acts 1897 to 1924 or this Act it shall be the duty of the Corporation so to keep the accounts of the water undertaking for the year commencing on the first day of April nineteen hundred and thirty-five and each subsequent year as to separate the income and expenditure relating to the supply of water in bulk from the income and expenditure relating to the distribution of water in detail and the separate accounts so formed shall be known and are in this Act referred to as "the bulk supply account" and "the distribution account" respectively.

(2) The bulk supply account shall be so kept from year to year as to show the expenditure of the Corporation in providing and affording supplies of water in

bulk and there shall be charged to such account as expenditure the following outgoings (namely) :— A.D. 1934.

- (a) An annual payment to the general rate fund of a sum equal to the amount of the net interest (after deducting such income tax thereon as is recoverable by the Corporation by way of deduction) payable and of the requisite appropriations instalments or sinking fund payments (so far as the same cannot be met out of the income from the sinking fund) to be made by the Corporation during the then current year in respect of moneys borrowed to meet expenditure on capital account or of a capital nature upon the works or for the purposes set out in the Second Schedule to this Act (except such as may be excluded therefrom under the proviso to this paragraph) and upon such other works or purposes as shall be properly chargeable to capital account in providing and affording supplies of water in bulk including such sum (if any) as has been incurred in pursuance of statutory or other authority in respect of interest upon capital during construction :

Provided that the standing arbitrator upon the first occasion on which prices and charges are after the passing of this Act to be fixed under subsection (12) of this section shall upon the application of any of the local authorities supplied with water in bulk consider the exclusion of and (if he thinks fit) exclude from the Second Schedule to this Act any of the works or purposes which are mentioned or referred to in the items numbered 5 6 11 and 12 in the said schedule and in the event of any such work or purpose being so excluded the said schedule as so amended shall have effect as the Second Schedule to this Act ;

- (b) The cost chargeable to revenue account in that year properly attributable to providing and affording supplies of water in bulk and of maintaining renewing working and managing the portion of the water undertaking relating thereto (including legal and parliamentary

A.D. 1934.
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expenses establishment charges and rates and taxes payable in respect thereof) and a payment to reserve fund not exceeding in any year the rate of one-half of one per centum on the aggregate amount expended on capital account as aforesaid.

(3) (a) There shall be credited to the bulk supply account for each year the revenue of the Corporation from providing and affording supplies of water in bulk during that year.

(b) There shall be credited to the bulk supply account and debited to the distribution account for each year a sum in respect of the water taken by the Corporation during that year from the works referred to in subsection (2) of this section for supply in detail calculated at the price per one thousand gallons fixed by the standing arbitrator in pursuance of subsection (12) of this section; and

(c) There shall also be credited to the bulk supply account during that year any miscellaneous revenue of the Corporation for each year attributable to providing and affording supplies of water in bulk (including any sum received by the Corporation by way of Government grant in respect of the works or purposes referred to in subsection (2) of this section) and the income for that year derived from the bulk supply reserve fund when and so long as that fund amounts to the prescribed maximum or from any capital moneys borrowed for the works or purposes referred to in subsection (2) of this section and for the time being unexpended.

(4) There shall be appended to each bulk supply account a statement showing—

(a) the quantity of water supplied in bulk to each local authority or person by the Corporation in the year of account; and

(b) the quantity of water supplied in detail by the Corporation within the water limits in the year of account.

(5) The distribution account shall be so kept from year to year as to show the expenditure of the Corporation on and in connection with the distribution of water in

detail within the water limits and there shall be charged to such account as expenditure the following outgoings (namely) :—

A.D. 1934.
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- (a) An annual payment to the general rate fund of a sum equal to so much of the net interest (after deducting such income tax thereon as is recoverable by the Corporation by way of deduction) payable and of the requisite appropriations instalments or sinking fund payments (so far as the same cannot be met out of the income from the sinking fund) to be made by the Corporation during the then current year in respect of moneys borrowed to meet expenditure on capital account or of a capital nature upon the water undertaking of the Corporation as is not properly chargeable under the provisions of this section to capital account in respect of the supply of water in bulk;
 - (b) The amount credited to the bulk supply account in accordance with subsection (3) (b) of this section;
 - (c) The cost (other than the costs chargeable to bulk supply account under subsection (2) of this section) of maintaining renewing working and managing the water undertaking (including legal and parliamentary expenses establishment charges and rates and taxes payable in respect thereof) and a payment to reserve fund not exceeding in any one year the rate of one-half of one per centum on the aggregate amount expended on capital account as last aforesaid.
- (6) There shall be credited to the distribution account for each year—
- (a) the revenue of the Corporation from or in respect of water supplied in detail within the water limits during that year;
 - (b) miscellaneous revenue of the Corporation for that year in respect of the water undertaking not credited to bulk supply account.
- (7) The Corporation shall use their best endeavours to secure that for purposes of income tax and local rating the works referred to in subsection (2) of this

A.D. 1934. section shall be assessed separately from other portions of the water undertaking.

(8) The accounts in respect of the water undertaking to be kept by the Corporation under this section shall be so kept as to show under appropriate headings in respect of each year each and every item of income and expense of the Corporation in respect of each of the various matters and things referred to in subsections (2) (3) (4) (5) and (6) of this section for which purpose the Corporation shall keep proper books accounts vouchers time sheets and records in respect of repairs stores wages of workmen team-labour transport services and rates and other items of expenditure and receipt relating to the water undertaking.

(9) All water supplied under section 48 (For protection of Duke of Portland) section 49 (For protection of Honourable Hugh Edward Joicey) and section 50 (For protection of Duke of Northumberland) of the Act of 1916 and under sections 15 (For the protection of Rothbury Rural District Council) and 16 (For protection of Lord Armstrong) of the Act of 1924 or under the agreement referred to in paragraph (b) of subsection (15) of this section and all water supplied to any other individual consumer outside the water limits directly from a gravitation or trunk main included in the Second Schedule to this Act shall for the purposes of this section be deemed to be water supplied by the Corporation in bulk.

(10) The expression "accounting period" hereinafter used means the years commencing respectively on the first day of April one thousand nine hundred and thirty-five and the first day of April one thousand nine hundred and thirty-six and each period of five years subsequent thereto.

(11) (a) In the first week in October nineteen hundred and thirty-four and in the first week in October nineteen hundred and thirty-five the Corporation shall submit to the standing arbitrator and to each local authority supplied with water in bulk and to each local authority of a district in any part of which the Corporation supply water in detail either a copy of the bulk supply account and distribution account or such of the information and material which is under this section to be contained in

that account as it may then be practicable to furnish and a statement of the quantities of water supplied in bulk prepared in accordance with the provisions of this section in respect of the year ending the thirty-first day of March nineteen hundred and thirty-four and the year ending the thirty-first day of March nineteen hundred and thirty-five respectively. A.D. 1934.

(b) In the first week in October nineteen hundred and thirty-six and in the first week in the last October in each subsequent accounting period the Corporation shall submit to the standing arbitrator and to each local authority aforesaid a copy of the bulk supply account and distribution account and statement of the quantities of water supplied in bulk for each year in the quinquennial period ending on the previous thirty-first day of March and also an abstract of the accounts referred to in subsection (8) of this section and the said books accounts vouchers time sheets and records shall upon request be open to the inspection of any of the local authorities supplied with water in bulk and of any of the local authorities in any part of whose district the Corporation supply water in detail who shall be entitled to take copies thereof and extracts therefrom.

(c) With the copy of every account so submitted the Corporation shall submit detailed estimates of the capital moneys to be raised and expended respectively for the purposes of the water undertaking and the annual expenditure to be incurred and revenue to be received on bulk supply account and distribution account respectively and of the annual quantities of water which will be supplied by them in bulk and required by them for supply in detail during the ensuing accounting period and estimates of the prices and charges to be fixed under the next following subsection of this section by the standing arbitrator for that period.

(12) Within one month after the submission by the Corporation of the accounts statements and estimates aforesaid the Corporation shall make application to the standing arbitrator to fix the prices and charges for water to be supplied by the Corporation during the ensuing accounting period and if they fail so to do any of the local authorities aforesaid may within one month after such failure make such application and as soon

A.D. 1934. as possible after the receipt of any such application
— the standing arbitrator shall fix—

- (a) a uniform price to be paid for all water to be supplied by the Corporation in bulk and required by the Corporation for supply in detail during the ensuing accounting period at such an amount that so far as is reasonably practicable the revenue of the bulk supply account shall be equal in amount to the expenditure which is properly chargeable to that account in respect of that accounting period and that price shall be paid by all local authorities or persons for water taken in bulk from the Corporation and by the Corporation for water required by them for supply in detail during that accounting period;
- (b) uniform charges to be paid for water supplied by the Corporation in detail within the water limits at such rates or of such amounts that so far as is reasonably practicable the revenue of the distribution account shall be equal in amount to the expenditure which is properly chargeable to that account in respect of the ensuing accounting period and those charges shall be demanded and taken by the Corporation for water supplied in detail throughout the water limits during the ensuing accounting period.

(13) Subject to the provisions of the section of this Act of which the marginal note is "Application of revenues of undertakings" if the revenue of the bulk supply account or the distribution account respectively in respect of any year shall exceed or be less than the expenditure aforesaid on that account in respect of the same year there shall be carried forward to the next following year a sum equal to the amount by which the revenue exceeds the expenditure or the expenditure exceeds the revenue (as the case may be) and that amount shall be treated in the bulk supply account or the distribution account as revenue or expenditure as the case may be in respect of that following year.

(14) In the determination of the prices and charges referred to in subsection (12) of this section regard

shall not be had to so much of the costs charges and expenses of the Corporation preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as relates to the sections of this Act comprised in the subdivision of Part II (Waterworks and water supply) thereof entitled "Rates for supplies of water in detail and in bulk &c." A.D. 1934.
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(15) (a) Nothing in this section contained shall alter prejudice or affect the provisions of the following sections of the Act of 1916 and the Act of 1924 :—

Act of 1916—

- Section 48 (For protection of Duke of Portland);
- Section 49 (For protection of Honourable Hugh Edward Joicey);
- Section 50 (For protection of Duke of Northumberland).

Act of 1924—

- Section 15 (For the protection of Rothbury Rural District Council);
- Section 16 (For protection of Lord Armstrong).

(b) Nothing in this section contained shall alter prejudice or affect the terms of an agreement dated the tenth day of February one thousand nine hundred and sixteen made between the Corporation of the one part and the Most Noble William John Arthur Charles James Duke of Portland of the other part.

23. Section 28 (For supply of water in bulk to Whitley and Monkseaton Urban District Council) of the Act of 1924 is hereby repealed and in lieu thereof and of the enactment repealed thereby the following provision shall apply :—

For supply of water in bulk to Whitley and Monkseaton Urban District Council.

"If the Whitley and Monkseaton Urban District Council (hereinafter in this section referred to as 'the council') shall purchase the portion of the water undertaking of the Corporation within the district of the council in pursuance of section 54 (Corporation when so required to sell portions of undertaking outside borough) of the Act of 1897 as amended by section 27 (Amendment of section 54 of Act of 1897) of the Act of 1924 then after the completion of such purchase

A.D. 1934.
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the Corporation shall afford to the council and the council shall take and purchase from the Corporation in bulk all the water required for use within the district of the council at the price per one thousand gallons for the time being fixed by the standing arbitrator for bulk supply under the provisions of the section of this Act of which the marginal note is 'Revision of rates and prices' and in all other respects upon the terms set forth in the Fourth Schedule to the Act of 1919 so far as the same shall be applicable to such supply."

Miscellaneous Provisions.

Amendment
of section 35
of Water-
works
Clauses
Act 1847.

24. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Charges for
hosepipes
and
refrigerating
apparatus.

25.—(1) Where water supplied for domestic purposes is used for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hosepipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

(2) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(3) Where there is installed a refrigerating apparatus or any apparatus depending while in use on a supply of

continuously running water or any apparatus used for softening water which requires water for cleaning cooling regenerating or for motive power or similar purposes the Corporation shall be entitled to require that all water used for the purposes of or in connection with such apparatus shall—

A.D. 1934.

- (i) be taken by meter on the conditions and at the rates for the time being in force for a supply of water by the Corporation by meter and paid for accordingly; or
- (ii) be paid for at such rates as may be agreed between the consumer and the Corporation.

(4) Where any apparatus to which subsection (3) of this section applies is so constructed that the rate of flow of water through the apparatus will not exceed seven gallons per hour the Corporation may (if they think fit) instead of requiring the water so used as aforesaid to be paid for by either of the modes mentioned in that subsection charge in respect of the apparatus so long as it is connected with a pipe by means of which water supplied by the Corporation can be used for or in connection with the apparatus the following sums:—

- (i) Where the rate of flow will not exceed three and a half gallons per hour thirty-six shillings per annum;
- (ii) Where the rate of flow will exceed three and a half gallons per hour seventy-two shillings per annum:

Provided that if the apparatus be so constructed that the flow of water thereto is controlled by a thermostat the sums which may be charged by the Corporation under this subsection shall be subject to a discount of fifty per cent.

(5) Any sums chargeable under subsections (1) and (4) of this section shall be in addition to the rates for the time being authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as water rates.

(6) Section 24 (Charges for hosepipes) of the Act of 1924 is hereby repealed.

A.D. 1934.

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Guarantee
by local
authorities.

26. A local authority any part of whose district is within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such local authority and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply of water within any part of such district which is within the water limits.

Power to
local autho-
rities to
guarantee
on behalf of
owners and
occupiers.

27. Any requisition which may be made under section 35 of the Waterworks Clauses Act 1847 as amended by this Act by owners or occupiers of houses requiring a supply of water may be made by the local authority of the district on behalf of such owners and occupiers and shall be binding on the Corporation if the local authority execute an agreement binding themselves to pay for three successive years at least for the supply of water to the houses in respect of which the requisition was made the amount which would have been payable under the said section as amended in its application to the Corporation by such owners or occupiers.

As to
rateable
value of
two or more
houses in
one
occupation.

28. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a rateable value (within the meaning of section 33 of the Act of 1897) equal to the aggregate yearly values of the separate houses or buildings or parts of houses or buildings so occupied.

Penalty for
interfering
with valves
&c.

29. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the

authority of the Corporation turn on or cause to be turned on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847. A.D. 1934.

30.—(1) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate. As to supply to farmhouses.

(2) If the owner or occupier of any farm premises within the water limits desires a supply of water for farming purposes and lays down the necessary communication pipe from such premises to a main of the Corporation the Corporation shall supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes. Provided that the Corporation shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

(3) Nothing in this section contained shall alter prejudice or affect the provisions of the agreement dated the fourth day of October nineteen hundred and made between the Corporation of the one part and the Most Noble Henry George Duke of Northumberland K.G. and the Honourable Henry Algernon George Percy of the other part.

31.—(1) Any water rate or charge payable to the Corporation in respect of water supplied within the borough may be collected together with the general rate. Water rate &c. may be collected with general rate.

(2) The Corporation may demand water rates and charges both within and beyond the borough by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two

A.D. 1934. months from the said first day of April and first day of
October respectively.

(3) If the Corporation exercise the powers of sub-section (2) of this section—

(a) every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Corporation;

(b) every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

Extension
of power to
inspect
premises.

32. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any person duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Special
terms for
supplies to
caravans
&c.

33.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or to continue to receive from the Corporation a supply of water to any caravan shack hut tent or other

like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

A.D. 1934.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

34. If a justice be satisfied on complaint by any collector of water rates due to the Corporation that any person is quitting or about to quit any premises to which the Corporation supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the water limits the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Recovery of water rates from persons removing.

35. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the water limits for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Cleansing of cisterns.

36. In the case of all new buildings erected after the passing of this Act within the water limits and connected with the mains of the Corporation the Corporation may in cases where the communication pipes

Stop-cocks to be fitted in communication pipes.

A.D. 1934. — are laid by the owner or by the Corporation at his request require the owner at the time when the pipes are laid to insert or to have inserted a stop-cock in the communication or service pipe from the said premises in some position as near as is reasonably possible to the main of the Corporation from which the supply is given to the said premises and if such owner make default the Corporation may insert a stop-cock in such communication or service pipe and recover the expense from the owner as a civil debt.

As to streets forming boundary of water limits.

37.—(1) Where the water limits are bounded by or abut upon any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the water limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the water limits subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

(2) The owner and occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the water limits.

(3) Nothing in this section shall entitle or require the Corporation to supply water to the owner or occupier of any premises abutting upon any such street and being outside the water limits.

Erroneous meters.

38. If any meter used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen at the beginning of the then current quarter of the year unless it be proved to have first arisen during the then current

quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Corporation. A.D. 1934.

39.—(1) The power of making byelaws conferred by section 50 (Byelaws for preventing waste &c. of water) of the Act of 1897 shall extend to enable the Corporation to make regulations as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping. Testing and stamping of fittings.

(2) Nothing in the preceding subsection or in any regulations made thereunder shall apply to any pipes or fittings used on any premises (not being a dwelling-house) which form part of the railway of the London and North Eastern Railway Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

40.—(1) Any fittings and appliances (in this section referred to as "fittings") let for hire under the provisions of section 49 (Power for Corporation to supply materials &c.) of the Act of 1897 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof. Amendment of section 49 of Act of 1897.

(2) Subject to the proviso to subsection (1) of this section all fittings let for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to

A.D. 1934. be the property of and removable by the Corporation
 — Provided that nothing in this subsection shall affect
 the amount of the valuation for rating of any rateable
 hereditament.

Further
 powers in
 relation to
 water
 mains.

41.—(1) The Corporation shall have and may exercise the powers which a local authority would have under section 54 (Powers of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Corporation.

(2) It shall not be necessary for the Corporation to obtain the report of the surveyor referred to in section 16 of the Public Health Act 1875 before exercising their powers under this section.

(3) The Corporation shall not exercise the powers of this section with respect to any lands or property belonging to the London and North Eastern Railway Company without the consent of that company which consent shall not be unreasonably withheld and any question as to whether such consent is in any case unreasonably withheld shall be determined by a single arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers.

(4) Section 44 (Application of provisions of Public Health Acts as to laying water mains) of the Act of 1916 is hereby repealed.

For
 protection
 of North-
 Eastern
 Electric
 Supply
 Company
 Limited.

42.—(1) Nothing in this Part of this Act or in the provisions of the Waterworks Clauses Act 1847 incorporated with this Act shall authorise any interference with any electric lines or works of the North-Eastern Electric Supply Company Limited to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and of sections 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899 and such provisions shall be deemed for the purposes of this section to extend to and include any electric lines or works of that company placed above ground.

(2) Nothing in this section or in the section of this Act of which the marginal note is "For protection of certain statutory undertakers" shall prejudice or affect

the rights and obligations of the Corporation and of North-Eastern Electric Supply Company Limited respectively under section 24 (For protection of Tynemouth Corporation) of the Newcastle-upon-Tyne Electric Supply Company's Act 1903. A.D. 1934.

43. Nothing in this Part of this Act shall be deemed to alter or affect the rights of the Morpeth Rural District Council under an agreement dated the second day of March nineteen hundred and twenty-five and made between the Corporation and the said council. Provided that nothing in the said agreement shall entitle the Morpeth Rural District Council to require the Corporation to supply to them any greater total quantity of water than the quantity of three hundred thousand gallons a day specified in subsection (2) of the section of this Act of which the marginal note is "Supply in bulk to Morpeth Rural District Council." For protection of Morpeth Rural District Council.

PART III.

STREET IMPROVEMENT.

44. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the work hereinafter described together with all necessary or proper works and conveniences connected therewith or incidental or ancillary thereto. Power to construct street improvement.

The work hereinbefore referred to and authorised by this Part of this Act will be situate in the borough and is—

A widening and improvement of East Street Tynemouth in the borough on the western side thereof between points respectively 30 yards and 192 yards or thereabouts north of the Clock Tower Front Street.

45.—In constructing the street improvement the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said work as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards. Limits of deviation for street improvement.

A.D. 1934.

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Power to
make
subsidiary
works.

46.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the street improvement may execute or do any of the following works or things (namely):—

- (a) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the work authorised by this Part of this Act and may divert widen or alter the line or level of any existing street for the purpose of connecting the same with such work or otherwise;
- (b) Raise lower or alter any step window spout vault arch cellar or area under or adjoining any roadway or footway but so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;
- (c) Construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;
- (d) Execute any works for the protection of any adjoining land or buildings;
- (e) Execute any works and do any things necessary for the strengthening and supporting of any walls or adjoining buildings; and
- (f) Raise lower alter divert stop up or otherwise interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the

Electricity (Supply) Acts 1882 to 1933 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

A.D. 1934.
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(3) Provided that the Corporation shall not raise lower alter divert or otherwise interfere with any telegraphic line belonging to or used by the Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878.

47.—(1) The Corporation during the execution and for the purposes of the street improvement may break up and also temporarily stop up divert and interfere with any street or road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any house in the street or road from passing along and using the same.

Temporary
stoppage of
streets.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or returning from any such house.

(3) The Corporation shall also provide reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company or railway committee.

48.—(1) The Corporation may upon the lands shown on the deposited plans and in connection with and as part of the street improvement provide erect and maintain shops and conveniences in connection therewith and let the same on lease or otherwise or any part or parts of the same for such purposes on such conditions and for such periods as they think fit.

Power to
erect shops
&c. in
connection
with street
improve-
ment.

(2) Notwithstanding the foregoing provisions of this section the Corporation shall not under the powers of this section—

(a) erect any shops or conveniences in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands; or

(b) except with the consent of the Minister let any such shops or conveniences on lease or otherwise or any part or parts of the same except

A.D. 1934.
—

at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a lessee or a tenant from the Corporation to inquire whether the consent of the Minister is necessary or has been obtained.

(3) The powers conferred upon the Corporation by subsection (1) of this section shall be in addition to and not in derogation of the powers conferred upon them by the section of this Act of which the marginal note is "Power to develop lands &c."

PART IV.

LANDS.

Power to
acquire
lands.

49. Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference for the purpose of constructing the works authorised by this Act including the improvement and development of frontages or of the lands abutting on or adjacent to the street improvement authorised by this Act and for the purposes of recoupment or exchange or for rehousing persons displaced under the provisions of Part III (Street improvement) of this Act.

Acquisition
of ease-
ments.

50. The Corporation may in lieu of acquiring the properties numbered respectively on the deposited plans—

in the urban district of Earsdon 7 8 9 10 11 12
13 14 15 16 17 18 19 20 21 22 23 24 25
and 25A;

in the urban district of Whitley and Monkseaton
26 27 28 29 30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 and 46; and

in the borough 47 48 49 and 50;

and without being obliged or compellable to purchase any greater interest in under or over the same acquire such easements or rights only in under or over such properties as they may require for the purpose of making enlarging renewing maintaining repairing inspecting cleansing managing using working and obtaining access

to the aqueducts or lines of pipes (Works Nos. 3 4 and 6) authorised by Part II (Waterworks and water supply) of this Act and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said aqueducts or lines of pipes and the restrictions subject to which the owners and occupiers may use the said properties and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts and the Corporation shall not be required to fence off or sever such properties from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners or occupiers have the same rights to use the said properties at all times as if this Act had not passed. A.D. 1934.

51. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease on the thirty-first day of December nineteen hundred and thirty-seven. Period for compulsory purchase of lands.

52. If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appears to the justices that the omission or misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and if the lands are situate in a county borough such certificate or a copy thereof shall be deposited with the town clerk and if the lands are situate in an administrative county such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council Correction of errors in deposited plans and book of reference.

A.D. 1934.

and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

Benefits to be set off against compensation.

53. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any new street or the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to enter upon property for survey and valuation.

54. The Corporation and their respective surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk or surveyor may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Application of road materials excavated in construction of street improvement.

55. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by Part III (Street improvement) of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Land laid into streets to form part thereof.

56. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be

maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired. A.D. 1934.
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57. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than twenty-eight days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with. Further powers of entry.

58. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of this Act or of any general Act or local enactment from time to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange. Power to reinstate owners of property.

59.—(1) The Corporation may with respect to any lands for the time being belonging to them and not required for the purposes for which they were acquired exercise all or any of the following powers:— Power to develop lands &c.

- (a) They may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;
- (b) They may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof.

A.D. 1934.

(2) The Corporation may also sell lease exchange or otherwise dispose of any houses shops offices warehouses or buildings erected or situate on any such lands and subject to such terms conditions and restrictions as they may think fit including conditions and restrictions as to the buildings to be erected and the use to which such buildings may be put.

(3) Notwithstanding the foregoing provisions of this section the Corporation shall not under the powers of this section—

(a) lay out or develop any lands or erect on any lands any houses shops offices warehouses or other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands;

(b) except with the consent of the Minister sell lease or dispose of any such houses or other buildings except at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a purchaser or lessee from the Corporation to inquire whether the consent of the Minister is necessary or has been obtained; or

(c) except with the consent of the appropriate Government department sell lease mortgage or charge appropriate exchange or otherwise dispose of any lands of the Corporation in any case in which any such consent or consents would be required if this section had not been enacted.

(4) The Corporation shall not exercise the powers of this section in such a manner as to contravene any covenant or condition subject to which the park in the borough known as the Northumberland Park was conveyed to the Corporation without the consent of the donor or other person entitled in law to the benefit of such covenant or condition.

Further powers for acquisition of land.

60.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the

purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

A.D. 1934.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

61.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Acts 1925 and 1930) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Retention
and disposal
of lands.

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in

A.D. 1934. — any case in which such consent would be required if this Act had not been passed.

(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

(4) Section 21 (Power to retain sell &c. lands) of the Act of 1916 and section 10 (Power to retain sell &c. lands) of the Act of 1919 are hereby repealed.

Proceeds of
sale of
surplus
lands.

62.—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall subject to the provisions of the section of this Act of which the marginal note is “ Consolidated loans fund ” apply the same either—

- (a) in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or
- (b) in such other manner as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be

applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister. A.D. 1934.
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PART V.

PARKS RECREATION GROUNDS SEASHORE
BATHS &C.

63.—(1) For the purposes of—

- (a) section 82 (Byelaws as to seashore) of the Public Health Acts Amendment Act 1907 in its application to the borough;
- (b) section 115 (Acquisition of seashore by agreement) and section 119 (Removal of sand &c. from seashore) of the Act of 1916; and
- (c) this Part of this Act;

Meaning of expressions "seashore" and "public park or pleasure ground."

"seashore" means and includes the sea-banks (including the links abutting thereon) sea-walls beach sands seashore and foreshore for the time being vested in or leased to the Corporation.

(2) For the purposes of Part VI (Recreation grounds) of the Public Health Acts Amendment Act 1907 and Part VI (Recreation grounds) of the Public Health Act 1925 the sea-banks (including the links abutting thereon) and the sea-walls for the time being vested in or leased to the Corporation shall be deemed to be a public park or pleasure ground provided by the Corporation.

64.—(1) Subject to the provisions of this Act the Corporation may on any part of the seashore or in any park recreation ground or open space belonging to them construct and maintain boating or bathing pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith.

Boating and bathing pools.

(2) The Corporation may make such reasonable charges as they may think fit for the admission to and use of any bathing or boating pools by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister and the Corporation may if they think fit let any such works appliances conveniences and buildings.

A.D. 1934.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a bathing or boating pool was a lake or piece of water in a park or pleasure ground provided by the Corporation.

(4) The Corporation may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 or in section 92 of the Public Health Acts Amendment Act 1907 make byelaws for regulating the use of any of the said bathing or boating pools and works appliances and conveniences in connection therewith.

As to
swimming
baths &c.

65. Subject to the provisions of this Act—

- (1) The Corporation may on land belonging to them construct and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered sea-water or fresh-water swimming and other baths and bathing pools with all necessary conveniences and appliances :
- (2) The Corporation may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Corporation may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make :
- (3) The Corporation may also lay down and provide within the borough such intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea or fresh water to any baths belonging to them and

for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street :

A.D. 1934.

Provided that the Corporation shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

- (4) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any baths or bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

66.—(1) The Corporation may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water) and they may demand and take such reasonable charges for the use thereof as they may think fit.

Medicated
and other
baths.

(2) In connection with any electrical or radiant heat or other similar baths provided by the Corporation in pursuance of their powers under this section patients shall only be afforded treatment on the prescription of a medical practitioner and on the certificate of that practitioner that the patient is in a fit condition to receive treatment and the Corporation shall afford facilities to medical practitioners to attend their patients at such baths.

67. The Corporation may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing or boating pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or regattas or for other similar purposes and may demand and take or authorise to be demanded and taken such sums for the exclusive use of such bath place

Use of
swimming
baths &c.
for
swimming
contests
&c.

A.D. 1934. — or pool or for admission of persons thereto as they may think fit.

Power to provide and let public hall and other buildings.

68. Subject to the provisions of this Act—

- (1) The Corporation may provide or acquire or may on any pleasure ground or (subject to the approval of the Minister in the case of any lands not so utilised at the passing of this Act) on any lands of which for the time being they may be the owners erect and hold furnish equip maintain and insure a concert hall public hall assembly rooms rooms for all social purposes museums pavilions conservatories winter gardens bandstands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante-rooms shelters waiting rooms refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades model yacht ponds miniature railways outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain offices as part of any such building or buildings :
- (2) The Corporation may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit :
- (3) Nothing in this section shall enable the Corporation to grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained :
- (4) Nothing in this section shall be taken to dispense with the consent of the Board of

Education to any appropriation lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed. A.D. 1934.

69. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of model yacht ponds miniature railways or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms and conveniences in connection therewith authorised by this Act as the Corporation may deem fit. Power to charge for admission.

70.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall assembly room room for social purposes pavilion conservatory winter garden bandstand or other building provided by them or in any baths bathing or boating pools or model yacht ponds belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto : Provision of concerts entertainments &c.

Provided that nothing in this subsection contained shall enable the Corporation themselves to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre :

Provided also that the concerts entertainments and amusements which the Corporation may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Corporation shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the borough) of any amateur dramatic society

A.D. 1934. or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall.

(2) The Corporation may in any baths bathing or boating pools model yacht ponds parks or recreation grounds provided by them enclose an area for the purpose of any such concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid.

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section.

(4) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of this section.

(5) The Corporation may pay or contribute towards the cost of providing and maintaining at railway stations and other public places and on passenger boats public service vehicles and omnibuses plying in the borough or between the borough and other places and in newspapers magazines and other publications advertisements relating to any concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements given or provided in pursuance of this section.

(6) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the general rate fund Provided always that the net amount of any payments or expenses made and incurred by the Corporation under the provisions of (a) this section and (b) section 56 of the Public Health Act 1925 after deducting any moneys received by them under the provisions of such sections shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny in the pound levied in that year to the general rate Provided that the limitation hereby imposed shall not apply to or in respect of any rate in excess of the rate of one penny in the pound which may be approved.

by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925 and of section 75 of the Local Government Act 1929.

A.D. 1934.

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71. Subject to the provisions of this Act—

Provision
and use of
booths tents
shops stalls
stands &c.

- (1) The Corporation upon the seashore may erect provide furnish equip and repair and may let to or may permit any person subject to such charges and upon such terms and conditions as the Corporation think fit to occupy any site and thereon to use or carry on booths tents chairs sheds bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public :
- (2) The Corporation may let for such periods and upon such terms and conditions as they think fit any booths tents chairs sheds bathing huts shops stalls or stands erected or provided by them under this section :
- (3) The Corporation may upon such terms and conditions as they think fit permit any person by whom any booths tents chairs sheds bathing huts shops stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein :
- (4) The Corporation may provide and let for hire bathing tents chairs huts and vans and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds belonging or let to them and upon the seashore sheds and other conveniences for the storing of the same :
- (5) Section 117 (Seats and chairs for public use on seashore) of the Act of 1916 is hereby repealed.

A.D. 1934.

Penalty
for un-
authorised
erection of
booths &c.

72. If any person shall erect provide or place or maintain on the seashore any booth tent chair shed bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or except with the consent in writing of the Corporation he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Prohibiting
public
speeches
&c. on
promenades.

73. From and after the passing of this Act it shall not be lawful without the consent of the Corporation upon any promenade for the time being vested in or belonging to the Corporation to deliver utter or read aloud any public speech lecture address discourse or other matter of any kind or description whatsoever Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and it shall also be lawful for any constable or any officer of the Corporation to remove from the promenade any person so offending.

Byelaws
as to
seashore.

74. The powers of the Corporation under section 82 (Byelaws as to seashore) of the Public Health Acts Amendment Act 1907 shall extend to enable them to make byelaws providing for the discontinuance of the user of the seashore for the purpose of profit or gain by any person who seeking to use any part of the seashore for such purposes shall have failed to pay any charge lawfully prescribed by the Corporation for or in respect of such user.

Protection
of bathers.

75. The Corporation may employ and pay boatmen for the purpose of protecting persons whilst bathing on or from the seashore and may provide any boats and life-saving appliances for that purpose.

Regulation
of motor
boats and
bathing.

76. The power of the Corporation to make byelaws under section 92 of the Public Health Acts Amendment Act 1907 with regard to public bathing shall extend to authorise them to make byelaws—

- (1) for the protection of bathers by prohibiting limiting or restricting the use of motor boats or regulating the speed at which or the manner in which they may be driven within a distance of four hundred and forty yards from low-water

mark of ordinary tides opposite the borough; and A.D. 1934.

- (2) prohibiting bathing or attempting to bathe from the seashore during such periods as the Corporation shall cause to be displayed in a conspicuous manner on the seashore by means of flags or similar means notices that bathing in the sea or attempting to bathe therein is prohibited on account of danger.

77. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the provisions of the Public Health Acts or any Act or Order for the time being in force within the borough relating to the seashore or any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the said provisions. Power of constables to enforce byelaws as to parks &c.

78.—(1) No person shall in or on the Grand Parade or in or on any esplanade parade promenade marine drive public walk garden open space or place of recreation or on the seashore or at any place in any street within fifty yards from the Grand Parade— Prohibition of touting hawking &c. on esplanades seashore &c.

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

(b) without the consent of the Corporation—

(i) hawk sell or offer for sale any article or commodity or by way of trade or business take any photograph of any person or group of persons;

(ii) with a view to gaining or receiving profit or reward sing or play any instrument or conduct or take part in any entertainment exhibition or performance :

Provided that nothing herein contained shall prevent fishermen or boatmen from exercising their respective callings or fishermen from selling fish freshly caught by them in their boats upon the seashore.

A.D. 1934.

(2) The Corporation may give any consent under paragraph (b) of subsection (1) of this section upon such terms and conditions as they may think fit. Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

(3) Any person offending against the provisions of this section or contravening the terms or conditions upon which any consent is given thereunder shall be liable for every such offence to a penalty not exceeding twenty shillings.

(4) Any person aggrieved by the withholding suspension or revocation by the Corporation of any consent under the provisions of paragraph (b) of subsection (1) of this section in regard to any place in any street within fifty yards from the Grand Parade or by any terms or conditions attached to such consent may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction. Provided he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order in the matter of the appeal as the court may think fit and to award costs.

Power to set apart parts of parks and pleasure grounds as parking places for vehicles and stations for public service vehicles.

79.—(1) The provisions of section 68 of the Public Health Act 1925 shall extend to enable the Corporation from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks or pleasure grounds not exceeding in the case of any park or pleasure ground one acre as the Minister may sanction and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall *mutatis mutandis* apply and have effect for the purposes of this subsection.

(2) The provisions of section 90 of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof shall apply to any parking place provided under this section.

Charges for and letting of parks &c. for games.

80. When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit

the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Corporation may think fit : A.D. 1934.

Provided that nothing in this section shall empower the Corporation to let at one and the same time the exclusive use of more than twenty-five per centum of the total area of any park or place of public resort or recreation for the time being belonging to them or under their control.

81. Any park recreation ground or pleasure ground which has been or shall be provided by the Corporation outside the borough shall be deemed to be within the borough for the purposes of any statutory provision as to parks recreation grounds or pleasure grounds which would have applied or been applicable thereto if the same had been situate within the borough Provided that nothing in this section shall affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction or of any police constable or the control or maintenance of any public highway. As to parks &c. outside borough.

82.—(1) Subject to the provisions of this Act the Corporation may construct and maintain on any part of the seashore landing stages or other erections suitable for embarking or disembarking passengers to or from motor launches or to or from pleasure boats and pleasure vessels licensed by the Corporation under the provisions of section 94 of the Public Health Acts Amendment Act 1907. Power to construct landing stages.

(2) Subject to the provisions of this Act the Corporation may make byelaws regulating the use of such landing stages or erections Provided that no such byelaws shall prohibit the use of such landing stages by fishermen.

83.—(1) Where an embankment has been made for protecting any land in the borough against inroads of the sea the owner or owners of the embankment and the Corporation may enter into and carry into effect agreements relative to the maintenance of such Repair of sea embankments.

A.D. 1934.

embankment and the Corporation may if they think fit contribute towards the cost of such maintenance.

(2) Subject to or in the absence of any such agreement the Corporation may execute such works and do such things as may be reasonably necessary to keep any such embankment in repair and the reasonable expenses incurred by them in so doing shall be repaid by the owner or owners thereof.

(3) Any question which may arise under this section between the Corporation and any owner relative to the reasonableness of any works executed or any expenses incurred by the Corporation shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Power to
appoint
officers.

84.—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

Saving for
covenants
and
conditions
affecting
gifts
conveyances
and leases.

85. No power conferred upon the Corporation under this Part of this Act with respect to any public park or recreation ground vested in leased to or used or enjoyed by the Corporation shall be exercised in such a manner as to be at variance with any trust or to contravene any covenant or condition subject to which such parks or recreation grounds have been given conveyed or leased to the Corporation without the consent of the grantor lessor or other person entitled in law to the benefit of such covenant or condition or in the case of a trust (except where the trust instrument reserves to the donor or any other person the power to vary the trusts) without an order of the High Court of Justice or in the case of a charitable trust without an order of the High Court of Justice or of the Charity Commissioners.

PART VI.

A.D. 1934.

ELECTRICITY.

86. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 83 and 84 of that schedule) as amended by the Electricity (Supply) Acts 1882 to 1933 are subject to the provisions of Part XI (Financial provisions) of this Act incorporated with and form part of this Act and the electricity undertaking and the Corporation in respect thereto shall (subject as aforesaid) be subject to those provisions and so much of the Order of 1891 as is inconsistent with those provisions is hereby repealed without prejudice to anything done or suffered thereunder :

Incorporation of Electric Lighting (Clauses) Act 1899.

Provided that section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 in its application to the Corporation under this Part of this Act shall be read and have effect as if after the words "electric signalling communication" wherever they occur in the said section there were inserted the words "or electrical control of railways."

87.—(1) Where under the provisions of any Act or Order relating to the Corporation or the electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall be deemed to extend to the centre of the road.

As to electricity limits.

(2) Where any area of supply for the time being of North-Eastern Electric Supply Company Limited is bounded by or abuts upon any road the whole width of which is comprised within the electricity limits such area of supply shall be deemed to extend to the centre of such road.

(3) Provided that nothing in this section shall be deemed to confer upon the Corporation or the said company any powers of using electricity in any road or of supplying electricity for use therein.

88.—(1) The Corporation may supply electricity to any house building or other premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits.

Supply to premises partly without electricity limits.

A.D. 1934.

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(2) Where any area of supply for the time being of North-Eastern Electric Supply Company Limited is contiguous to the electricity limits the said company may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly without such area of supply of the said company in the same manner as if such premises were wholly within such limits.

(3) Provided that neither the Corporation nor the said company shall supply electricity under this section to any premises within the limits of the other of them without the consent of such other which consent shall not be unreasonably withheld.

Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Power to
construct
electrical
sub-stations
under
streets.

89. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1933 and to the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use and being in either case a street within the electricity limits construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that—

(a) Where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same; and

- (b) The Corporation shall not construct any such sub-station transforming station or work (i) in or upon any bridge carrying a street over a railway of a railway company or under any bridge carrying a railway of a railway company over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company which consent shall not be unreasonably withheld or (ii) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

A.D. 1934.

90. For the protection of North-Eastern Electric Supply Company Limited and the Newcastle-upon-Tyne and Gateshead Gas Company (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect:—

For
protection
of certain
statutory
undertakers.

- (1) In this section "apparatus" means and includes all or any mains pipes fittings electric lines and other apparatus belonging to the company:
- (2) (a) Not less than twenty-eight days before commencing any of the works authorised by the section of this Act of which the marginal note is "Power to construct electrical substations under streets" the Corporation shall deliver to the company plans sections and particulars of such works and the company may within twenty-one days after the receipt of such plans sections and particulars give notice to the Corporation of—
- (i) any objections which the company may have to the construction of the works or to the proposed position thereof; or
- (ii) any conditions which should apply with reference to the construction of the works;

having regard (in either case) to the effect of the works either on any existing apparatus or on any apparatus which it may be necessary for the company to lay within a reasonable time

A.D. 1934.

after the delivery of such plans sections and particulars;

(b) Unless an agreement shall be arrived at between the Corporation and the company with reference to the matters to which any such notice by the company relates a difference shall be deemed to have arisen between them which shall be determined by arbitration;

(c) The Corporation shall not execute the works otherwise than as may be agreed between the Corporation and the company or in case of difference as shall be determined by arbitration and the company shall have power to inspect the works at all reasonable times during the progress of their execution:

- (3) The Corporation shall make good all damage done by them to any apparatus in exercising any powers of the said section of this Act and shall make full compensation for any loss damage costs or expenses which the company may sustain or incur by reason or in consequence of any interference by the Corporation with any apparatus:
- (4) Any difference between the Corporation and the company under this section shall be referred to a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Agreements
for supply
of
electricity.

91. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue

preference to any such authority company body or person. A.D. 1934.

92.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply under the powers of section 37 (Provisions as to supply of electricity by agreement) of the Act of 1924 or not) be liable to pay to the Corporation at any higher rate which they may for the time being be charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer uses the electricity supplied to him.

Amendment
of section 37
of Act of
1924.

(2) The Corporation in any case in which they discontinue the supply under the powers of the said section 37 shall not be required to resume the supply until the consumer has paid to the Corporation the sum payable by him pursuant to subsection (1) of this section.

(3) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

A.D. 1934.

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Minimum
charges for
electricity.

93. The minimum charges per quarter which are specified in the Fourth Schedule to the Order of 1891 shall if so required by the Corporation be paid to them by the occupier of any premises connected to a distributing main of the Corporation in respect of each quarter of any year during the whole or any part of which quarter such premises are so connected whether electricity has actually been consumed on such premises or not during the currency of such quarter.

Charges for
special
readings of
electricity
meters.

94. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings. Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

Power to
recover
cost of
cutting off
supplies.

95. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Discounts
for prompt
payment.

96. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to the Corporation for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

Service of
electricity
demand
notes.

97. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

98.—(1) For the purpose of supplying electricity to any premises to which the Corporation are for the time being authorised to supply electricity the Corporation may lay down place maintain and use electric lines in order to connect such premises to a service line already laid by the Corporation for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises.

A.D. 1934.
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Power to lay down connecting lines in certain cases.

(2) In relation to any such electric lines as aforesaid the Corporation shall have the powers and be subject to the provisions of sections 17 18 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable shall be incorporated with this Act and the Corporation shall be deemed to be the undertakers.

(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Corporation of any electric line under the provisions of this section.

(4) In this section the expression "electric line" shall have the same meaning as in the Electric Lighting Act 1882.

(5) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to the London and North Eastern Railway Company.

99. In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing under the hand of the town clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution :

Power of entry for substitution of cables &c.

Provided that the Corporation shall not without the previous consent of the London and North Eastern Railway Company exercise the powers of this section in

A.D. 1934. — respect of any premises which form part of the railway of the said company.

Byelaws as to charging accumulators.

100. The Corporation for the purpose of preventing fire in or injury to any building or premises or injury to any person may make byelaws with respect to the charging of accumulators and such byelaws may provide that in any case in which any contravention thereof is found to exist or to have existed the Corporation may cut off and disconnect the supply of electricity to the building or premises in or on which such contravention takes place.

As to exterior lighting of premises.

101. The Corporation may enter into and carry into effect contracts and agreements with the owners or occupiers of any premises within the electricity limits for the affording by the Corporation of additional illumination to the exterior of such premises and may for that purpose provide and maintain additional brackets upon any lamp standards lamp-posts or other apparatus belonging to them and used for public lighting.

Power to lay electric lines &c. in private streets.

102. The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1933 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section :

Provided that nothing contained in this section shall apply to any street belonging to and forming the approach to any station or depot of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Attachment of brackets &c. to buildings &c.

103. The Corporation may with the consent of the owner of any building or any bridge over any street or road attach thereto such external brackets wires and

apparatus as may be required for the purposes of the A.D. 1934.
electricity undertaking or for lighting any street :

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building or bridge and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;
- (2) Any consent of the owner and any order of a court under this section shall not have effect after that owner ceases to be in possession of the building or bridge but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court shall have the same power as under the first proviso to this section;
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge;
- (4) The Corporation shall not attach any brackets electric lines or attachments to any part of any building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 without the consent of the person having control thereof or to any part of any building or bridge of any railway company without the consent in writing of the railway company but such consent shall not be unreasonably withheld and any question as to whether or not any

A.D. 1934.
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such consent is unreasonably withheld shall be determined by the Minister of Transport after consultation (in the case of any building forming part of such an aerodrome as aforesaid) with the President of the Air Council.

For the purpose of this section any occupier of a building whose tenancy exceeds five years unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Further
powers of
entry upon
premises.

104.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purpose of their railway and forming part of any station or goods depot. A.D. 1934.
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(5) Section 40 (Entry upon premises Penalty for obstruction) of the Act of 1924 is hereby repealed.

105.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for the premises of such consumer the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882. As to maximum power which may be demanded.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

106.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose. Use for lighting purposes of electricity supplied for power.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such

A.D. 1934.

higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

Power to
cut off
supplies
where
charges &c.
not wholly
paid.

107. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which there remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire purchase terms which the Corporation are under obligation to maintain.

As to
recovery
summarily
of sums due
for fittings.

108. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

109. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

A.D. 1934.

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As to use
of trans-
formers.

110.—(1) The Corporation for the purpose of preventing fire in or injury to any building or premises supplied or proposed to be supplied with electricity by the Corporation or injury to any person may make byelaws with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with.

Byelaws
as to wires
apparatus
and fittings.

(2) The provisions of this section shall not apply to any place or premises occupied as a factory or workshop nor to any place or premises to which the Factory and Workshop Act 1901 applies and shall not in any way affect the operation of that Act.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company.

111. A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at such office.

Notice to
discontinue
supply of
electricity.

112. The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric

Protection
of seals &c.
belonging
to Cor-
poration.

A.D. 1934. — line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

Acquisition of land for sub-stations.

113. The Corporation may be authorised from time to time in any area within which they are for the time being authorised to supply electricity to purchase compulsorily land for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of a compulsory purchase order made by the Corporation and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of sections 161 and 162 of the Act of 1933 and those sections with any necessary modifications shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister :

Provided that nothing in this section shall authorise the compulsory acquisition by means of a compulsory purchase order of land which has been acquired by the London and North Eastern Railway Company for the purposes of their undertaking.

Dwelling-houses for employees.

114. The Corporation may purchase or take on lease and maintain houses for persons in their employment in connection with the electricity undertaking and may also within the electricity limits erect and maintain houses upon any land for the time being held by them for the purposes of the electricity undertaking.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Rounding of corners at street junctions.

115. The powers conferred upon the Corporation by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions contained in that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent

boundaries of the two streets and having such radius not being less than forty feet as may be determined by the Corporation. A.D. 1934.
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116. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport. Power to determine width of carriageways and footways.

117.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the borough any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation. As to pavement lights.

(2) In giving their consent to the construction of any pavement light the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

118.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression "specifications"). Elevations of new buildings.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 157

A.D. 1934.

as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

- (a) approve the specifications; or
- (b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) Any person deeming himself aggrieved by any disapproval by the Corporation under this section may appeal against their decision to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs.

The grounds on which a person may appeal to a court of summary jurisdiction under this subsection shall include the ground that compliance with the Corporation's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

119.—(1) The provisions of section 36 of the Public Health Acts Amendment Act 1890 shall extend and apply to shops and departmental stores where more than twenty-five persons are employed and to any club registered under the provisions of section 91 (Obligation

Means of
ingress to
and egress
from large
shops and

to register clubs) of the Licensing (Consolidation) Act 1910 in the borough whether existing before or after the passing of this Act Provided that in the application of the provisions of the said section 36 to any club the said section shall be read and have effect as if the words "for the use of the public" were omitted from subsection (1) thereof.

A.D. 1934.
—
depart-
mental
stores.

(2) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application to shops departmental stores or clubs in pursuance of the powers of this section may within fourteen days after the date on which the Corporation give notice of their requirement to such person 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 fit and may award costs Provided that such person shall give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

(3) Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

(4) For the purposes of this section section 7 of the Public Health Acts Amendment Act 1890 shall not apply.

120.—(1) If any flag banner streamer sign or lettering shall after the passing of this Act be suspended across or over the carriageway of any street without the permission in writing of the Corporation the owner of or person responsible for the suspension of such flag banner streamer sign or lettering shall be liable to a penalty not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the flag banner streamer sign or lettering.

Banners and
signs over
streets.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such flag banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend the same or any similar flag banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attached to any such permission shall be liable

A.D. 1934. — to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may themselves remove any such flag banner streamer sign or lettering and any expense incurred by them in so doing may be recovered by them summarily as a civil debt from such person.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such flag banner streamer sign or lettering as is referred to in subsection (1) of this section which was in use on the first day of November one thousand nine hundred and thirty-three.

(4) Any person aggrieved by any requirement of any notice of the Corporation or by the withholding of permission of the Corporation or the conditions attached to any such permission under the provisions of this section may within fourteen days after the service of such notice or the intimation to him of such withholding of permission or of the imposition of such conditions appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. Notice of the right of appeal shall be endorsed on every notice or intimation of the Corporation under this section.

(5) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Provisions
as to tents
vans &c.

121.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be kept free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

A.D. 1934.

122.—(1) (a) No tent van shed boat or similar structure used or intended to be used for human habitation shall be placed or kept on any land or foreshore or on any water adjoining the land or foreshore situate within the borough without the previous approval of the Corporation.

Prohibition
of tents
vans &c.

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed boat 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 and sufficient supply of water and sanitary accommodation to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction provided that he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal 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.

(3) This section shall not apply to—

(a) A tent van shed or similar structure unless it is used or intended to be used as a means of habitation for an unbroken period of at least three months; or

(b) Any tent van shed or similar structure—

(i) provided by belonging to or used by any duly constituted religious or charitable association or society operating throughout Great Britain to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely

A.D. 1934.

subsidiary Any question whether an association or society is an association or society within the meaning of this paragraph shall be determined by a court of summary jurisdiction; or

(ii) belonging to or used by any association incorporated by royal charter or any organisation constituted by any such association in pursuance of their charter;

unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period exceeding three months; or

(c) Any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stall-holder travelling with a travelling show not being a pedlar or hawker; or

(d) A canal boat or a vessel registered under the Merchant Shipping Act 1894 or any boat or vessel used for navigation :

Provided that the exemptions conferred by the foregoing paragraph (b) in respect of any tent van shed or similar structure referred to in that paragraph shall apply only so long as the association society or organisation by or to which such tent van shed or similar structure belongs or is provided or used shall be responsible for the management of the same and continue to make reasonable arrangements for the maintenance of good order among the persons using the tent van shed or structure.

(4) The placing upon the foreshore of any tent van shed boat or similar structure used or intended to be used for human habitation shall be subject to the provisions of the section of this Act of which the marginal note is "Works below high-water mark not to be constructed without consent of Board of Trade."

(5) 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.

[24 & 25 GEO. 5.]

*Tynemouth
Corporation Act, 1934.*

[Ch. lxxvi.]

123. Section 38 (Execution by local authority of drainage works) of the Public Health Act 1925 shall be read and have effect in its application to the Corporation as if the words " or repair " were inserted in subsection (5) of the said section after the word " enlarge " wherever such word appears in that subsection.

A.D. 1934.

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Amendment
of section 38
of Public
Health Act
1925.

124. Section 39 (Notice of intention to reconstruct or alter drains) of the Public Health Act 1925 shall be read and have effect in its application to the Corporation as if in subsection (1) of the said section the word " repair " were inserted after the word " reconstruct " and as if in subsection (3) of the said section the word " repair " were inserted after the word " reconstruction."

Amendment
of section 39
of Public
Health Act
1925.

125.—(1) In any case where it appears to the medical officer the surveyor or sanitary inspector that any drain watercloset or soil-pipe is stopped up or otherwise defective the medical officer surveyor or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover summarily as a civil debt the expenses incurred in that behalf from such owner or occupier.

As to
defective
drains &c.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

126.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of the Minister of Transport and the direction or the distance to towns railway stations public buildings and other places of a public character.

Direction
signs.

A.D. 1934.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give 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.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred on the Corporation by this section shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by him with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

(5) The Corporation shall not under the powers of this section put up or paint any sign on any property of the London and North Eastern Railway Company without the consent of such company in writing which consent shall not be unreasonably withheld and any question as to whether such consent is in any case unreasonably withheld shall be determined by a single arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers.

Inter-
ference
with
telephone
call boxes
&c.

127.—(1) Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such call box alarm plug or hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person.

(2) Any person who shall knowingly and improperly use or cause to be used by means of any false or malicious

statement message or otherwise any police telephone call box or (for the purposes of requiring the services of the police or an ambulance) any telephone call box of the Post Office telephone service shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1934.

128. Except as hereinafter in this section provided nothing in this Part of this Act except the sections of which the marginal notes are—

Saving for
London and
North
Eastern
Railway
Company.

“ Power to determine width of carriageways and footways ”;

“ As to pavement lights ”;

“ Means of ingress to and egress from large shops and departmental stores ”;

“ Banners and signs over streets ”;

“ Prohibition of tents vans &c. ”;

“ Amendment of section 38 of Public Health Act 1925 ”;

“ Direction signs ”;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the London and North Eastern Railway Company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such railway company with the authority of Parliament so long as any such building railway work or land is used or held by the said railway company primarily for railway purposes Provided that the section of this Act of which the marginal note is “ As to defective drains &c. ” shall apply to dwelling-houses of the company and to any buildings of the company so long as the same are let by the company to other parties for use as offices or for business purposes.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

129.—(1) For the purposes of the undermentioned sections of the Act of 1916 (namely):—

Extended
meaning of
“ infectious
disease ”
for certain
purposes of
Acts of 1916
and 1924.

Section 92 (Information to be furnished to medical officer and penalty for furnishing false information);

Section 94 (Power to close Sunday schools to prevent spread of disease);

A.D. 1934. — the expression "infectious disease" shall include (in addition to the diseases mentioned in section 95 (Extended meaning of "infectious disease" for certain purposes) of the Act of 1916 and to the diseases referred to in the definition of "infectious disease" contained in the section of this Act of which the marginal note is "Interpretation") mumps scabies ring-worm and influenza and for the purposes of the said section 92 shall also include pulmonary tuberculosis.

(2) For the purposes of section 93 (For preventing spread of infectious disease) of the Act of 1916 the expression "infectious disease" shall include mumps in addition to the diseases mentioned in section 95 (Extended meaning of "infectious disease" for certain purposes) of the Act of 1916 and to the diseases referred to in the definition of "infectious disease" contained in the section of this Act of which the marginal note is "Interpretation."

(3) For the purposes of the undermentioned sections of the Act of 1924 (namely):—

Section 53 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails);

Section 54 (Special provisions to prevent spread of infectious diseases);

the expression "infectious disease" shall include measles german measles mumps whooping cough chicken-pox scabies ring-worm and influenza in addition to the diseases referred to in the definition of "infectious disease" contained in the section of this Act of which the marginal note is "Interpretation."

Cleansing of dwelling-houses &c. in certain cases.

130. When the medical officer certifies in writing that any dwelling-house or any part thereof used for human habitation as a separate tenement is in an insanitary condition and that any occupier of such house or any such part thereof as aforesaid is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to such occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by

such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house or part thereof as aforesaid (as the case may be) and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house or part thereof as aforesaid as may be necessary.

A.D. 1934.

131.—(1) If the medical officer shall certify in writing that any person in the borough—

Removal of infirm and diseased persons in certain cases.

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and the court upon oral proof of the allegations in the certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period (not exceeding three months) as may be determined by the order or such further period or periods (each not exceeding three months) as may be determined by any further order or orders made under and in accordance with the provisions of this section:

Provided that not less than three clear days before making any application under this subsection for the removal of any person to an institution or place not provided by the Corporation the medical officer shall give to the council of the county county borough or county district to whom the institution or place belongs (in this section referred to as "the appropriate authority") notice in writing of his intention so to do.

A.D. 1934.
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(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court :

Provided that if the application asks for the removal of the person to an institution or place not provided by the Corporation the appropriate authority shall be entitled to appear and be heard on the application and any matters relating thereto and may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between the appropriate authority and the Corporation.

(4) An order under this section may be addressed to such officer of the Corporation as the court making the order may think expedient and any person who wilfully disobeys or obstructs the execution of the order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and the court may make a rescission order accordingly if having regard to the circumstances they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any institution not provided by the Corporation except with the consent in writing of the appropriate authority or shall affect or interfere with the exercise or discharge by the appropriate authority of any of their powers or duties. A.D. 1934.

(7) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any voluntary hospital or charitable institution without the consent in writing of the controlling body thereof.

132.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

Entry into premises in case of dangerous infectious disease.

Provided that the medical officer shall not under the powers of this section—

- (a) enter any premises except between the hours of seven in the morning and ten in the evening ;
or
- (b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his powers under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

133. When any person suffering from infectious disease shall die of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and

Removal of body of person who has died of infectious disease.

A.D. 1934.

in such case it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Names of
laundrymen
to be
furnished.

134.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Supply of
antidotes
against
infectious
disease.

135. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Compensa-
tion to
persons
ceasing
employ-
ment.

136. If any person shall at the request of the Corporation or medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

Discon-
tinuance of
offensive
trade.

137.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or

having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

A.D. 1934.

Provided that any person aggrieved by any such requirement may appeal therefrom to a court of summary jurisdiction within seven days after the receipt of the notice of such requirement 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.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

138.—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a

Power to purchase slaughter-houses.

A.D. 1934. slaughter-house and may remove such slaughter-house from the register of slaughter-houses.

(2) The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act.

Power to close slaughter-houses if injurious to public health.

139.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier

making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

A.D. 1934.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

140.—(1) It shall not be lawful for any person (other than a person employed by the Corporation in connection with any refuse tip used by the Corporation for the disposal of refuse) to sort over or disturb the material deposited upon any refuse tip.

Prohibiting
sorting of
contents of
refuse tips
and
dustbins.

(2) It shall not be lawful for any person (other than a person appointed by the Corporation for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of the removal of such contents by the Corporation.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

141. Section 44 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and

Byelaws as
to tipping
refuse.

A.D. 1934. — refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof :

Provided that no byelaw made under this section shall extend to regulate or control the tipping of spoil or refuse by the London and North Eastern Railway Company for the purpose of constructing widening or maintaining any railway works.

Byelaws as to refuse. **142.** The power of the Corporation to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid.

Further provisions as to working class houses. **143.**—(1) For the purposes of Part II of the Housing Act 1930 any dwelling-house in the borough which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 17 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease ;
- (b) the period for which the dwelling-house is likely to continue occupied ;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house.

144. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

A.D. 1934.

Byelaws as to stables.

145.—(1) No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this section or any byelaws made under the section of this Act of which the marginal note is "Byelaws as to common lodging-houses" on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

As to common lodging-houses.

(2) (a) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

(i) that the premises are suitably equipped for use and occupation as a common lodging-house; and

(ii) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the neighbourhood.

(b) If the Corporation refuse to grant or renew registration under this subsection they shall if required by the applicant deliver to him a statement in writing of the ground or grounds on which registration is refused.

(c) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that the appeal be made within fourteen days from the date of the refusal and that not less than twenty-four hours' notice of the appeal be sent to the Corporation.

(d) If the registration or renewal of registration be refused on the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to

A.D. 1934.

appoint a person being a properly qualified surveyor or architect to examine and report to them on the condition of such premises and their suitability for the purposes of a common lodging-house and the expenses of any such examination and report shall be paid in such manner and by such parties to the appeal as the court may direct.

(e) On any such appeal the court may after considering any representations made by the Corporation either by order confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

(3) Notwithstanding anything in the Public Health Acts the registration of a common lodging-house whether registered before or after the passing of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation but may be renewed from time to time by the Corporation.

(4) Notice shall be given to the Corporation of the death of any common lodging-house keeper forthwith after the death shall have occurred and the right by section 77 of the Public Health Act 1875 conferred on the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given.

Byelaws as
to common
lodging-
houses.

146. Section 80 (Byelaws to be made by local authority) of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstructions of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the cubical contents and the accommodation thereof.

Notice to
keepers of
common
lodging-
houses.

147. Within one month after the passing of this Act the Corporation shall give notice of the provisions of the sections of this Act of which the marginal notes are "As to common lodging-houses" and "Byelaws as

to common lodging-houses” to the keeper of every common lodging-house in the borough. A.D. 1934.

148. Section 6 of the Housing Act 1925 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

Byelaws as to lodging-houses.

- (1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof:
- (2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

149. In the application to the borough of sections 214 to 217 of the Merchant Shipping Act 1894 and any byelaw made under the said section 214 a seaman's lodging-house shall include any house of which any room wholly or partly furnished is let to a seaman or to seamen.

Seaman's lodging-house to include any house in which rooms let to seamen.

150.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in a newspaper published or circulating in the borough.

Notice of Part VIII.

(2) A copy of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

HUMAN FOOD.

151.—(1)—

- (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity; and
- (b) any premises used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

Registration of ice-cream manufacturers and premises.

A.D. 1934.

(2) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises shall be used for the purposes aforesaid unless they be so registered.

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

(4) (a) This section shall not apply to any premises used as a club hotel or restaurant.

(b) This section in its application to any premises used as a theatre, music hall or cinematograph theatre shall be read and have effect as if paragraph (a) of subsection (1) thereof were restricted to manufacturers for the purpose of sale of ice-cream or other similar commodity and as if the purposes mentioned in paragraph (b) of that subsection were restricted to the manufacture for the purpose of sale of ice-cream or other similar commodity.

Power to
refuse
registration
of or
remove
from
register
ice-cream
manufac-
turers and
premises.

152.—(1) The Corporation may if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fail to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

(2) Any person aggrieved by any such decision of the Corporation as aforesaid may within twenty-one days give notice of appeal to a court of summary jurisdiction and that court may require the Corporation to register such person or not to remove him from the register.

A.D. 1934.
—

(3) The Corporation or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the order of the court of summary jurisdiction.

(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

(5) Where the appeal is from a refusal to register such person as aforesaid may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

153.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

For
regulating
manufac-
ture and
sale of ice-
cream &c.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

A.D. 1934.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or of any such cart barrow or other vehicle or stand pail container or receptacle or of the commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(4) Section 104 (For regulating manufacture and sale of ice-cream &c.) of the Act of 1916 is hereby repealed.

Medical practitioners to notify cases of food poisoning.

154.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occur in his private practice and of one shilling if the case occur in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Penalty on original vendor of unsound food.

155.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another

person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition. A.D. 1934.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

156. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any

Further powers in relation to unsound food.

A.D. 1934.

of the articles referred to in the said sections intended for sale (whether by wholesale or by retail) or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly :

Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon them by this section such medical officer or sanitary inspector shall conform to such reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the said company the power conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the delivery or collection of goods of the said company.

As to
inspection
of premises
used for
storage of
food.

157.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intend to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deem it right to have the sample analysed to the public analyst.

(2) The expression “ public analyst ” in this section means the analyst appointed by the Corporation in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

Power to
prohibit
persons
suffering
from

158.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other

than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to discontinue his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

A.D. 1934.

—
tuberculosis
from
handling
&c. food.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to discontinue his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

159. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings.

Prohibition
of infected
person
carrying on
business.

160.—(1) Section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

Extension
of powers
of section 72
of Public
Health Act
1925.

(2) The said section shall in its application to the borough be read and have effect as if the following

A.D. 1934. — provision were added after subsection (2) thereof (that is to say):—

“The occupier of any room to which this section applies and which is used for the preparation of food for sale or (except in the case of food contained in receptacles so closed as to exclude all risk of contamination) for the sale of food shall cause to be provided in connection with the room—

- (a) a satisfactory water supply; and
- (b) suitable washing-up sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein.”

Byelaws as to food.

161.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company to or from any station or depot of such railway company of any article intended for the food of man the Corporation shall give notice to the railway company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such railway company shall be entitled to make representations to the Minister with regard thereto.

(3) The medical officer and the sanitary inspector or other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

(4) Section 48 (Byelaws as to conveyance of food in streets) of the Act of 1924 is hereby repealed.

Notice of Part IX.

162.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by

advertisement in a newspaper published or circulating in the borough. A.D. 1934.

(2) A copy of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART X.

HOARDINGS ADVERTISEMENTS &C.

163.—(1) (a) No fence wall hoarding or other similar structure (in this section referred to as “structure”) of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

As to
hoardings
and similar
structures.

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter the structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

A.D. 1934.

(b) Any person who neglects or refuses to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to a wall (not being a wall of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers so long as such wall is used or held by such company for railway purposes.

As to
repair of
hoardings
&c.

164.—(1) The Corporation may by notice in writing require the owner of any hoarding to maintain the same in good order and condition.

(2) If any paper or other material affixed for advertising purposes to any such hoarding or to the wall of any building becomes detached the Corporation may by notice in writing require the owner of such hoarding or wall forthwith to remove and clear away such paper or other material.

(3) If any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

Display of
advertise-
ments.

165.—(1) The Corporation may serve a notice on the owner or occupier of any land within the borough in respect of any serious injury to the amenities of any public open space within the borough which may be caused by the display of advertisements on such land requiring him within a reasonable period not being less than twenty-eight days to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply therewith the Corporation may cause a complaint relating to the injury to be made to a court of summary jurisdiction and that court may issue a summons requiring the person to appear before them and if satisfied that the alleged injury exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order. A.D. 1934.

(3) If any person fails to comply with the requirements of subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Corporation themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

(5) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925.

(6) Nothing in this section shall apply to—

(a) Advertisements upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to be held upon or in relation to such land or any property thereon or to advertisements on the door or in the window of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding nine inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;

(b) (For a period of five years from the passing of this Act) hoardings or similar structures erected or in use for advertising purposes prior to that date advertising stations used by advertisement contractors at that date and any advertisement displayed thereon during that period or any other advertisement

A.D. 1934.

displayed at the date of the passing of this Act;

- (c) Advertisements on or upon any railway station yard platform or railway approach or any canal dock wharf lock or toll station belonging to a railway company.

PART XI.

FINANCIAL PROVISIONS.

Power to borrow.

166.—(1) The Corporation shall have power in addition to and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table any sums of money not exceeding in the whole the respective sums mentioned in the second column thereof and shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column thereof:—

1	2	3
Purpose.	Amount.	Period for repayment.
(1) For the acquisition of lands and easements for the purposes of this Act.	£ 45,000	Sixty years from the date or respective dates of borrowing.
(2) For the construction of Works Nos. 1 2 3 4 5 and 6 authorised by this Act.	84,490	Forty years from the date or respective dates of borrowing.
(3) For the construction of Work No. 7 authorised by this Act.	15,660	Twenty-five years from the date or respective dates of borrowing.
(4) For the construction of Work No. 8 authorised by this Act.	14,850	Forty years from the date or respective dates of borrowing.
(5) For and in connection with new mains and extensions of mains and service pipes and other waterworks purposes.	60,000	Thirty years from the date or respective dates of borrowing.
(6) For the execution of the street improvement.	4,000	Twenty years from the date or respective dates of borrowing.
(7) For paying the costs charges and expenses of obtaining this Act.	The sum requisite.	Five years from the passing of this Act.

A.D. 1934.
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(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

(3) Section 25 (Power to borrow) of the Act of 1910 shall have effect as if the total sum authorised to be borrowed by the Corporation for the purposes specified in paragraph (a) of subsection (1) of that section were a sum equal to the total of the sums the borrowing of which by the Corporation for the said purposes has prior to the passing of this Act been approved by the Minister and any such approval expressed to have been given under the Municipal Corporations Acts shall be deemed to have been given under the said section 25 as amended by this subsection. Provided that except as aforesaid nothing in this section shall alter or affect the terms and conditions of any such approval.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by section 133 (Power to use one form of mortgage for all purposes) of the Act of 1916 and the Third Schedule to that Act as amended by this Act.

167.—(1) In addition to the modes in which money may be raised under section 196 of the Act of 1933 the Corporation may raise any money which they are authorised to borrow under this Part of this Act—

Modes of
raising
money.

(a) by the issue of Corporation stock under and subject to the provisions of the Act of 1882 as amended by the Order of 1903 and this Act; or

(b) by the issue of bonds subject to the provisions of this Act relating to bonds;

or partly by one of those methods and partly by the other of them.

(2) Where the Corporation raise money by the issue of bonds sections 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

A.D. 1934.

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Amendment
of Third
Schedule to
Act of 1916.

168. The form of mortgage contained in the Third Schedule to the Act of 1916 shall be read and have effect as if for the words “ in the said Act defined ” therein there were substituted the words “ as defined in the Tynemouth Corporation Act 1934.”

Receipts
and
expenses.

169.—(1) Notwithstanding anything contained in this or any other enactment all money received by the Corporation whether on capital or revenue account (including all receipts in respect of any undertaking of the Corporation as from time to time existing from which revenue is derived and interest and other annual proceeds from time to time received by the Corporation on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingency insurance consolidated loans capital reserve or other similar fund) shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act shall be paid out of that fund :

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Application
of revenues
of under-
takings.

170. If in respect of any year the receipts shown by virtue of the section of this Act of which the marginal note is “ Accounts of undertakings ” under a separate heading or division in respect of any undertaking of the Corporation exceed the payments and expenses as shown (other than those mentioned in paragraph (f) of subsection (1) of that section) the Corporation may in that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess in any of the following ways :—

(a) In reduction of capital moneys borrowed for the purpose of the undertaking ;

- (b) (Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners) in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking : A.D. 1934.
—

Provided that the Corporation shall not so apply any such excess of the said receipts over the said payments and expenses in respect of the bulk supply account except with the previous consent in writing of each local authority supplied with water in bulk by the Corporation.

171.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):— Accounts
of under-
takings.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain;
- (f) Any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is “Application of revenues of undertakings.”

A.D. 1934.

(2) The receipts and expenses to be shown in the accounts of the Corporation relating to the water undertaking shall include respectively the excesses referred to in subsection (13) of the section of this Act of which the marginal note is "Revision of rates and prices."

(3) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(4) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Reserve
funds for
certain
under-
takings.

172.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (other than the water undertaking) by setting aside such an amount as they may from time to time think reasonable and investing the same subject to the provisions of the sections of this Act of which the marginal notes are respectively "Use of moneys forming part of sinking and other funds" "Consolidated loans fund" and "Receipts and expenses" in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking in the case of the fish quay undertaking to a sum equal to one-twentieth of the aggregate capital expenditure and in the case of the other undertakings (other than as aforesaid) to the maximum reserve fund for the time being prescribed by the Corporation in respect of each such undertaking.

(2) Any reserve fund which has been formed for the purpose of any undertaking of the Corporation as from time to time existing from which revenue is derived (other than as aforesaid) and which is in existence at the passing of this Act shall be deemed to have been formed under this section and any moneys standing to the credit of any such reserve fund shall be carried to the credit of the reserve fund authorised by this section.

A.D. 1934.
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(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners) for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

173.—(1) The Corporation may (if they think fit) form and maintain a reserve fund (in this Act referred to as “the bulk supply reserve fund”) in respect of the works and purposes referred to in subsection (2) of the section of this Act of which the marginal note is “Revision of rates and prices” and a reserve fund (in this Act referred to as “the distribution reserve fund”) in respect of the remaining portion of the water undertaking by setting aside to each such fund such an amount as they may from time to time think reasonable and are under this Act entitled to set aside and investing the same subject to the provisions of the sections of this Act of which the marginal notes are “Use of moneys forming part of sinking and other funds” “Consolidated loans fund” and “Receipts and expenses” in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equivalent to one tenth of the aggregate capital expenditure for the time being upon the portion of the undertaking in respect of which such fund is formed.

Reserve funds for water undertaking.

(2) The reserve fund which has been formed for the purpose of the water undertaking and which is in existence at the passing of this Act shall be deemed to have been formed under this section and any moneys standing to

A.D. 1934. — the credit of any such reserve fund shall be carried to the credit of the bulk supply reserve fund and the distribution reserve fund respectively authorised by this section in the proportions of seven thousand five hundred pounds to the bulk supply reserve fund and two thousand five hundred pounds to the distribution reserve fund.

(3) Any reserve fund formed under this section shall be applicable only to answer any deficiency at any time happening in the revenue of the bulk supply account and the distribution account respectively or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the portion of the water undertaking in respect of which such fund is formed or for payment of the cost of renewing or improving any part of the works comprised in that portion of the water undertaking and so that if either fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to the reserve funds formed under this section although such funds may not at the time have reached or may have been reduced below the prescribed maximum.

Provision
as to
surplus
electricity
revenue.

174. In lieu of the provisions (as amended by section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926) of section 52 (Application of revenue) of the Order of 1891 the following provisions shall (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenues of undertakings") apply with respect to the electricity undertaking (namely) :—

If in respect of any year the receipts shown under a separate heading or division in respect of the electricity undertaking by virtue of the section of this Act of which the marginal note is "Accounts of undertakings" (including if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one-tenth part of the aggregate capital expenditure of the Corporation on that undertaking the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of that

reserve fund) exceed the total amount of the payments and expenses as shown then— A.D. 1934.

- (a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;
- (b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure the Corporation shall fix such amount as they may think fit (not being less in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking than the difference between the said excess and that sum) and a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

175.—(1) The sections of this Act of which the marginal notes are “Receipts and expenses” “Application of revenues of undertakings” “Accounts of undertakings” “Reserve funds for certain undertakings” “Reserve funds for water undertaking” and “Provision as to surplus electricity revenue” shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-four.

Date of
operation
of certain
sections
and repeal.

(2) As from the thirty-first day of March one thousand nine hundred and thirty-four the following enactments are repealed:—

The Order of 1891—

Section 52 (Application of revenue);

Section 53 (Application of capital moneys).

A.D. 1934.

The Act of 1898—

Section 50 (Application of water revenue);

Section 51 (Provision in case of deficiency of water revenue).

The Act of 1907—

Section 36 (Amendment of section 50 of Act of 1898).

The Act of 1910—

Section 31 (Application of fish quay revenue);

Section 32 (Provision in case of deficiency of fish quay revenue).

The Act of 1916—

Section 140 (Expenses of execution of Act).

The Act of 1919—

Section 70 (Application of revenue of tramway undertaking);

Section 71 (Provision in case of deficiency of revenue of tramway undertaking).

The Act of 1924—

Section 67 (Expenses of execution of Act);

Section 72 (Apportionment of items).

Application
of Act of
1933 to
existing
sinking
funds.

176. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage under Part IX of the said Act and the Corporation shall make such adjustments of any existing sinking fund as may be proper.

Use of
moneys
forming
part of
sinking and
other funds.

177. Notwithstanding anything in this or any other Act contained the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund insurance fund capital reserve fund or reserve fund or any similar fund of the Corporation (in this section respectively referred to as "the lending fund") and not for the time being required

for the purposes for which the fund has been formed A.D. 1934.
subject to the following conditions :—

- (1) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within which a loan raised under the statutory borrowing power would be repayable. Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :
- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

178.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-five the Corporation may (if they think fit) establish a fund Consolidated loans fund.

.A.D. 1934. — to be called “the consolidated loans fund” to which shall be paid—

- (a) All moneys borrowed by the Corporation whether by issue of bonds stock or other security together with any moneys 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; and
- (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 or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

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

- (a) In the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (b) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

A.D. 1934.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

(5) Subject to any priority existing at the passing of this Act all bonds 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.

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

(7) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(8) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters

A.D. 1934. — incidental to the establishment and administration of the consolidated loans fund.

Capital
reserve
fund.

179.—(1) The Corporation may establish a fund to be called “the capital reserve fund” for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the undertakings of the Corporation) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating such sums out of the general rate fund (other than moneys derived from the above-mentioned undertakings) as the Corporation from time to time deem expedient :

Provided that—

(a) Any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;

(b) The appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty thousand pounds.

(2) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall be either invested in statutory securities or used in the manner provided by the sections of this Act of which the marginal notes are respectively “Use of moneys forming part of sinking and other funds” and “Consolidated loans fund.”

Renewal
and repairs
fund.

180.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the “renewal and repairs fund” (a) any sum, not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the undertakings of the Corporation from which revenue is derived) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such

year and (b) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings (other than buildings forming part of or used for the purposes of the undertakings of the Corporation from which revenue is derived). A.D. 1934.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed fifteen thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section which are not comprised in the undertakings of the Corporation from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

181.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (to be called “Tynemouth Corporation bonds” and in this Act referred to as “bonds”) in accordance with the provisions of this Act. Power to borrow by issue of bonds.

(2) The provisions set out in the Fifth Schedule to this Act shall have effect with regard to bonds.

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(4) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

182. Neither the Corporation nor as regards stock the registrar shall be bound to see to the execution of any trust whether express implied or constructive to which any security of the Corporation may be subject but the receipt of the person in whose name any security of the Corporation stands in the register relating thereto shall be a sufficient discharge to the Corporation and to the registrar as regards stock in respect thereof Corporation not to regard trusts.

A.D. 1934. notwithstanding any trusts to which such security may be subject and whether or not the Corporation or the registrar have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such security or any part thereof or interest therein not entered in their register and neither the Corporation nor the registrar shall be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any such money.

Interest on securities held jointly.

183.—(1) Where more persons than one are registered as joint owners of any security of the Corporation any one of them may give an effectual receipt for any interest or dividend thereon unless notice to the contrary has been given to the treasurer or other the chief accounting officer of the Corporation or in the case of stock to the registrar by any other of them.

(2) Where any such security is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the interest or dividend on the security shall be sufficient authority in that behalf if given under the hand or seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar as regards stock may before acting on the letter of attorney (if they or he think fit) require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividends to executors &c.

184. Neither the Corporation nor as regards stock the registrar shall be required to pay to any executors or administrators any interest or dividend on any security of the Corporation held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation or as regards stock with the registrar for registration.

Dividend warrants by post.

185.—(1) The Corporation or the registrar in the case of stock may give notice to any person being registered as a holder of any security of the Corporation that they intend or he intends to send interest or dividends to that person by post if he does not object and if such person does not within fourteen days from

A.D. 1934.

the receipt of such notice give notice to the Corporation or to the registrar as the case may require of such objection the Corporation or the registrar may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register Provided that if such person gives notice to the Corporation or the registrar (as the case may require) that he desires such orders or warrants to be sent to any person at a given address the Corporation or the registrar may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any security of the Corporation any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation or to the registrar in the case of stock by any other of them.

(3) The posting by the Corporation or the registrar of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation or the registrar be equivalent to the delivery of the order or warrant to the registered holder of the security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

186.—(1) The interest of a holder of any security of the Corporation in the security shall on the death of the holder be transferable by his executors or administrators notwithstanding any specific bequest thereof. Transmis-
sion of
securities.

(2) Where two or more persons are registered as owners of any security of the Corporation they shall be deemed to be joint owners with right of survivorship between them.

(3) The Corporation or the registrar as regards stock shall not be required to allow any executors or administrators to transfer any security of the Corporation until the probate of the will of or the letters of administration of the estate of the deceased has or have been left with the Corporation or the registrar

A.D. 1934. for registration and may require all the executors who have proved the will or all the administrators to join in the transfer.

(4) If the interest in any security of the Corporation has become transmitted by any lawful means other than a transfer or the death of a holder thereof satisfactory evidence of the transmission shall if required be furnished to the Corporation or to the registrar in the case of stock by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require.

(5) The declaration shall state the manner in which and the party to whom the security has been transmitted and shall be left with the Corporation or (in the case of stock) with the registrar.

(6) If the transmission is in consequence of the marriage of a female holder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage of the holder and declare the identity of the married person with the holder.

(7) The name of the person entitled under the transmission shall be entered in the register of the security.

(8) Until such evidence has been furnished the Corporation or the registrar shall not be affected by the transmission and no person claiming by virtue thereof shall be entitled to receive any dividend on the security.

(9) In this section the term "transmission" includes any case of apparent transmission in consequence of the change of name of the holder of the security although the actual ownership of the security may remain unaltered.

Closing of
transfer
books.

187.—(1) The Corporation or the registrar with the approval of the Corporation as regards stock may close the register of transfers of any class of securities of the Corporation (including the stock transfer books) on any day not more than thirty days next before the date on which any interest or dividends on the class of securities to which such register relates are payable but so that the register be not at any time kept closed for more than thirty days.

(2) The persons who on such closing day are entered in the register as holders of any securities of the class

of which the register of transfers is so closed shall as between them and the transferees of those securities be entitled to the interest or dividends next payable thereon.

A.D. 1934.

188. The approval of the Corporation required by this Part of this Act or by stock regulations to be given to any act of the registrar may be a general approval applying to all or any cases in which such approval is or may from time to time be required.

Approval of Corporation may be general.

189.—(1) The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

Subscriptions to local government associations &c.

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such association or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

(2) the Corporation may also subscribe to any charity philanthropic association or society or other associations institutions or societies rendering national or public service such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

(3) The total amount subscribed by the Corporation under the provisions of this section shall not in any one year exceed the equivalent of a rate of one half-penny in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925.

A.D. 1934.
—
Recovery
of rate from
persons
removing.

190. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Recovery
of general
rate.

191.—(1) As from the thirty-first day of March nineteen hundred and thirty-five section 2 of the Rating and Valuation Act 1925 shall have effect as if section 142 (General district rate may be assessed as borough rate) of the Act of 1916 and any order made by the Corporation thereunder had not been in force at the commencement of the first mentioned Act.

(2) Section 141 (Power to amend rates to accord with new valuation list) section 142 (General district rate may be assessed as borough rate) and section 144 (Audit of rate accounts) of the Act of 1916 are hereby repealed.

Place of
payment of
rates.

192. All rates rents and charges which may be demanded or collected by the Corporation shall if not paid at the time and place of demand be paid at the town hall or such other place as the Corporation shall from time to time appoint. If the Corporation appoint any such other place for payment of any such rates rents or charges notice of the place so appointed shall be given on every demand note for the rates rents or charges payable thereat.

Amend-
ments of
Act of 1882
and Order
of 1903.

193. The Act of 1882 as amended by the Order of 1903 and that Order shall as from the passing of this Act be amended and have effect as follows (that is to say):—

- (1) The subsection substituted for subsection (3) of section 9 (Contributions to loans fund for extinction of stock) of the Act of 1882 by article IV (Contributions to loans fund for extinction of stock) of the Order of 1903 shall be read and have effect as if the words “or
“ such other rate as may from time to time
“ be approved by the Minister of Health”

were inserted after the words "three pounds per centum per annum":

A.D. 1934.

- (2) The paragraph added to subsection (1) of section 11 (Payment of sale money rents &c. to loans fund) of the Act of 1882 by article VI (Investment and accumulation of capital receipts) of the Order of 1903 shall be read and have effect as if the words "subject to the provisions of the Tynemouth Corporation Act 1934" were inserted at the commencement thereof:
- (3) The articles of the stock regulations made under section 204 of the Act of 1933 which supersede articles 3 4 5 and 6 of the stock regulations 1932 shall with any necessary modifications apply to and in respect of the issue of stock by the Corporation under the provisions of the Act of 1882 as amended by the Order of 1903 and this Act and for the purposes of such application—
 - (a) "local authority" means "the Corporation"; and
 - (b) "registrar" has the meaning assigned to "the registrar" by the section of this Act of which the marginal note is "Interpretation":
- (4) (a) Where any stock issued by the Corporation under the provisions of the Act of 1882 as amended by the Order of 1903 and this Act has been issued at a price lower than one hundred pounds stock for one hundred pounds so much of the stock as represents the difference between the price of the stock as issued and its nominal value shall for the purpose of calculating the sums required to be carried to the loan fund account be deemed to represent a loan repayable at the date at which the stock is first redeemable at par at the option of the Corporation;
 - (b) Where any stock issued under the said provisions has been issued for the purpose of defraying the expenses of the creation and issue of any stock so issued the amount of stock created and issued for that purpose shall for the purpose of calculating the sums required to be carried to the loan fund account be

A.D. 1934.
 —

deemed to represent a loan repayable at the date at which the stock is first redeemable at par at the option of the Corporation;

(c) The expenses incurred by the Corporation in or about the creation and issue of any amount of stock under the said provisions so far as they are properly chargeable to capital shall be deemed money raisable under a statutory borrowing power:

- (5) The provisions of the sections of this Act of which the marginal notes are respectively "Dividend warrants by post" and "Closing of transfer books" shall apply to and in respect of the issue of stock by the Corporation under the provisions of the Act of 1882 as amended by the Order of 1903 and this Act in lieu of the provisions of sections 29 and 38 of the Act of 1882 but except as aforesaid the provisions of this Act relating to stock (other than the provisions of this section and the section of this Act of which the marginal note is "Modes of raising money") shall not apply to or in respect of the issue of such stock.

Repeal of
 certain
 financial
 provisions
 in local
 Acts.

194. The undermentioned sections of the Acts of 1897 1898 1907 1910 1916 and 1924 (namely):—

The Act of 1897—

- Section 60 (Regulations as to sinking fund);
 Section 63 (Protection of lender from inquiry);
 Section 64 (Annual return to Local Government Board):

The Act of 1898—

- Section 41 (Regulations as to sinking fund);
 Section 44 (Protection of lender from inquiry);
 Section 45 (Corporation not to regard trusts);
 Section 46 (Annual return to Local Government Board):

The Act of 1907—

- Section 27 (Regulations as to sinking fund);
 Section 30 (Protection of lender from inquiry);
 Section 31 (Corporation not to regard trusts);
 Section 32 (Return to Local Government Board as to repayment of debt):

The Act of 1910—

A.D. 1934.

Section 29 (Regulations as to sinking fund):

The Act of 1916—

Section 128 (Regulations as to sinking fund):

The Act of 1924—

Section 70 (Amendment of section 128 of Act of 1916);

are hereby repealed and so much of any other enactment now in force in the borough as incorporates or applies for the purposes thereof any of the said sections is also hereby repealed.

PART XII.

MISCELLANEOUS.

195. The Corporation may—

- (i) erect or fix and maintain police telephone call boxes in such positions in any street park or public place within the borough as they think fit; and
- (ii) with the consent of the highway authority (which consent may be given subject to such terms and conditions as to that authority may seem fit) and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street park or public place in the borough or district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade:

Police
telephone
call boxes
and
fire alarms.

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869:

Provided also that the Corporation shall not under the powers of this section erect or fix any call box or fire alarm—

- (a) in or upon any bridge carrying a street over a railway of a railway company or the approaches

A.D. 1934.

thereto or under any bridge carrying a railway of a railway company over a street; or

- (b) in any street belonging to and repairable by a railway company and forming the approach to any station or depot of a railway company; or
- (c) so as to obstruct the access to or exit from any station or depot of a railway company constructed or maintained under statutory authority;

except in each case with the consent in writing of the railway company but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport.

Aerodrome
under-
taking.

196.—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 an aerodrome and any subsidiary business in connection therewith (in this section referred to as “the aerodrome undertaking”) they may make such charges in respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Air Council and the Secretary of State for Air and subject to the like control by them under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

Regulation
of
petroleum
filling
stations.

197.—(1) Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance

therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street. A.D. 1934.

(2) After the passing of this Act no petroleum filling station shall without the consent of the Corporation be erected on any land in the borough so as to be adjacent to any street or so that any carriageway forming part of the station communicates directly with any street but the Corporation shall not refuse to give such consent as aforesaid except for the purpose of preventing obstruction to traffic.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under subsection (2) of this section may within fourteen days after the refusal has been communicated to him appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk. Notice of the right to appeal shall be endorsed on every communication of the refusal of the Corporation to give their consent.

(4) If any person erects or permits to be erected any petroleum filling station in contravention of the provisions of subsection (2) of this section he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum filling station erected in contravention of this section and if he fails to do so shall be deemed to commit a continuing offence and shall be liable on conviction thereof to a daily penalty not exceeding forty shillings.

(5) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

198. Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary or technical school belonging to the Corporation may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend any such school As to school agreements.

A.D. 1934. prior to the date fixed by such agreement for the pupil to cease attendance at such school and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend any such school as aforesaid to recover summarily as a civil debt from such parent or guardian any sum not exceeding the sum specified in the agreement as the court may think fit to award in all the circumstances of the case.

Power to establish information bureau.

199. The Corporation may within the borough establish and maintain an information bureau for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

Corporation may provide &c. automatic weighing machines.

200. The Corporation may provide and maintain or cause to be provided and maintained automatic machines for weighing persons in the market houses market halls market buildings and market premises and in public baths and on other premises belonging to them and may charge for the use of any such machines which they themselves provide and maintain.

Byelaws.

201. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be—

- (a) in the case of byelaws made under the section of this Act of which the marginal note is "Power to construct landing stages" the Minister of Transport;
- (b) in the case of byelaws made under Part VI (Electricity) of this Act the Electricity Commissioners;
- (c) in the case of byelaws made under the section of this Act of which the marginal note is "Aerodrome undertaking" a Secretary of State; and
- (d) in all other cases the Minister:

Provided that no byelaws affecting any area below high water mark shall come into operation until the consent of the Board of Trade has been given thereto

and confirmation by a confirming authority shall be sufficient evidence that such consent has been given. A.D. 1934. —

202. If the occupier of any house or part of a house or premises prevents the owner thereof from carrying into effect any requirement of the Corporation under the provisions of Part VII (Streets buildings sewers and drains) Part VIII (Infectious disease and sanitary provisions) and Part IX (Human food) 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 a 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 continues 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 five pounds and during the continuance of such 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 works. Penalty on occupier refusing execution of Act.

203.—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may (if no other mode of appeal is provided by this Act) appeal against the order to a court of quarter sessions and the Corporation may likewise appeal against the refusal of a court of summary jurisdiction to make any such order. As to appeal.

(2) Any person aggrieved by any order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer thereof under the provisions of Parts VII (Streets buildings sewers and drains) VIII (Infectious disease and sanitary provisions) and X (Hoardings advertisements &c.) of this Act may (if no other mode of appeal is provided by this Act) appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Corporation and to the clerk of the peace.

A.D. 1934.

Inquiries by
Ministers.

204. The Minister and the Minister of Transport respectively may hold such inquiries as they consider necessary in regard to any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Consents of
Corporation
to be in
writing.

205. All consents given by the Corporation under the provisions of any local enactment 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.

Application of
section 265 of
Public Health
Act 1875.

206. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Damages
and charges
to be settled
by court.

207. Where any damages expenses 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 or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Incorporation of
provisions
of Act of
1916 in
relation to
works and
lands.

208.—(1) The following sections of the Act of 1916 are incorporated with and form part of this Act and shall so far as they are applicable for the purpose extend and apply in regard to the works and lands authorised to be executed and taken under this Act as if those sections with the necessary modifications were set forth in this Act (namely):—

Section 20 (Persons under disability may grant easements &c.);

Section 22 (Provisions as to compensation);

Section 23 (Costs of arbitration in certain cases);

Section 24 (Corporation may acquire easements only in certain cases);

Section 25 (Owners may be required to sell parts only of certain lands and buildings);

Section 26 (As to private rights of way over lands taken compulsorily);

Section 33 (Application of Waterworks Clauses Act 1847 to pipes &c.);

Section 34 (For protection of Postmaster-General); A.D. 1934.

Section 42 (Temporary discharge of water into streams).

(2) Provided that—

(a) In the application of section 22 of the Act of 1916 that section shall have effect as if the first day of November nineteen hundred and thirty-three were therein mentioned instead of the eighteenth day of November nineteen hundred and fifteen;

(b) In the application of section 25 of the Act of 1916 the premises described in the Fourth Schedule to this Act shall be deemed to be referred to instead of the premises described in the First Schedule to that Act.

209. Subject to the provisions of this Act the following provisions of the Acts of 1910 and 1916 as amended by any subsequent enactment shall with any necessary modifications extend and apply for the purposes of this Act as if the same were re-enacted in this Act (namely):—

Application of miscellaneous provisions of Act of 1916.

The Act of 1910—

Section 36 (Saving rights of Duke of Northumberland).

The Act of 1916—

Section 151 (Evidence of appointments authority &c.);

Section 157 (Application of Arbitration Act 1889);

Section 159 (Compensation how to be determined);

Section 162 (Judges not disqualified);

Section 163 (Recovery of penalties &c.);

Section 166 (Saving for indictments &c.);

Section 168 (Powers of Act cumulative);

Section 169 (Crown rights).

210. For the protection of the Newcastle-upon-Tyne and Gateshead Gas Company (in this section called "the company") the following provisions shall have

For further protection of Newcastle-

A.D. 1934.
—
upon-Tyne
and
Gateshead
Gas
Company.

effect unless otherwise agreed between the Corporation and the company (that is to say) :—

- (1) In this section “ apparatus ” means and includes all or any mains pipes valves hydrants syphons plugs and other appliances belonging to the company and “ authorised work ” means and includes any work or structure authorised by Part II (Waterworks and water supply) or Part III (Street improvement) of this Act or by the sections of this Act of which the marginal notes are “ As to swimming baths &c.” and “ Police telephone call boxes and fire alarms ” to be constructed or erected which parts or sections are hereinafter in this section referred to as “ the enabling provisions ” :
- (2) The Corporation may from time to time where and as far as it is necessary in the execution of any authorised work alter the position of any apparatus and any such alteration shall be deemed for the purposes of this section to be part of the authorised work :
- (3) Before commencing to execute any authorised work at any place in any road within ten yards of which any apparatus is laid the Corporation shall whether they contemplate altering the position of any such apparatus or not (but subject to the final proviso to this subsection) give fourteen days’ notice to the company of their intention to execute such work and shall at the same time deliver a plan and section of the proposed work. If it should appear to the company that the execution of such work as proposed would endanger any such apparatus or interfere with the access thereto or impede the supply of gas the company may give notice to the Corporation to alter the position of such apparatus in such manner or to provide and lay down such works and apparatus as may be considered necessary or to support any apparatus of the company or to lay or place thereunder cement concrete or other protective substance or to substitute temporarily or otherwise other apparatus and any difference as to the necessity of any such alteration or of the execution or

provision of any such works or apparatus or the manner of carrying out the same shall be settled by arbitration in manner in this section provided :

A.D. 1934.
—

Provided that if the company do not give any such notice as aforesaid within fourteen days after the receipt by them from the Corporation of the said notice plan and section they shall be deemed not to desire to put forward any such requirements as aforesaid. All works to be executed or provided under this section or under any of the enabling provisions in connection with any apparatus of the company shall be executed and provided by and at the expense of the Corporation with as little detriment and inconvenience to the company as the circumstances will admit and under the superintendence of the engineer of the company if he think fit to attend after receiving not less than three days' notice for that purpose which notice the Corporation are hereby required to give but if the engineer shall refuse or neglect to superintend the execution or provision of such works the Corporation may execute or provide the same without his superintendence :

Provided also that the company shall within four days after the Corporation shall have furnished to them reasonably sufficient particulars as to the nature and intended position of any authorised work proposed to be executed by the Corporation and after making all reasonable investigation intimate in writing to the Corporation whether any apparatus of the company is or is not to the knowledge of the company situate within ten yards of the site of any part of such proposed authorised work and in the event of the intimation being to the latter effect the Corporation shall not be deemed to have failed to comply with the provisions of this subsection with respect to the giving of the fourteen days' notice aforesaid or the delivery of a plan and section of the proposed work :

- (4) The Corporation in executing any authorised work shall not remove or (so far as may be

A.D. 1934.
—

reasonably practicable) displace any apparatus or do anything to endanger such apparatus or impede the passage of gas into or through any apparatus or interfere with the access thereto without the consent of the company (which consent shall not be unreasonably withheld) or in any manner other than as shall be reasonably approved by the company or until such good and sufficient apparatus as the company may reasonably consider necessary for continuing the supply of gas shall at the expense of the Corporation have been first provided laid down and made ready for use by the company :

- (5) If in the exercise of any of the powers of the enabling provisions the Corporation lower or raise the level of any street so as to leave over any apparatus a covering of less than (in the case of the carriageway) two feet three inches or than (in the case of the footway) one foot six inches or (in either case) of more than five feet the company may relay such apparatus at such depth that the covering over such apparatus will not (as the case may require) be less than such minimum coverings respectively or more than such maximum covering or where the apparatus is situate in the carriageway of such street may (with the previous consent of the Corporation which consent shall not be unreasonably withheld) divert the same under the footway of such street and lay the same at such depth as aforesaid and the expense reasonably incurred by the company in so doing shall be repaid to the company by the Corporation :
- (6) The Corporation shall make good all damage to any apparatus belonging to the company caused by or resulting from the execution of any authorised work and shall make full compensation to the company for any loss damages costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service pipes of any person supplied by the company with gas :

A.D. 1934.
—

- (7) The Corporation shall bear and pay the cost reasonably incurred by the company in the employment of watchmen and inspectors with reference to and during the execution under the enabling provisions of any works affecting or likely to affect any apparatus of the company :
- (8) The reasonable expense of all repairs or renewals of any apparatus of the company which may be rendered necessary by or in consequence of the acts or defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any of them or by reason of any subsidence resulting from any authorised work whether during the execution thereof or within twelve months after the completion thereof shall be borne by the Corporation and paid by them on demand to the company :
- (9) The Corporation shall pay to the company their reasonable charges of and incidental to the cutting off of any apparatus from any other apparatus so far as such cutting off is rendered necessary by the exercise of the powers conferred by any of the enabling provisions :
- (10) If the company shall desire to execute the works connected with any alteration of position removal or displacement of any apparatus under this section and shall give not less than seven days' previous notice in writing thereof to the Corporation before they commence the works it shall be lawful for the company themselves to carry out the works instead of the Corporation and the company shall thereupon execute such works with all reasonable dispatch and to the reasonable satisfaction of the Corporation and the reasonable expenses properly incurred by them in so doing shall be repaid to them by the Corporation and be recoverable summarily as a civil debt :
- (11) Not less than fourteen days before the Corporation in the exercise of any of the powers of the sections of this Act of which the marginal notes are respectively " Rounding of corners at street

A.D. 1934.

junctions” and “Power to determine width of carriageways and footways” add to the carriageway of any street any portion of any footway in or under which any apparatus of the company is for the time being situate the Corporation shall give notice in writing to the company and the company shall if so required by the Corporation alter the position of any apparatus of the company in or under such footway by relaying the apparatus in such position (under either the carriageway or the footway) and at such depth as may be reasonable and the Corporation shall repay to the company the reasonable expenses of and in connection with any such alteration of position :

- (12) Notwithstanding the stopping up temporarily of any street under the powers of the section of this Act of which the marginal note is “Temporary stoppage of streets” it shall be lawful for the company to exercise reasonable rights of access to all or any of their apparatus in or under any such street :
- (13) If any difference arise between the Corporation and the company under this section such difference shall be determined by arbitration by an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either of the parties in difference after notice thereof in writing to the other of them.

Works
below
high water
mark not
to be
constructed
without
consent of
Board of
Trade.

211.—(1) The Corporation or any other body or person shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or any other body

or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

A.D. 1934.

(2) The consent of the Board of Trade under this section to any work in Cullercoats Haven shall only be given after consultation with the Minister of Agriculture and Fisheries. The consent of the Board of Trade as hereinbefore provided shall be sufficient evidence of compliance with the provisions of this section.

212. The following sections of the undermentioned Repeal Acts are hereby repealed (namely):—

The Act of 1916—

- Section 96 (Removal of person suffering from pulmonary tuberculosis to hospital);
- Section 98 (For preventing contact with body of person who has died of infectious disease);
- Section 107 (Rag and bone dealers not to sell food);
- Section 118 (Charge for use of parts of recreation grounds for certain purposes);
- Section 139 (Power to Corporation to subscribe to hospitals &c.).

The Act of 1924—

- Section 47 (Sanitary regulations for premises where food is deposited for sale);
- Section 55 (Power to require intending passengers to wait in lines or queues);
- Section 60 (As to public vehicles taken at railway stations).

A.D. 1934.

Costs of
Act.

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

The SCHEDULES referred to in the A.D. 1934.
foregoing Act.

THE FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and chapter.	Short title.
29 & 30 Vict. c. li	- The Tynemouth Improvement Act 1866.
45 & 46 Vict. c. ccxxxix	The Tynemouth Corporation Loans Act 1882.
60 & 61 Vict. c. cex	- The Tynemouth Corporation (Water) Act 1897.
61 & 62 Vict. c. clxxix	- The Tynemouth Corporation (Water) Act 1898.
4 th Edw. 7. c. cvii	- - The Tynemouth Corporation Act 1904.
7 Edw. 7. c. xcv	- - The Tynemouth Corporation (Water) Act 1907.
10 Edw. 7. & 1 Geo. 5. c. xxv.	The Tynemouth Corporation Act 1910.
6 & 7 Geo. 5. c. xli	- The Tynemouth Corporation Act 1916.
9 & 10 Geo. 5. c. lvi	- The Tynemouth Corporation Act 1919.
14 & 15 Geo. 5. c. xcix	- The Tynemouth Corporation Act 1924.

PART II.—PROVISIONAL ORDERS AND CONFIRMATION ACTS.

Session and chapter.	Short title.
54 & 55 Vict. c. 1	- The Tynemouth Corporation Electric Lighting Order 1891 (confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1891).
3 Edw. 7. c. lxii	- - The Tynemouth Order 1903 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1903).

A.D. 1934.	Session and chapter.	Short title.
	4 Edw. 7. c. clxii -	The County Borough of Tynemouth Order 1904 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1904).
	4 & 5 Geo. 5. c. xlvii -	The Tynemouth Order 1914 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1914).
	10 & 11 Geo. 5. c. cxii -	The Tynemouth Order 1920 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 5) Act 1920).

THE SECOND SCHEDULE.

WORKS AND PURPOSES CHARGEABLE TO CAPITAL ACCOUNT IN RESPECT OF THE SUPPLY OF WATER IN BULK.

1. Font reservoir.
2. The filters clear water tanks and other works adjoining or near to the embankment of Font reservoir.
3. The gravitation main or mains from Font reservoir to Moorhouses reservoir.
4. Moorhouses reservoir.
5. The trunk main or mains from the gravitation main near Pigdon to Hebron service reservoir.
6. Hebron service reservoir.
7. So much of the trunk main or mains from the Hebron service reservoir to the western boundary of the urban district of Ashington as lies between that reservoir and the point on the said main or mains at which the Morpeth Rural District Council may take from the Corporation by agreement a supply of water in bulk for the parish of Pegswood.
8. The aqueducts and intakes by which the Tosson springs are collected and taken.
9. The trunk main or mains from Tosson springs to the gravitation main near Stanton.
10. The works numbered 1 to 5 (inclusive) authorised by the Act of 1924.
11. The works numbered 1 2 4 5 and 8 authorised by Part II (Waterworks and water supply) of this Act.

12. All lands buildings works easements rights powers authorities and privileges of or exerciseable by the Corporation under the provisions of the Tynemouth Corporation Acts 1897 to 1934 for or in connection with the construction maintenance or user of the works in this schedule mentioned including the right to take intercept impound and divert water in or by such works or any of them. A.D. 1934.

THE THIRD SCHEDULE.

AN AGREEMENT made the ninth day of April 1934 between THE MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF TYNEMOUTH (hereinafter called "the Corporation") of the one part and the undersigned being the owners lessees and occupiers of all mills and works upon the river Font in the county of Northumberland southward from the embankment of the Font reservoir of the Corporation to its junction with the river Wansbeck and being also all the other persons interested in the waters which by the Tynemouth Corporation (Water) Act 1898 (hereinafter referred to as "the Act of 1898") the Corporation are authorised to take and use being riparian owners upon the said portion of the river Font (hereinafter called "the Owners") of the other part.

WHEREAS under and by virtue of the provisions of the Act of 1898 the Corporation are entitled to take collect divert impound and use all the waters of the river Font at and above the point at which the embankment of the Font reservoir crosses that river and of its tributaries Blanch Burn Chertner Burn Jabeltrew Sike Newbigin Burn Smiddy Burn and Fallowlees Burn and of all other burns sikes streams springs and waters which flow directly or indirectly into or upon the sites of the said Font reservoir subject to certain limitations obligations and provisions contained in sections 28 to 32 (inclusive) of the Act of 1898 by which it is (inter alia) provided that subject to the penalties there prescribed the Corporation shall after the completion and filling of the Font reservoir at all times cause to pass into the river Font at some point not more than five hundred yards below the foot of the embankment of the Font reservoir not less than one hundred and sixty-seven cubic feet of water per minute (which waters are hereinafter referred to as "the compensation water") and it is

A.D. 1934. — further provided that such quantity of water shall be accepted and taken as full compensation to the several owners lessees and occupiers of mills and works and other persons interested in the waters which the Corporation were by the Act of 1898 authorised to take and use after the completion and filling of the said reservoir (which several owners lessees and occupiers and other persons as aforesaid were in the said Act referred to as "the riparian owners") :

And whereas the Corporation are promoting a Bill (hereinafter referred to as "the Bill") in the session of Parliament of 1933-34 the short title of which is "the Tynemouth Corporation Bill" by which power is sought (inter alia) first to reduce the quantity of compensation water which the Corporation are under obligation to discharge as aforesaid from one hundred and sixty-seven cubic feet per minute to one hundred and ten cubic feet per minute and secondly to enable the Corporation on the one hand and the owners on the other hand from time to time to enter into and carry into effect agreements for the reduction of the quantity of compensation water from the said reduced quantity of one hundred and ten cubic feet per minute to a quantity not less than fifty-five cubic feet per minute and to give statutory effect to any agreements so entered into :

And whereas in lieu of the before mentioned provisions of the Act of 1898 and of the Bill (other than the provisions of the Bill relating to the matter firstly referred to in the last preceding recital hereof) and subject to the sanction of Parliament it has been agreed by and between the Corporation and the Owners jointly and severally as hereinafter provided :

Now it is hereby agreed (subject as hereinafter provided) by and between the Corporation and the Owners jointly and severally as follows :—

- (1) In consideration of the sums of money payable as hereinafter mentioned the undersigned Owners shall and do hereby release the Corporation in perpetuity from all obligation to discharge into the river Font in accordance with the before recited provisions of the Act of 1898 as proposed to be amended by the Bill any greater quantity than fifty-five cubic feet of water per minute and shall and do hereby consent to the amendment of the said provisions in the manner provided in the Bill and in clause 2 hereof :
- (2) The Corporation shall at their own expense continue the promotion of the Bill and shall use their best endeavours to obtain provisions therein confirming this agreement and to insert therein the clauses and amendments in the Bill set out in a separate document signed by Reginald William John Durand Deacon on behalf of the Owners

or provisions to the like effect and each of the Owners shall at the expense of the Corporation support the Corporation in such promotion by evidence or otherwise as the Corporation shall reasonably require :

A.D. 1934.

- (3) Within three months after the Bill shall have received the Royal Assent in such a form as to confirm this agreement and to contain the clauses and amendments aforesaid or provisions to the like effect and in such a form as to provide that the quantity of water to be discharged by the Corporation into the river Font need not exceed fifty-five cubic feet per minute the Corporation shall pay to the Owners whose names appear in the left-hand column of the schedule to this agreement the sum set opposite to the names of such owners respectively in the right-hand column of the said schedule :
- (4) This agreement is conditional on the Bill being passed into law by Parliament in such a form as aforesaid and in the event of the Bill not being so passed into law this agreement shall be void and of none effect and neither of the parties hereto shall be prejudiced or in any way affected by this agreement.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed and the Owners have hereunto set their hands and seals the day and year first above written.

SCHEDULE.

Name of Owner.	Amount payable to Owner.
John Spencer Trevelyan Font House Netherwitton Northumberland esquire.	Three thousand one hundred and twenty-four pounds and fifteen shillings.
John Thornton Trevelyan Weetwood Hall Wooler Northumberland esquire.	Three thousand one hundred and twenty-five pounds.
Bertram Lane Osbaldeston-Mitford Mitford Hall Morpeth Northumberland esquire	Four thousand nine hundred and ninety-nine pounds and fifteen shillings.
Charles William Orde "Nunnykirk" Morpeth Northumberland esquire.	Three thousand one hundred and twenty-five pounds.
John Charles Blencowe Cookson The Mill House North Side Morpeth Northumberland esquire.	One thousand six hundred and twenty-four pounds and fifteen shillings.
Ralph Crawford Stanton Fence Morpeth Northumberland retired bank manager.	Five hundred pounds.

A.D. 1934.	Name of Owner.	Amount payable to Owner.
	Thomas Potts Witton Shields Netherwitton Morpeth North- umberland farmer.	Two hundred and fifty pounds.
	George Snaith Healey Mill Nether- witton Morpeth Northumberland farmer.	Five shillings.
	William Edward Jordon Long- shaws Mill Netherwitton Mor- peth Northumberland farmer.	Five shillings.
	Andrew Henry Newton Mill Mit- ford Morpeth Northumberland farmer.	Five shillings.

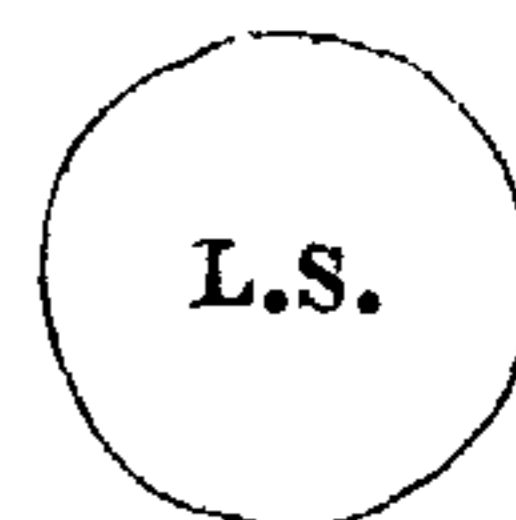
The corporate seal of the mayor aldermen
and burgesses of the county borough of
Tynemouth was hereunto affixed in
the presence of—



STANLEY HOLMES
Mayor.

C. C. HENDERSON
Town Clerk.

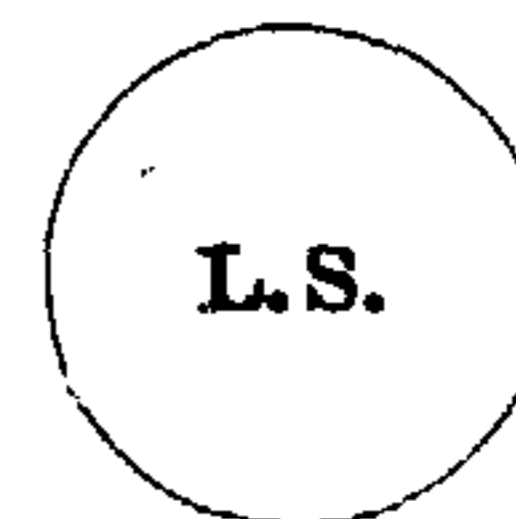
Signed sealed and delivered by the above-
named John Spencer Trevelyan in the
presence of—



LUCY MOSCROP
Netherwitton
Spinster.

JOHN S. TREVELYAN.

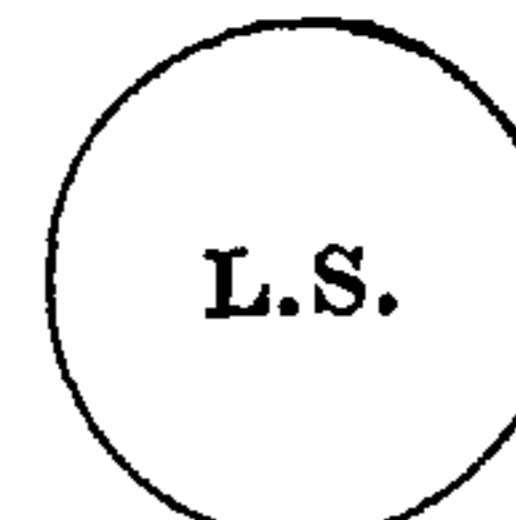
Signed sealed and delivered by the above-
named John Thornton Trevelyan in
the presence of—



R. J. DICKINSON
Solicitor
Newcastle-upon-Tyne.

JOHN THORNTON
TREVELYAN.

Signed sealed and delivered by the above-
named Bertram Lane Osbaldeston-
Mitford in the presence of—



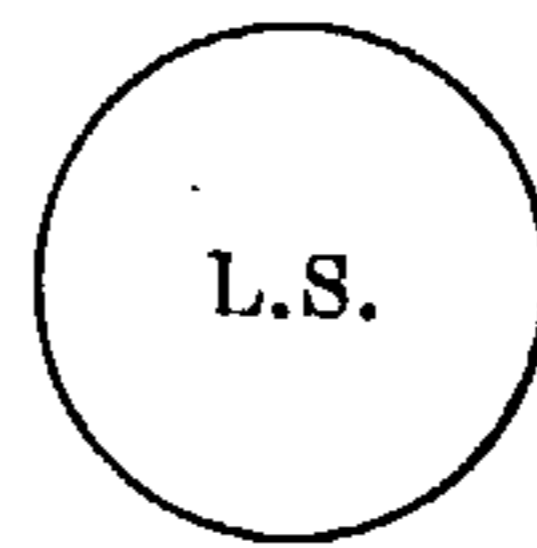
E. C. JACKSON
Solicitor
Morpeth.

B. L. OSBALDESTON-
MITFORD.

A.D. 1934.

Signed sealed and delivered by the above-named Charles William Orde in the presence of—

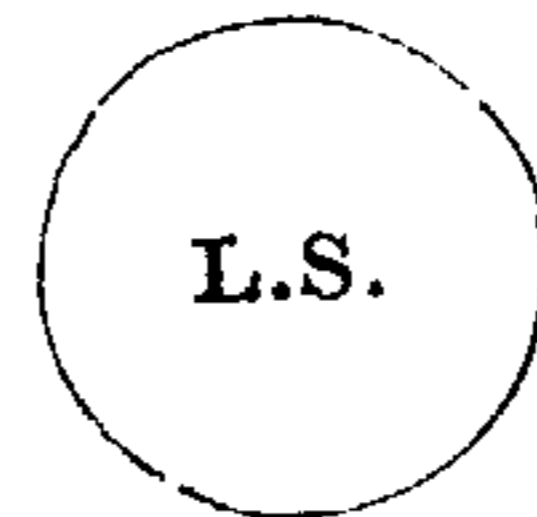
A. W. G. RANDALL
Foreign Office London S.W.1
Civil Servant.



C. W. ORDE.

Signed sealed and delivered by the above-named John Charles Blencowe Cookson in the presence of—

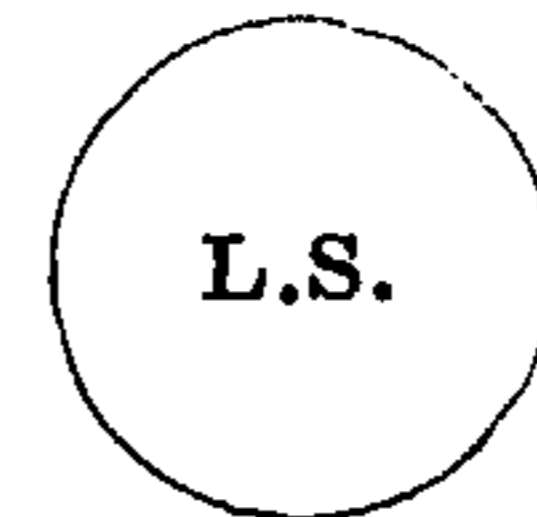
I. F. FARBRIDGE
Meldon Morpeth
Chartered land agent.



J. C. B. COOKSON.

Signed sealed and delivered by the above-named Ralph Crawford in the presence of—

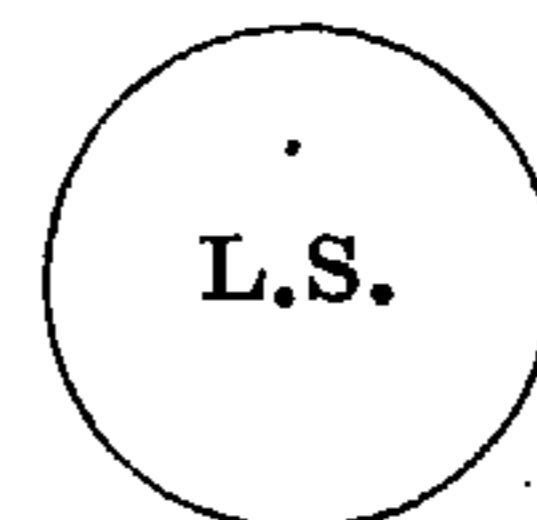
J. B. ANNETT
Solicitor
Morpeth.



RALPH CRAWFORD.

Signed sealed and delivered by the above-named Thomas Potts in the presence of—

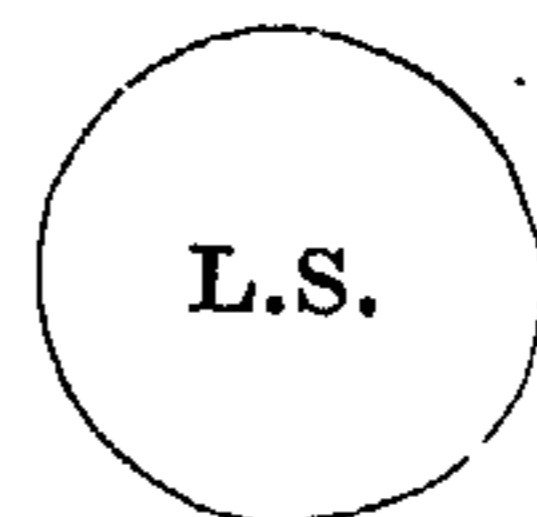
E. C. JACKSON
Solicitor
Morpeth.



THOS. POTTS.

Signed sealed and delivered by the above-named George Snaith in the presence of—

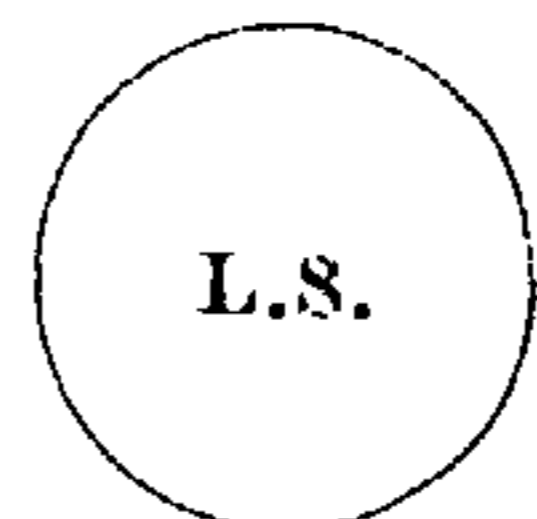
EPHRAIM ARKLE
Healey
Farmer.



GEORGE SNAITH
Healey Mill.

Signed sealed and delivered by the above-named William Edward Jordon in the presence of—

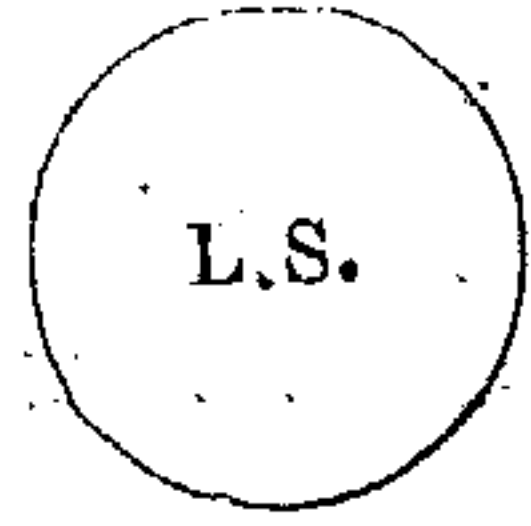
I. F. FARBRIDGE
Meldon Morpeth
Chartered land agent.



W. E. JORDON.

A.D. 1934.

Signed sealed and delivered by the above-named Andrew Henry in the presence of—



E. C. JACKSON
Solicitor
Morpeth.

ANDREW HENRY.

THE FOURTH SCHEDULE.

LIST OF PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED BY THE CORPORATION.

Area.	Number on deposited plans.
Urban district of Earsdon	3 4
The borough	94 95

THE FIFTH SCHEDULE.

PROVISIONS AS TO TYNEMOUTH CORPORATION BONDS.

1. Bonds shall be secured on the revenues of the Corporation.
2. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.
3. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine and interest shall be payable on bonds on the first day of April and the first day of October in any year. If a bond becomes repayable at a date other than the first day of April or the first day of October the interest on the bond from the first day of April or the first day of October as the case may be until the date of repayment of the bond shall be apportioned and paid to the holder of the bond. If a bond is issued on a date between the first day of April and the first day of October or on a date between the first day of October and the first day of April and becomes repayable before the first day of October or the first day of April as the case may be the interest on the bond between the date of the issue and the date of the repayment thereof shall be apportioned and paid to the holder of the bond.

A.D. 1934.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the treasurer to the Corporation on the dates specified in the certificates issued in respect of bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

5.—(1) The treasurer to the Corporation shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

6.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

A.D. 1934.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.

COUNTY BOROUGH OF TYNEMOUTH.

TYNEMOUTH CORPORATION BONDS.

per centum Tynemouth Corporation bond repayable at
par 19 at the

This is to certify that

of

is the

registered holder of a bond for

pounds issued by the Corporation of Tynemouth under
the Tynemouth Corporation Act 1934 at

(Signed)

Treasurer to the Corporation.

Date

7. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

8.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER.

TYNEMOUTH CORPORATION BOND[S].

I

in consideration of the sum of

paid by

(hereinafter

called "the transferee") do hereby assign and transfer
to the transferee

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this

day of

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

A.D. 1934.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Tynemouth Corporation bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

9. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

10.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

11.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

A.D. 1934.

12. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

13. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

14. Where more persons than one are registered as joint holders of a bond any one of them may give an effectual receipt for any interest thereon unless notice in writing to the contrary has been given to the Corporation by any other of them.

15. No notice of any trust express implied or constructive shall be entered in the register or in any other book kept by the Corporation or be receivable by the Corporation or any officer of the Corporation.

16.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may without prejudice to any other remedy apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The court may confer upon the receiver any such powers of collecting receiving and recovering the revenues of the Corporation and of making collecting and recovering rates and of issuing and enforcing precepts as are possessed by the Corporation or their officers.

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FOR

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Acts of Parliament

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