

**ELIZABETH II**



**1987 CHAPTER ix**

An Act to re-enact with amendments certain local enactments in force within the county of Cleveland; to confer further powers on the local authorities in the county and to make further provision for the local government thereof; and for connected and other purposes.  
[5th March 1987]

**WHEREAS—**

(1) By virtue of the Local Government Act 1972 the county of Cleveland was constituted as a local government area comprising the districts of Hartlepool, Langbaugh, Middlesbrough and Stockton-on-Tees: 1972 c. 70.

(2) By section 262 of the said Act of 1972 certain local statutory provisions in force within the county are to cease to have effect at the end of 1984 unless exempted, or the date postponed, by order of the Secretary of State, and the date has been so postponed to the end of 1987:

(3) Many of these existing provisions are spent or obsolete or their continuation is otherwise inappropriate, and it is expedient that others be re-enacted in more modern form:

(4) It is expedient that the existing provisions be repealed and replaced, so far as required, in one enactment, that certain further powers be conferred on the local authorities of and within the said county, and that the other provisions of this Act be enacted:

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

(6) In relation to the Bill for this Act the requirements of section 239 of the said Act of 1972 have been observed:

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

## PART I

### PRELIMINARY

- |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Citation and commencement.                    | 1. This Act may as cited as the County of Cleveland Act 1987 and shall come into operation at the end of the period of three months beginning with the date on which it is passed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Interpretation.<br>1936 c. 49.<br>1984 c. 55. | 2. In this Act, except where the context otherwise requires—<br>“the Act of 1936” means the Public Health Act 1936;<br>“the Act of 1984” means the Building Act 1984;<br>“the appointed day” has the meaning given by section 3 of this Act;<br>“contravention” includes a failure to comply, and<br>“contravene” shall be construed accordingly;<br>“the county” means the county of Cleveland;<br>“the county council” means the council of the county;<br>“daily fine” means a fine for each day on which an offence is continued after conviction thereof;<br>“district” means a district in the county;<br>“district council” means the council of a district;<br>“fire authority” has the meaning given by section 43 of the |
| 1971 c. 40.                                   | Fire Precautions Act 1971;<br>“local authority” means the county council or a district council;<br>“proper officer”, in relation to any purpose and any local authority or area, means an officer appointed for the purpose by that local authority or, as the case may be, for that area;                                                                                                                                                                                                                                                                                                                                                                                                                                         |

“statutory undertakers” means any person authorised by any enactment to supply electricity or water or a public gas supplier within the meaning of Part I of the Gas Act 1986;

PART I  
—cont.

1986 c. 44.

“street” has the same meaning as in section 329 of the Highways Act 1980.

1980 c. 66.

3.—(1) Subject to section 14 (3) of this Act, in this Act “the appointed day”, in relation to any provision, means such day as may be fixed for the purposes of that provision by resolution of the county council or, as the case may be, a district council.

Appointed  
day.

(2) The local authority shall publish in a newspaper circulating in their area notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provision for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of one month from the date of the publication of the notice.

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page, or part of a page, of any newspaper being a page or part bearing the date of its publication and containing the notice mentioned in subsection (2) above shall be evidence of the publication of the notice and of the date of publication.

## PART II

### FIRE PRECAUTIONS

4.—(1) The fire authority may prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of any substance to which this section applies and the danger from fire arising therefrom.

Prescription of  
signs to be  
used on  
certain  
buildings.

(2) The fire authority may, by notice, require the occupier of any part of a building used for the manufacture or storage of any such substance to affix, within such reasonable time as is specified in the notice, and thereafter to keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage, the appropriate sign, symbol or notice prescribed under subsection (1) above.

(3) This section applies to any substance likely to involve special hazard to persons engaged in operations for the purposes of the extinction of fire and the protection of life and property in case of fire.

PART II  
—cont.

(4) Any person who fails to comply with the requirements of the fire authority under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £100.

1971 c. 78.

(5) Nothing in this section shall authorise the fire authority to require the electricity undertakers to affix a sign, symbol or notice on a building on operational land (as defined in section 222 of the Town and Country Planning Act 1971) without the consent of those undertakers, which consent shall not be unreasonably withheld.

(6) Any question whether a consent required by this section has been unreasonably withheld shall be determined by the Secretary of State.

(7) In this section “the electricity undertakers” means the Central Electricity Generating Board and the North Eastern Electricity Board, or either of them.

Facilities for  
fire fighting.

5.—(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show—

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended;

(b) that the building or, as the case may be, the extension will not render inadequate existing means of access for the fire brigade to a neighbouring building;

and, in the case of any building which would be capable of use for commercial or industrial purposes, shall also reject such plans unless, after consultation as aforesaid, they are satisfied that provision has been made for the installation of fire hydrants or other means capable of providing an adequate supply of water for fire-fighting purposes.

(2) No requirement shall be made under subsection (1) above in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Town and Country Planning Act 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Sections 16 and 36 of the Act of 1984 shall (so far as material) have effect as though this section were a section of Part I of that Act.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

PART II  
—cont.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

6.—(1) This section applies to a parking place comprising or within a building which provides—

Parking  
places: safety  
requirements.

(a) parking space for more than three motor vehicles, being a space of which any part of the floor is situated more than 1.2 metres below the surface of the ground adjoining any wall of the building; or

(b) parking space for more than 20 motor vehicles;

not being a parking place for the use only of the occupants of a single private dwelling-house.

(2) Where—

(a) plans of any proposed work are deposited with a district council in accordance with building regulations; and

(b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

the council shall reject the plans unless they are satisfied after consultation with the fire authority and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act (if not the fire authority), that they may properly consent to the construction, extension or alteration of the building, either unconditionally or subject to compliance with any conditions, specified in the consent, with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

1928 c. 32.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—

(a) construction of the vehicular approaches;

(b) means of access for fire brigade appliances and personnel;

(c) means of ingress and egress, including the provision of appropriate signs;

(d) means of ventilation;

PART II  
—cont.

- (e) safety of electrical, mechanical and heating equipment;
- (f) provision of an emergency lighting system;
- (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
- (h) prevention of the admission to drains of flammable substances.

(4) If the district council give conditional consent under or by virtue of this section they may by notice to the owner or occupier of the parking place prohibit its use for the parking of vehicles until the conditions have been complied with.

(5) Sections 16 and 36 of the Act of 1984 shall (so far as material) have effect as though this section were a section of Part I of that Act.

(6) Any person aggrieved by the action of the district council in rejecting plans, or in imposing any conditions, under or by virtue of subsection (2) above, or in imposing a prohibition under subsection (4) above, may appeal to the Secretary of State within 28 days from the date on which the relevant notice was served.

(7) If any conditions, imposed under or by virtue of subsection (2) above or under any corresponding statutory provision repealed by this Act in respect of the use of a parking place to which this section applies, are not being complied with, the district council may by notice to the owner or occupier of the parking place prohibit or, as the case may be, require the cessation of its use for the parking of vehicles until those conditions have been complied with.

(8) If it appears to the district council, after consultation with the fire authority, that any building or part of a building in the district—

- (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;
- (b) has been so brought into use in circumstances not involving the carrying out of any building work within the meaning of the Building Regulations 1985 or the making of any material change of use within the meaning of those regulations; and
- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

S.I. 1985/1065.

they may, for the purpose of preventing or reducing danger from fire, or other danger to life, by notice to the owner or occupier of the parking place, require compliance with—

PART II  
—cont.

- (i) such conditions with respect to any of those matters as may be specified in the notice; and
- (ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(9) The provisions of sections 99 and 102 of the Act of 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall apply in relation to any notice under subsection (8) above as if—

- (a) references in those provisions to that Act included a reference to that subsection;
- (b) in section 99 (2) the words from “and (b) without prejudice” to the end were omitted; and
- (c) references in section 102 to the magistrates’ court were construed as references to the Secretary of State.

(10) Any person on whom notice is served under subsection (4) or (7) above in respect of a parking place owned or occupied by him, who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) Any person on whom notice is served under subsection (8) above in respect of a parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(12) For the purposes of section 287 (1) (a) of the Act of 1936 (power to enter premises) as applied by section 40 of this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the district council to enforce.

(13) In the case of a building in respect of which a licence under section 2 or 3 of the Petroleum (Consolidation) Act 1928 is in force or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above, no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence. 1928 c. 32.

(14) Subject to subsection (13) above, where plans in respect of any building have been passed or an initial notice or public body’s notice (within the meaning of the Act of 1984) accepted subject to compliance with conditions specified under this

PART II  
—cont.

section, no conditions shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which conflict with the conditions so specified.

Buildings used  
for storage of  
hazardous  
substances.  
S.I. 1982/1357.

7.—(1) In this section “hazardous substance” means a substance, or one of a class of substances, for the time being listed in Schedule 1 to the Notification of Installations Handling Hazardous Substances Regulations 1982, but does not include—

- 1928 c. 32. (a) petroleum spirit as defined in the Petroleum (Consolidation) Act 1928;
- (b) any substance to which section 1 or 2 of that Act for the time being applies;
- 1922 c. 35. (c) celluloid or cinematograph film as defined in the Celluloid and Cinematograph Film Act 1922;
- (d) anything contained in a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas by a public gas supplier within the meaning of Part I of the Gas Act 1986.
- 1986 c. 44.

(2) This section applies to the storage of a hazardous substance in a building for the purposes of trade except—

- (a) in securely closed metal containers in good condition, none of which contains more than 25 litres or 25 kilograms of the substance; or
- (b) in a quantity not exceeding 100 litres in a glass or glazed earthenware vessel or vessels securely stoppered.

(3) If the county council are of opinion that storage to which this section applies is of such a quantity and of such a kind as to constitute a fire hazard to persons residing or working in, or resorting to, the building in which the storage occurs, they may by notice to the occupier of the building, or of any part of it in which the hazard is present, require him to discontinue after such date as shall be specified in the notice the whole or part, as shall be so specified, of the storage constituting the hazard; and, if the storage is not to be wholly discontinued, the notice may require the occupier within such reasonable time as may be specified in the notice to do one or more of the following things:—

- (a) to instal such fire alarms and fire-fighting appliances;
- (b) to provide such means of escape in case of fire; and
- (c) to put up such notices indicating the danger from fire;

as may be so specified:

Provided that an occupier shall not be required under paragraph (b) above to make any structural alteration of the



building for the purpose of providing a means of escape in case of fire—

PART II  
—cont.

- (i) beyond that which might have been required under building regulations in force at the time of the notice were the building being newly constructed; or
- (ii) subject to subsection (4) below, in breach of any covenant or obligation relating to the building unless the person entitled to enforce the covenant or obligation lawfully consents thereto.

(4) If it appears to the Secretary of State on a representation made by any person that compliance with a notice served under subsection (3) above would involve a breach of a covenant or obligation relating to the building, he shall direct that the occupier be not required to comply with the notice to the extent that it would involve such a breach until the Secretary of State has given the person entitled to enforce the covenant or obligation, and the occupier, an opportunity of being heard by a person appointed by the Secretary of State for the purpose, and the Secretary of State, after considering the report of that person, has directed the occupier to comply with the notice as served or as modified by order of the Secretary of State.

(5) A person served with a notice under subsection (3) above may within 28 days from the date on which the relevant notice was served appeal to the Secretary of State on any of the following grounds:—

- (a) that the requirement is not reasonably justified;
- (b) that there has been some informality, defect or error in or in connection with the notice;
- (c) that the county council have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are unreasonable in character or extent;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (e) that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of the works;

and the Secretary of State may dismiss or allow the appeal or may vary the decision of the county council against which the appeal is made.

(6) Section 11 (2) to (5) of this Act shall apply so far as appropriate in relation to an appeal under this section as it applies in relation to an appeal under that section.

(7) The county council shall, as soon as a person has complied with a notice served under subsection (3) above, issue to him a certificate of compliance.

PART II  
—cont.

(8) The certificate issued under subsection (7) above shall, except where the storage constituting the fire hazard is wholly discontinued, be a licence to constitute a fire hazard to which this section applies by the storage, in the building or part of the building to which the certificate relates, of substances of such a kind and in such quantity and stored in such a manner as shall be stated in the certificate.

(9) (a) The proper officer of the county council may, in respect of any premises which he has entered in pursuance of the powers conferred by section 287 of the Act of 1936, as applied by section 40 of this Act, test samples of any substance stored on such premises for the purposes of trade in order to ascertain whether or not it is a substance to which this section applies; and any samples so taken shall be paid for.

(b) The result of any test of a sample taken by the proper officer by virtue of this section shall not be admissible as evidence in any proceedings under this section unless the following requirements have been complied with, that is to say, the officer has forthwith after taking the sample notified the occupier of the building of his intention to have it tested and has there and then divided the sample into three parts, has caused each part to be placed in a suitable container, which has been sealed up and marked, and has—

- (i) delivered one part to the occupier;
- (ii) retained one part for future comparison; and
- (iii) if he thinks fit to have a test made, submitted one part to be tested.

(10) If, while a certificate is in force in respect of a building or part of a building, the occupier applies to the county council for an extension of what is permitted by the certificate, the council may amend the certificate, and, if they refuse the application in whole or in part, the applicant may appeal to the Secretary of State, within 28 days from the date on which notice of the refusal was served and the Secretary of State may allow the appeal in whole or in part or reject it. If he allows the appeal he shall make such amendments of the certificate and give such directions as may be necessary.

(11) A person who—

- (a) contravenes a notice under subsection (3) above, in its original form or, as the case may be, as modified by the Secretary of State under this section; or
- (b) stores anything in a building or part of a building in contravention of the terms of a certificate then in force in respect of the building; or

(c) refuses to permit a person to comply with a notice served under subsection (3) above, in its original form or, as the case may be, as modified by order of the Secretary of State under subsection (4) above; or

(d) contravenes directions given by the Secretary of State under subsection (10) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(12) In this section references to a building are references to the building and its curtilage.

(13) The county council shall not serve a notice under subsection (3) above in respect of a building or part of a building—

(a) used for a purpose designated under section 1 of the Fire Precautions Act 1971; or

1971 c. 40.

(b) for which a fire certificate is for the time being required under that Act.

(14) The county council shall not have power to act under this section where, in a particular case, action may be taken by any person in respect of the fire hazard in question under any of the relevant statutory provisions (within the meaning of Part I of the Health and Safety at Work etc. Act 1974).

1974 c. 37.

### PART III

#### STORAGE OF FLAMMABLE MATERIAL

8.—(1) For the purposes of this Part—

Interpretation  
of Part III.

(a) the height of a stack is the distance from its highest part to the mean level of the ground on which it stands;

(b) two or more stacks shall be treated as one stack if—

(i) the space between them does not allow free passage between them or is at any point less than 1 metre wide; or

(ii) they are within an area not exceeding 235 square metres whose longest dimension does not exceed 20 metres.

(2) For the purposes of this Part access for the fire brigade is inadequate unless—

(a) it is unobstructed; and

(b) it is 4 metres wide and 4 metres high except at any gateway where the width may be reduced to 3 metres.

PART III  
—cont.  
Stacks to  
which  
Part III  
applies.

9.—(1) This Part applies to a stack which is not enclosed by any building which has been constructed in accordance with building regulations if—

- (a) it consists of, or contains mainly, any one or more of the materials specified in subsection (2) below; and
- (b) it exceeds any of the measurements for stacks of those materials specified in subsection (3) below.

(2) The materials referred to in subsection (1) (a) above, are—

- (a) paper or cardboard;
- (b) plastics;
- (c) rags;
- (d) rubber, whether natural or synthetic, including rubber tyres; and
- (e) wood, whether or not cut into planks, boards, billets, logs or firewood or joined so as to form boards, crates, pallets, casks or barrels.

(3) The measurements referred to in subsection (1) (b) above are—

- (a) for stacks of any materials, if any of the conditions specified in subsection (4) below are not fulfilled—

- (i) 3 metres in height;
- (ii) 50 cubic metres in capacity;

- (b) for stacks of any materials, not being a stack specified in paragraph (c) or (d) below, if the conditions specified in subsection (4) below are fulfilled—

- (i) 5 metres in height;
- (ii) 450 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section;

- (c) for stacks consisting wholly of paper, cardboard or rags, if the conditions specified in subsection (4) below are fulfilled—

- (i) 5 metres in height;
- (ii) 750 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section;

- (d) for stacks consisting wholly of wood, if the conditions specified in subsection (4) below are fulfilled—

- (i) 10 metres in height;
- (ii) 1,370 cubic metres in capacity;
- (iii) 20 metres in any horizontal dimension;
- (iv) 235 square metres in any horizontal section.

(4) The conditions referred to in subsection (3) above are—

PART III  
—cont.

- (a) there is no other stack to which this Part applies within 4 metres;
- (b) there is an unobstructed access at least 4 metres wide round 3 of the sides of the stack or, if it is not rectangular, round three-quarters, measured continuously, of its perimeter;
- (c) no street is within 5 metres;
- (d) none of the following is on the same premises and within 6 metres, namely:—
  - (i) a furnace or incinerator;
  - (ii) a building;
  - (iii) any compressed flammable gas including liquid gas and gas dissolved in liquid under pressure;
  - (iv) a substance having a flash-point lower than 66 degrees Celsius when tested by any standard method.

(5) A stack is not one to which this Part applies if—

- (a) being a stack of a temporary nature in connection with works of construction, alteration, maintenance, repair or renewal of a railway line of the British Railways Board, it is alongside a railway line on premises occupied by that board for the purposes of their undertaking and is not on a site habitually used for the stacking or storage of any of the materials specified in subsection (2) above; or
- (b) it forms the load or part of the load of a railway wagon, or of a mechanically propelled vehicle, or of a trailer drawn or to be drawn by such a vehicle, or is in a container to be carried on such a wagon, vehicle or trailer; or
- (c) it forms the cargo or part of the cargo of a vessel or, being in any area of a port, dock or quay which is for the time being held or used for the transit of cargoes, has been unloaded from, or is intended to be loaded on, a vessel at that port, dock or quay or, where an intention to load it has been abandoned, is of a temporary nature pending its removal from that area of the port, dock or quay; or
- (d) it is enclosed by any building owned, occupied or administered by statutory dock undertakers for purposes of or in connection with their undertaking.

10.—(1) Subject to section 14 (2) of this Act, as from the Unlawful appointed day in the county it is unlawful for a stack to which stacks.

PART III  
—cont.

this Part applies to be on any premises in the county without the consent of the county council or in breach of any condition subject to which such consent is given.

(2) A person making application to the county council for a consent under this section shall provide such information for that purpose (including information about the materials to be stacked, the premises and the undertaking, trade or business conducted on the premises) as the council may, within 28 days from the date on which the application is made, reasonably require.

(3) Where an application has been made to the county council for their consent under this section and the council have failed, within 8 weeks, or such longer period as the applicant may allow, after the application was made to give notice to the applicant that they give or refuse their consent, or give it subject to conditions, the council shall be deemed to have given their consent without conditions except any that have been accepted in the application.

(4) Where the county council have given a consent under this section to the stacking of materials on premises—

(a) they may—

(i) at the request of the owner of the materials or of the occupier of the premises; or

(ii) on a change of the occupier of the premises; or

(iii) on a change of circumstances which in their opinion creates, or as the case may be increases, the fire risks;

give notice to the owner of the materials or the occupier of the premises imposing conditions under this section, or adding to or varying any condition already imposed under this section; and

(b) they may at any time by notice to the owner of the materials or the occupier of the premises relax any conditions imposed under this section.

(5) The conditions which may be imposed under this section on a consent to the stacking of materials on any premises shall be such as, having regard to the reasonable requirements of the undertaking, trade or business conducted on the premises, appear to the county council to be reasonably necessary to prevent the outbreak of fire, to reduce the damage that fire will cause if it breaks out and to facilitate fire fighting, including the provision of water for fire-fighting purposes:

Provided that where, on an application for consent under this section to the stacking of materials, the county council are

satisfied that by reason of those materials the stack does not create fire risks, the council shall give their consent unconditionally.

PART III  
—cont.

11.—(1) A person aggrieved by a refusal of consent, or by any condition imposed on a consent, under section 10 of this Act may, within 28 days after the refusal, or the imposition of conditions, has been notified as required by that section, appeal to the Secretary of State stating in writing the grounds of his appeal and giving information on any other matters that the Secretary of State may require; and the appellant shall at the same time serve on the county council a copy of that statement.

Part III  
appeals.

(2) The Secretary of State may at his discretion afford to the appellant and the county council an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(3) On determining the appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination and may give directions for the granting of a consent subject to such conditions as the county council may impose under section 10 of this Act.

(4) Where the Secretary of State gives a decision in proceedings on an appeal, the appellant or the county council may appeal to the High Court against the decision on a point of law.

(5) At any stage of the proceedings on the appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

1981 c. 54.

12. The power to enter premises conferred upon duly authorised officers of the county council for the purposes of this Part by section 287 (1) (a) of the Act of 1936 as applied by section 40 of this Act shall include power to take samples for analysis from any stack on the premises.

Powers of  
entry for  
Part III.

13. Where a stack is on any premises in contravention of section 10 (1) of this Act the owner of the stack and the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Offences  
under  
Part III.

PART III  
—cont.  
Transitional  
provisions for  
Part III.

14.—(1) Where under section 10 (4) of this Act the county council impose or vary conditions, the new conditions, or the conditions as varied, shall not have effect until the expiration of 42 days after the imposition or variation has been notified to the person concerned by the county council or, if there is an appeal to the Secretary of State, until the expiration of 42 days after the Secretary of State has notified the appellant of his decision.

(2) Where the owner of a stack or the occupier of premises has represented to the county council that the appointed day fixed for the purposes of section 10 of this Act does not give him reasonable time to adjust his undertaking, trade or business to the requirements of this Part, the council may postpone the appointed day in respect of those premises to such other day as they may think fit, and, on that other day being notified to the appellant, the appointed day in respect of those premises shall be that day.

(3) A person aggrieved by a decision under subsection (2) above may appeal to the Secretary of State and section 11 of this Act shall apply to such an appeal with the necessary modifications.

#### PART IV

##### PUBLIC HEALTH

Safety of  
stands.

15.—(1) This section applies to a stand for the accommodation of spectators of, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand—

S.I.1985/1065.

(a) comprising a work the erection of which involves the carrying out of any building work within the meaning of the Building Regulations 1985; or

1961 c. 64.

(b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961.

(2) As from the appointed day in any district no person shall in the district make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the district council under the following provisions of this section.

(3) Any person who intends to erect in the district a stand to which this section applies for the accommodation of 20 or more persons shall—

(a) give to the district council notice of his intention, stating the period for which the stand is intended to remain erected; and



(b) submit for approval by the district council such particulars of the intended stand as the council may require.

PART IV  
—cont.

(4) On receipt of a notice under subsection (3) (a) above the district council shall consult the fire authority.

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the district council may give to the person who gave the notice a counter-notice requiring him to submit such a plan and section.

(6) Before the expiration of 5 weeks after the submission of particulars under subsection (3) (b) above, or 4 weeks after submission of a plan and section required under subsection (5) above (whichever is the later), the district council may give to the person by whom the particulars, plan or section were submitted notice specifying—

- (a) such modifications of any plan, section and particulars submitted to them as they may require; and
- (b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the district council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of 5 weeks or, as the case may be, the said period of 4 weeks, the district council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the district council under this section may appeal to a magistrates' court, which may dismiss or allow the appeal, or may vary any requirement of the district council, and may make directions for giving effect to its decisions.

(9) Any person who contravenes subsection (2) above or a requirement imposed under subsection (6) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) Where it appears to a district council that a stand has been erected or is in use in the district in contravention of this section or of any requirement made under this section, they

PART IV  
—cont.

may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

- (a) to remedy the condition of the stand; or
- (b) to prevent the continued use of the stand until its condition has been remedied; or
- (c) to dismantle the stand;

as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(11) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by virtue of any other enactment.

Dangerous  
electrical  
installations  
in dwellings.

16.—(1) In this section—

“electrical installation” means electrical wiring or fittings other than—

- (a) portable appliances not permanently connected to the electricity supply system of a building; and
- (b) wiring or fittings belonging to the North Eastern Electricity Board;

“owner” has the same meaning as in the Act of 1984.

(2) Where it appears to a district council, in relation to any occupied dwelling, or any part of a building used to give access to such a dwelling, that—

- (a) the electrical installation thereof is so defective or inadequate as to be dangerous; or
- (b) there is no adequate and safe provision for artificial lighting; or
- (c) in the case of a dwelling, that it does not have adequate electrical sockets or other supply outlets for the safe functioning of domestic appliances;

the council may, by notice, require the owner of the dwelling or building to carry out such work as may be necessary to remedy the defect or inadequacy; and, if the owner fails to execute the works specified in the notice within the time limit so specified, the council may themselves execute the works and recover from him the expenses reasonably incurred by them in so doing.

(3) Section 102 of the Act of 1984 (appeal against notice requiring works) shall apply in relation to notices given under this section as if—

- (a) this section were contained in that Act; and

- (b) among the grounds upon which an appeal may be brought under section 102 (1) of that Act there were added the ground that it is not reasonably practicable to comply with the notice, or that, having regard to the period during which the dwelling or part of the building is likely to continue to be used for human habitation, it is unreasonable to require the execution of the work;

PART IV  
—cont.

and sections 107 and 108 of that Act as to the recovery of expenses shall apply accordingly.

(4) This section shall not apply to a house which, for the purposes of the Housing Act 1985, has been declared to be unfit for human habitation. 1985 c. 68.

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

- (a) with the consent of the owner of those adjoining premises, carry out at their own expense or, if so agreed with the owner, partly at their expense and partly at the expense of the owner, any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for:—
- (i) weatherproofing the surface of the wall; or
  - (ii) restoring or improving the appearance of the wall; or
- (b) make such contribution, if any, as they think fit towards expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of those purposes:

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

(2) An officer or servant of the local authority, or of their contractor, acting in pursuance of an order of the court made in pursuance of the foregoing provisions of this section, and after giving not less than 24 hours' notice to the occupier of the land on which the exposed wall is situated may, at all reasonable

PART IV  
—cont.

times, and on producing if so required some duly authenticated document showing his authority, enter on the land for the purpose of carrying out in compliance with the said order the works referred to therein.

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

Power to order  
alteration of  
chimneys.

18.—(1) If, upon a complaint by a district council under this section, a magistrates' court is satisfied that any gas, vapour or fumes from a chimney of a building in the district is or are injurious, or likely to be injurious, to health or a nuisance, the court may make an order requiring the owner of the chimney within such times as may be specified in the order—

- (a) to cause it to be raised to a height so specified; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit.

(2) The court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding—

- (a) in the case of a single private dwelling-house, £600; and
- (b) in any other case, £1,800;

or in any case such greater sum as may be specified in an order made by the Secretary of State by statutory instrument under this section.

(3) Any person who, without reasonable excuse, fails to comply with an order made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £10.

1979 c. 46.

1971 c. 78.

(4) Unless the Secretary of State has granted scheduled monument consent under section 3 or 4 of the Ancient Monuments and Archaeological Areas Act 1979 or listed building consent under section 55 of the Town and Country Planning Act 1971 for the alteration of any chimney in a scheduled monument or listed building no complaint shall be made to a magistrates' court under this section in respect of any chimney in such monument or building.

1961 c. 34.

1906 c. 14.

1974 c. 37.

(5) This section does not apply to premises which are subject to the Factories Act 1961 or the Alkali, &c. Works Regulation Act 1906 or to any class of premises prescribed for the purposes of section 1 (1) (d) of the Health and Safety at Work etc. Act 1974.

(6) Nothing in this section shall prejudice or affect the operation of the relevant statutory provisions, as defined in Part I of the Health and Safety at Work etc. Act 1974. PART IV  
—cont.  
1974 c. 37.

(7) In this section “chimney” includes a structure, opening or duct of any kind from which gas, vapour or fumes may be emitted, whether or not as the product of combustion, and reference to a chimney of a building includes reference to a chimney which serves the whole or part of a building but is structurally separate therefrom.

19. Any person who without lawful authority or reasonable excuse removes or intentionally interferes with any life-saving equipment provided by or vested in a local authority shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. Interference  
with life-  
saving  
equipment.

20.—(1) As from the appointed day in any district a person shall not in that district carry on the business of a hairdresser or barber unless he is registered by the district council under this section and, except as provided in subsection (2) below, he shall not carry on that business on premises occupied by him unless the premises are so registered. Hairdressers  
and barbers.

(2) Premises are not required to be registered under this section by reason only that they are occupied by a hairdresser for the purpose of attending to persons employed at those premises.

(3) On application for registration under this section and on payment to the district council of such reasonable fee as shall be prescribed by them for the purposes of this subsection, the council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The occupier of premises registered under this section shall keep displayed in the premises a copy of the certificate of registration of the premises and of any byelaws made by the district council under section 77 of the Public Health Act 1961, 1961 c. 64. and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

(6) Section 17 (powers of entry) of the Local Government (Miscellaneous Provisions) Act 1982 shall apply with respect to this section as it applies with respect to section 16 of that Act. 1982 c. 30.

PART V  
MARKETS

Application of  
Food Act  
1984 to  
markets.  
1984 c. 30.

**21.** Any market carried on by a district council within their district which was not established or acquired under section 50 of the Food Act 1984 or any of the enactments mentioned in subsection (3) of that section shall be deemed to have been acquired by the district council under the said section 50.

Powers of  
councils in  
relation to  
markets.

**22.—**(1) In relation to any market carried on by them a district council may—

- (a) subject to subsection (2) below, from time to time alter the place or places in which the market or any part thereof is held, and in connection with any such alteration may terminate the use of any lands for the purpose of the market;
- (b) enter into a composition with any person with respect to the payment of any tolls or charges which they may demand under the Food Act 1984.

(2) The council shall not—

- (a) exercise their powers under subsection (1) (a) above; or
- (b) publish a notice under subsection (3) below;

without first consulting with those market traders who appear to the council to be likely to be affected by the proposed alteration; and the council shall use their reasonable endeavours to ensure that any market trader who is required to transfer to another site as a result of the alteration is afforded a location which is at least as satisfactory as the previous site.

(3) At least one month before a district council in pursuance of this section alter any place in which markets are held they shall publish in one or more local newspapers circulating in the district and by placards affixed to conspicuous places in the district notice of their intention to alter such market.

(4) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the proper officer to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

Control of  
occasional  
sales.

**23.—**(1) In this section “occasional sale” means an event at which articles are offered for sale to the public by one or more

sellers in the course of a trade or business, but does not include—

PART V  
—cont.

- (a) a market held by virtue of a grant from the Crown or of prescription or under statutory authority;
- (b) a market wholly or mainly for the sale by auction of farm livestock or deadstock or the contents of a building; or
- (c) an event promoted or conducted by a body registered as a charity under section 4 of the Charities Act 1960 1960 c. 58. or excepted from registration by virtue of subsection (4) of that section.

(2) For the purposes of this section a person who holds an occasional sale includes any person who—

- (a) charges admission to the premises used for the sale; or
- (b) is entitled, as a person promoting the sale or as the agent, licensee or assignee of such a person, to payment in respect of goods sold or services rendered to persons attending the sale or for the granting of rights to other persons to sell goods or services to persons attending the sale.

(3) As from the appointed day any person who intends in the county—

- (a) to hold an occasional sale; or
- (b) to permit an occasional sale to be held on premises of which he is the occupier; or
- (c) being the occupier of premises adjacent to the proposed site of an occasional sale, to permit those premises to be used for the purposes of that sale;

shall give to the county council not less than 21 days before the holding of the intended sale notice of his intention to hold it or, as the case may be, to permit those premises to be so used.

(4) A notice given under subsection (3) above shall be in writing and shall specify—

- (a) the proposed date, time of commencement, expected duration and location of the intended sale;
- (b) whether the sale is to be held on other and, if so, what days;
- (c) the extent of the premises to be occupied for the purposes of the sale;
- (d) the nature of the goods or services to be provided at the sale;
- (e) the name and business address (other than an address temporarily occupied for the purposes of the sale) of

PART V  
—cont.

every person who it is proposed will promote the sale, and the name and address of a person appointed to receive and answer complaints about the sale; and

(f) the number of persons expected to attend the sale.

(5) If the county council have reason to believe that an occasional sale is to be held in the district but that no notice thereof has been given under subsection (3) above by the person intending to hold the sale or by the occupier, as the case may be, they may as soon as reasonably practicable after the intention to hold the sale has come to their knowledge serve on the person intending to hold it and on the occupier of any premises on or in which it appears that the sale is to be held a notice requiring that person to give to the county council the information required by subsection (4) above, which information shall be supplied by the person on whom the notice is served within 7 days after the service of the notice.

(6) Any person who promotes, conducts or assists in the conduct of an occasional sale shall display in a prominent position on or in the land or premises his full name and business address.

(7) Any person who promotes an occasional sale shall display on all notices, leaflets and posters distributed by him or on his behalf in connection with the sale, the full name and business address of—

(a) himself; and

(b) every other person concerned in the promotion of the sale.

(8) Any person who contravenes any provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## PART VI

### HIGHWAYS AND ROAD TRAFFIC

Saving for  
bridge  
undertakings.  
1971 c. xvii.  
1972 c. 70.

24.—(1) For the avoidance of doubt it is declared that the transporter bridge undertaking referred to in Part V of the Teesside Corporation Act 1971, and the bridge undertakings referred to in Parts VII and VIII of that Act, shall for the purposes of section 262 of the Local Government Act 1972 be deemed to be, and always to have been, statutory undertakings.

(2) There shall be substituted, for section 80 (1) of the Teesside Corporation Act 1971, the following subsection:—

“(1) The Council may demand, take and recover such reasonable tolls for the use of the transporter bridge and all



works connected therewith or ancillary thereto as shall from time to time be approved by resolution of the Council.”.

PART VI  
—cont.

25.—(1) The powers conferred by section 21 of the Town Police Clauses Act 1847 (power to make orders for preventing obstruction in streets during processions etc.) shall, within the county, extend to enable a local authority by resolution, in relation to days appointed for carnivals, public processions, races or similar occasions, to direct the passage and stoppage of vehicles along or in particular streets, to direct particular routes to be taken for particular descriptions of traffic, and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours. Traffic regulation during carnivals, etc. 1847 c. 89.

(2) The Langbaugh borough council may by resolution, during the period from 1st April to 30th September in each year, prohibit the use of motor vehicles within the meaning of the Road Traffic Act 1972 on— 1972 c. 20.

- (a) Newcomen Terrace, Redcar, between its junction with Henry Street and The Esplanade; and
- (b) The Esplanade, Redcar, between its junction with Newcomen Terrace and the junction of the High Street and Granville Terrace;

or on any part thereof, and for such period as the council deem expedient, thereby enabling the public to use those streets or parts as pedestrian circulation spaces or precincts.

(3) On the passing of a resolution under this section the local authority shall forthwith take such steps as are necessary to secure—

- (a) the erection on or near the street affected of traffic signs in such positions as the authority may consider requisite for the purpose of securing that adequate information as to the effect of the resolution is given to persons using the street; and
- (b) where the resolution contains provisions for suspending or altering temporarily the application of a traffic regulation order made under powers contained in the Road Traffic Regulation Act 1967, or the Road Traffic Regulation Act 1984, such temporary covering of existing traffic signs as the local authority may consider requisite for the purpose of avoiding confusion to users of the streets or the continuance of traffic signs in incorrect positions. 1967 c. 76.  
1984 c. 27.

(4) Notice of the passing of a resolution under the foregoing subsections describing the order shall be published in one or more newspapers circulating within the area of the local

PART VI  
—cont.

authority and shall be placed on boards to be fixed in position in a prominent part of the said streets.

(5) Any person who without reasonable excuse contravenes an order or resolution made pursuant to this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

1971 c. 78.

(6) Nothing in this section shall relieve a local authority or any person acting with the consent or on the requirement of the authority from liability for damage caused by them to any apparatus of any statutory undertaker or British Telecommunications, and the powers of this section shall be exercised so as not to obstruct or render unreasonably inconvenient the access to any apparatus or operational land (as defined in section 222 of the Town and Country Planning Act 1971).

(7) Notwithstanding the foregoing provisions of this section statutory undertakers and British Telecommunications shall be at liberty at all times to execute and do all such works and things in, under and upon a street as may be necessary for placing, inspecting, repairing, maintaining or removing apparatus, and to enter upon the street for any of those purposes with any necessary vehicles.

1981 c. 14.

(8) Before exercising any of the powers conferred by this section in respect of a street upon which a service of stage carriages or express carriages is operated the local authority shall (except in an emergency) give to—

(a) the traffic commissioners; and

(b) the operator of a local service (as defined in the Public Passenger Vehicles Act 1981);

at least 7 days' notice of their intention so to do, and shall consult with them as to any measures necessary to maintain the service.

1984 c. 27.

(9) In this section "traffic signs" has the meaning given by section 64 (1) of the Road Traffic Regulation Act 1984.

## PART VII

### OPEN SPACES

Provision of  
parking places  
in parks, etc.

26.—(1) In the interests of persons resorting to any park, pleasure ground or open space under their management and control, a local authority may set apart an area (not exceeding the prescribed area) of the park, pleasure ground or open space for use for the parking of vehicles, and provide parking places and facilities in connection therewith.

(2) Subsection (1) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.

PART VII  
—cont.

(3) A local authority shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.

(4) In this section “the prescribed area” means—

- (a) where the total area of the park, pleasure ground or open space does not exceed 4 hectares, one-eighth of that area;
- (b) where such area exceeds 4 hectares but does not exceed 6 hectares, one-half hectare;
- (c) in any other case, one-twelfth of such area.

(5) A local authority shall consult the British Railways Board before exercising the powers of subsection (1) above in relation to an area of any park, pleasure ground or open space which is situated over or within 15 metres (measured in any direction) from any railway of that board.

27.—(1) The Langbaugh borough council may—

- (a) continue, maintain, repair, alter, improve and renew the existing lift between Marine Parade or Upper Promenade and the Lower Promenade;
- (b) demolish that lift and Saltburn Pier;
- (c) on land belonging to them construct, equip and maintain other lifts for the purpose of conveying passengers to and from Marine Parade or Upper Promenade from and to the Lower Promenade; and
- (d) provide all necessary buildings and apparatus therefor.

Saltburn Pier  
and lifts, etc.,  
at Lower  
Promenade,  
Saltburn.

(2) The council may let Saltburn Pier and any such lifts for such terms, at such rent and subject to such covenants and conditions, as they think fit, or may work them and charge reasonable sums for the use thereof.

(3) The council may make byelaws regulating the use of Saltburn Pier and of any such lifts, the charges that may be made for the use thereof and the conduct of users, and for the safety of persons using the pier or the lifts.

(4) Byelaws made under this section may provide that persons contravening them shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART VII  
—cont.

(5) If the council demolish Saltburn Pier they shall, as soon as reasonably practicable and to the satisfaction of the Secretary of State, demolish such of the foundations, abutments and protective works as he may direct, and shall ensure so far as practicable that the demolition and consequent removal of materials does not unnecessarily interfere with or impede navigation.

Lights on  
works during  
removal.

28.—(1) The council shall at or near such part of Saltburn Pier as is below the level of mean high-water springs during the whole time of the demolition and consequent removal of the pier, exhibit every night from sunset to sunrise such lights (if any), and take such other steps for the prevention of danger to navigation, as the Secretary of State shall from time to time direct.

(2) If the council fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum, and on conviction on indictment to a fine.

Albert Park,  
Stewart Park  
and Pallister  
Park.

29.—(1) In this section—

“the council” means the Middlesbrough borough council;

“the deeds of gift” means the three indentures which were made respectively on 7th November 1865, 11th June 1924 and 31st December 1925 and which are referred to in the definition of “the specified parks” contained in this subsection; and

“the specified parks” means the following parks situated in the Middlesbrough district, that is to say:—

(a) the park called “Albert Park” including so much of the lands and premises described in—

(i) an indenture made on 7th November 1865 between the Middlesbrough Corporation of the one part and Henry William Ferdinand Bolckow of the other part; and

(ii) the memorandum of agreement made on 12th August 1873 between Henry Pease, Joseph Whitwell Pease, Edmund Pease and Arthur Pease of the first part, Henry William Ferdinand Bolckow of the second part and the Middlesbrough Corporation of the third part as are vested in, used and enjoyed by the council as a public park;

(b) the park called “Stewart Park” and consisting of the lands and premises which were conveyed to the Middlesbrough Corporation by an indenture

made on 11th June 1924 between Henry William Ferdinand Bolckow of the first part, the said Henry William Ferdinand Bolckow and Charles Frederick Henry Bolckow of the second part, Thomas Dormand Stewart of the third part and the Middlesbrough Corporation of the fourth part and which are vested in, used and enjoyed by the council as a public park; and

PART VII  
—cont.

(c) the park called "Pallister Park" and consisting of the lands and premises which were conveyed to the Middlesbrough Corporation by an indenture made on 31st December 1925 between James Beaumont Worsley Pennyman of the first part, John George Pallister of the second part and the Middlesbrough Corporation of the third part and which are vested in, used and enjoyed by the council as a public park.

(2) Subject to subsection (3) below, the council may—

(a) exercise any of the powers which they have in relation to the specified parks under or by virtue of any enactment; and

(b) execute such works as they consider to be necessary or expedient for the purpose of improving or ornamenting those parks and the approaches to them;

notwithstanding anything in the relevant deeds of gift or section 76 (4) of the Public Health Acts Amendment Act 1907 or section 145 (3) of the Local Government Act 1972 (local authority not authorised to contravene, covenant or condition relating to gift or lease of park, etc. without consent of donor etc.).

(3) Except as authorised by a scheme established under section 18 of the Charities Act 1960, the council shall not do anything in relation to any of the specified parks which would constitute an infringement of a condition, restriction, regulation or stipulation relating to a charitable trust in the relevant deed or deeds of gift.

(4) In the application of section 52 (3) of the Public Health Act 1961 (limit on area of parks, etc. which may be set aside for the exclusive use of any club or other body) to parks and pleasure-grounds in the district of Middlesbrough, no account shall be taken for the purposes of paragraph (b) of that subsection of any area which is set aside for the exclusive use of any club or other body in any of the specified parks.

30.—(1) In this section "the promenade" means the walk or promenade, and the works and buildings connected therewith, constructed pursuant to section 5 of the Hartlepool Headland Promenade.

PART VII  
—cont.  
1885 c. xci.

Protection and Improvement Act 1885 (which Act is repealed by section 43 (1) of this Act) upon and along the sea wall and adjoining cliffs protecting the headland of Hartlepool.

(2) The promenade shall continue to be vested in the Hartlepool borough council, but the council shall not sell or dispose of any land gained or reclaimed under the said Act of 1885 in front of Galley's Field, nor erect any building thereon.

Contributions  
by port  
authority to  
maintenance,  
etc., of sea wall  
at Hartlepool.

31.—(1) The Tees and Hartlepool Port Authority shall contribute and pay to the Hartlepool borough council one-third of the amounts expended by that council in maintaining and repairing the sea wall protecting the headland of Hartlepool, authorised by the Hartlepool Headland Protection and Improvement Act 1885.

(2) The council and port authority may from time to time enter into any agreement or arrangement with respect of the maintenance and repair of the said sea wall and the payment of contributions by the port authority towards the cost of such maintenance and repair.

Boat parking  
on Redcar  
Esplanade.

32.—(1) In this section—

“the council” means the Langbaugh borough council;

“The Esplanade” means that portion of the A 1085 road at Redcar known as The Esplanade, and includes the foreshore adjacent thereto.

(2) For the purpose of arranging and regulating the beaching of fishing boats, the council may provide, allocate and mark out as they deem necessary, places on The Esplanade as boat stands.

(3) No person shall cause a boat to stand on The Esplanade except—

(a) at a place provided under subsection (2) above; and

(b) in accordance with a permit issued to him by the council authorising the use by him of a place so provided.

(4) The council shall not refuse to issue a permit for the purposes of this section, or revoke any such permit, unless they have afforded to the applicant or, as the case may be, the holder an opportunity of being heard by the council or a committee thereof, or (at his option) of making written representations to the council.

(5) The council may charge reasonable fees for permits issued under this section.

(6) The council may make byelaws for the regulation and administration of boat stands provided under this section and those byelaws may provide that persons contravening them shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

PART VII  
—cont.

(7) Any person who without reasonable excuse contravenes subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### PART VIII

#### MISCELLANEOUS AND GENERAL

33.—(1) A district council may allocate to the buildings in a street in their district such numbers as they think fit.

Numbering of  
buildings.

(2) Where a number has, or numbers have, been allocated to a building under this section or under section 64 of the Towns Improvement Clauses Act 1847, the district council may serve on the owner or occupier of the building a notice requiring him within such period, not being less than three weeks, as may be specified in the notice, to mark the building with that number, or those numbers, in such a way as to make the mark legible from the street.

1847 c. 34.

(3) If—

- (a) a mark placed on a building in pursuance of subsection (2) above ceases to be legible; or
- (b) the view of such a mark becomes obstructed from the street;

the district council may serve notice on the owner or occupier of the building, requiring him within such period, not being less than three weeks as may be specified in the notice, to make the mark legible or, as the case may be, to remove the obstruction, so far as it is practicable for him to do so.

(4) A district council may alter the number or numbers allocated to a building, and where they do so, subsections (2) and (3) above shall apply to the altered number or numbers.

(5) A district council may, instead of requiring a building to be marked with a number or numbers under this section, require it to be marked with such other means of identification as they may, at the request of the owner or occupier, allow; and subsections (2) and (3) above shall have effect accordingly.

(6) An owner or occupier of a building who without reasonable excuse fails to comply with a notice served on him under subsection (2) or (3) above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

PART VIII  
—cont.  
1847 c. 34.

(7) The following provisions of the Towns Improvement Clauses Act 1847 shall cease to have effect in the county:—

- (a) in the words introducing sections 64 and 65, the words “and numbering the houses”;
- (b) in section 64 the words from “shall from time to time” to “think fit, and” and the words “number or” wherever occurring;
- (c) section 65.

Defence of  
due diligence.

34.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The provisions referred to in subsection (1) above are Part II and sections 13, 15, 20, 23 and 25.

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

Restriction on  
right to  
prosecute.

35. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than the party aggrieved, a local authority, a parish council or a constable.

Liability of  
directors, etc.

36.—(1) Where an offence under this Act or against any byelaw made under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.



37. Where a requirement, refusal or other decision of a local authority against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

then until the time for appealing has expired or, if an appeal is lodged, until it is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work or to take the action, nor shall the local authority themselves execute the work or take the action; and
- (ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

PART VIII  
—cont.  
Suspension of proceedings pending appeal.

38. Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act.

Appeals to magistrates' court.

39. A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Local Government Act 1972 shall apply to any such inquiry.

Local inquiries.  
1972 c. 70.

40.—(1) The sections of the Act of 1936 mentioned in Schedule 1 to this Act shall have effect as if references therein to that Act included references to this Act.

Application of provisions of Public Health Act 1936.

(2) Section 287 (power to enter premises) of the Act of 1936 shall have effect as if references therein to that Act included references to Parts II and III and sections 15, 16 and 23 of this Act.

41.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown, and in particular, and without prejudice to the generality of the foregoing, nothing in this Act authorises a local authority to take, use, enter upon or in any manner interfere with, any land

Crown rights.

PART VIII  
—cont.

or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or
- (b) belonging to Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy; or
- (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

(3) Nothing in this section shall prejudice or affect any statutory powers of a local authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State.

1950 c. 39.

Saving for  
Health and  
Safety at  
Work etc.  
Act 1974  
and Building  
Act 1984.  
1974 c. 37.

42.—(1) Section 80 (1) of the Health and Safety at Work etc. Act 1974 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation or byelaw made thereunder as it applies to any provision to which it applies.

(2) Sub-paragraph (1) of paragraph 11 of Schedule 1 to the Act of 1984 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that sub-paragraph applies to any enactment mentioned therein.

Repeals and  
savings.

43.—(1) The enactments specified in Schedule 2 to this Act in so far as they apply within the county are repealed to the extent specified in that Schedule.

(2) The saving provisions contained in Schedule 3 to this Act shall have effect.

## SCHEDULES

## SCHEDULE 1

## PROVISIONS OF PUBLIC HEALTH ACT 1936 APPLIED

Section 40.  
1936 c. 49.

Section	Marginal note
283 (1) 289	Notices to be in writing; forms of notices, &c. Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

## SCHEDULE 2

## REPEALS

## PART I

## CONSEQUENTIAL REPEALS

Section 43 (1).

Chapter (1)	Short title (2)	Extent of repeal (3)
48 & 49 Vict. c. xci.	Hartlepool Headland Protection and Improvement Act 1885.	Section 15 (Walk or promenade vested in Corporation). Section 33 (Hartlepool Port and Harbour Commissioners to Contribute). Section 38 (Agreements between the Corporation and Commissioners).
13 & 14 Geo. 5 c. xxxvi.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1923.	Section 3 of the Hartlepool Order 1923 (Hartlepool Port and Harbour Commissioners to contribute towards expense of strengthening and repairing sea wall). Section 16 of that Order (Inquiries and expenses).

SCH. 2  
—cont.

Chapter (1)	Short title (2)	Extent of repeal (3)
21 & 22 Geo. 5 c. ciii.	West Hartlepool Corporation Act 1931.	Section 91 (Restriction on erection of temporary stands etc.).
23 & 24 Geo. 5 c. lxxxiii.	Middlesbrough Corporation Act 1933.	Section 286 (Registration of hairdressers' and barbers' premises).
1 & 2 Geo. 6 c. xvii.	Saltburn and Marske-by-the-Sea Urban District Council Act 1938.	Section 36 (Power to construct lifts).
1 & 2 Geo. 6 c. xcvi.	Stockton-on-Tees Corporation Act 1938.	Section 68 (Registration of hairdressers' and barbers' premises).
1968 c. xxxviii.	Durham County Council Act 1968.	Section 28 (Numbers of houses). Section 52 (Repair of walls, etc., of yards). Section 54 (Power to order alteration of domestic chimneys). Section 63 (Safety of stands). Section 102 (Restriction on right to prosecute).
1971 c. xv.	Teesside Corporation (General Powers) Act 1971.	Section 12 (Parking places in parks, etc.). Section 13 (Albert Park, Stewart Park and Pallister Park). Section 60 (Power to regulate traffic). Section 67 (Numbers of houses). Section 76 (Power to order alteration of chimneys). Section 97 (Life-saving equipment of Corporation).

Chapter (1)	Short title (2)	Extent of repeal (3)
1971 c. xv. —cont.	Teesside Corporation (General Powers) Act 1971. —cont.	Section 103 (Safety of stands). Section 109 (Boundary walls). Section 161 (Local inquiries). Section 163 (Appeals). Section 165 (Liability of directors, etc.). Section 176 (Crown rights).
1971 c. xvii.	Teesside Corporation Act 1971.	Section 23 (Market undertakings to continue vested in Corporation). Section 24 (Powers of Corporation as to markets).
1971 c. xlv.	Teesside Corporation (General Powers) (No. 2) Act 1971.	Section 4 (Interpretation). Section 5 (Consent to storage of flammable material). Section 6 (Appeals). Section 7 (Stack not to contain room, etc.). Section 8 (Entry and inspection of premises in connection with storage of flammable material). Section 9 (Offences under sections 5, 7 and 8). Section 10 (Consent not required in certain circumstances). Section 11 (As to application of provisions to certain stacks). Section 12 (Savings and transitional provisions). Section 14 (Building plans: access for fire brigade).

SCH. 2  
—cont.

SCH. 2  
—cont.

Chapter (1)	Short title (2)	Extent of repeal (3)
1971 c. xlv. —cont.	Teesside Corporation (General Powers) (No. 2) Act 1971. —cont.	Section 16 (Prescription of signs, etc., to be used on certain buildings). Section 20 (Underground parking places). Section 21 (Further provision as to underground parking places). Section 22 (Interpretation and powers of entry for purposes of last two foregoing sections). Section 46 (Hairdressers). Section 99 (Local inquiries). Section 101 (Appeals). Section 103 (Liability of directors, etc.). Section 110 (Crown rights).

## PART II

## SPENT AND OBSOLETE PROVISIONS

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
14 & 15 Vict. c. xvi. (1851)	An Act to provide for the Alteration or Extinguishment of the existing Rights in the Freeman's Pastures in the Township and Borough of Hartlepool in the County of Durham, and for the Appropriation and Management of such Pastures; for vesting in the Body Corporate of the Borough the Harbour Dues receivable by them; and for other Purposes.	The whole Act.
33 & 34 Vict. c. cxiii.	West Hartlepool Extension and Improvement Act 1870.	The whole Act.

Chapter (1)	Short title (2)	Extent of repeal (3)
41 & 42 Vict. c. clxii.	Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act 1878.	The West Hartle- pool Order 1878.
42 & 43 Vict. c. xliii.	Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne, &c.) Act 1879.	The West Hartle- pool Order 1879.
42 & 43 Vict. c. cv.	Local Government Board's Provisional Orders Confirmation (Aspull, &c.) Act 1879.	The Skelton Order 1879.
43 & 44 Vict. c. xxxvi.	Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1880.	The West Hartle- pool Order 1880.
46 & 47 Vict. c. cxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1883.	The Stockton Order 1883.
46 & 47 Vict. c. cxliv.	Hartlepool Borough Extension Act 1883.	The whole Act.
46 & 47 Vict. c. ccxxiv.	Local Government Board's Provisional Order Confirmation (No. 2) Act 1883.	The West Hartle- pool Order 1883.
47 & 48 Vict. c. ccxv.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1884.	The Skelton and Brotton Order 1884.
48 & 49 Vict. c. xci.	Hartlepool Headland Protection and Improvement Act 1885.	The whole Act, so far as not repealed by Part I of this Schedule, except sections 13 and 14.
50 & 51 Vict. c. lvii.	Local Government Board's Provisional Order Confirmation (Highways) Act 1887.	The whole Act.
51 & 52 Vict. c. lxii.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1888.	The Stockton-on- Tees Order 1888.
51 & 52 Vict. c. cxxxiii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1888.	The Hartlepool Joint Hospital District Order 1888.
58 & 59 Vict. c. lxxxix.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1895.	County of Durham (Linthorpe) Order 1895.

SCH. 2  
—cont.

SCH. 2  
—cont.

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
59 Vict. Sess. 2. c. viii.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1895 Session 2.	Counties of the North and West Ridings of Yorkshire (Howgrave &c.) Order 1895.
60 & 61 Vict. c. cxxxviii.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1897.	Borough of Hartlepool (Extension) Order 1897 and Borough of West Hartlepool (Extension) Order 1897.
1 Edw. 7 c. clxxxiii.	Education Board Provisional Orders Confirmation (Barnes &c.) Act 1901.	The Borough of Hartlepool County of Durham Order 1901.
2 Edw. 7 c. ccx.	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1902.	Borough of West Hartlepool Order 1902.
2 & 3 Geo. 5 c. cxliv.	Tramways Orders Confirmation Act 1912.	West Hartlepool Corporation Tramways Order 1912.
9 & 10 Geo. 5 c. lvii.	West Hartlepool Corporation Act 1919.	The whole Act, except section 16.
9 & 10 Geo. 5 c. lviii.	Middlesbrough Corporation Act 1919.	The whole Act.
13 & 14 Geo. 5 c. xxxv.	Ministry of Health Provisional Orders Confirmation (No. 2) Act 1923.	West Hartlepool Order 1923.
13 & 14 Geo. 5 c. xxxvi.	Ministry of Health Provisional Orders Confirmation (No. 3) Act 1923.	Hartlepool Order 1923, so far as not repealed by Part I of this Schedule.
13 & 14 Geo. 5 c. xc.	West Hartlepool Corporation Act 1923.	The whole Act, except section 22 (4) (in so far as it applies section 16 of the West Hartlepool Corporation Act 1919) and section 25.



Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
15 & 16 Geo. 5 c. lxxx.	Ministry of Health Provisional Orders Confirmation (No. 4) Act 1925.	Guisborough Joint Hospital Order 1925.
15 & 16 Geo. 5 c. lxxxv.	Ministry of Health Provisional Orders Confirmation (No. 9) Act 1925.	West Hartlepool Order 1925.
15 & 16 Geo. 5 c. lxxxvii.	West Hartlepool Corporation (Trolley Vehicles) Order Confirmation Act 1925.	The whole Act.
15 & 16 Geo. 5 c. cxviii.	Hartlepool Corporation Act 1925.	The whole Act.
18 & 19 Geo. 5 c. xxii.	West Hartlepool (Trolley Vehicles) Order Confirmation Act 1928.	West Hartlepool Corporation (Trolley Vehicles) Order 1928.
20 & 21 Geo. 5 c. cxvii.	Stockton-on-Tees Corporation (Works) Act 1930.	The whole Act, except sections 34 and 35.
20 & 21 Geo. 5 c. clxxii.	Stockton-on-Tees Corporation (General Powers) Act 1930.	The whole Act.
21 & 22 Geo. 5 c. ciii.	West Hartlepool Corporation Act 1931.	The whole Act, so far as not repealed by Part I of this Schedule.
23 & 24 Geo. 5 c. lxxxiii.	Middlesbrough Corporation Act 1933.	The whole Act, so far as not repealed by Part I of this Schedule, except section 45.
25 & 26 Geo. 5 c. x.	Ministry of Health Provisional Order Confirmation (Guis- borough Joint Small-pox Hospital District) Act 1935.	The whole Act.
25 & 26 Geo. 5 c. xxi.	Saltburn and Marske-by-the-Sea Urban District Council Act 1935.	The whole Act.
26 Geo. 5 & 1 Edw. 8 c. xc.	Ministry of Health Provisional Order Confirmation (West Hartlepool) Act 1936.	The whole Act.

SCH. 2  
—cont.

SCH. 2  
—cont.

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
1 & 2 Geo. 6 c. xvii.	Saltburn and Marske-by-the-Sea Urban District Council Act 1938.	The whole Act, so far as not repealed by Part I of this Schedule, except sections 1 to 35 and 37.
1 & 2 Geo. 6 c. liv.	Redcar Corporation Act 1938.	The whole Act, except section 42.
1 & 2 Geo. 6 c. lxvi.	West Hartlepool Corporation (Trolley Vehicles) Order Confirmation Act 1938.	The whole Act.
1 & 2 Geo. 6 c. xcvi.	Stockton-on-Tees Corporation Act 1938.	The whole Act, so far as not repealed by Part I of this Schedule, except sections 25 to 27.
15 & 16 Geo. 6 & 1 Eliz. 2 c. xlix.	West Hartlepool Extension Act 1952.	The whole Act.
1963 c. xxxvii.	Durham County Council Act 1963.	The whole Act.
S.I. 1967/174.	Hartlepool Order 1966.	The whole Order.
S.I. 1967/396.	Teesside Order 1967.	The whole Order, except article 12.
1968 c. xxxviii.	Durham County Council Act 1968.	The whole Act, so far as not repealed by Part I of this Schedule, except sections 93 to 97.
1969 c. xiv.	Teesside Corporation Act 1969.	The whole Act.
1970 c. xli.	North Riding County Council Act 1970.	The whole Act.
1971 c. xv.	Teesside Corporation (General Powers) Act 1971.	The whole Act, so far as not repealed by Part I of this Schedule, except sections 80 to 83, 173 and 180.

Chapter or S.I. number (1)	Title or short title (2)	Extent of repeal (3)
1971 c. xvii.	Teesside Corporation Act 1971.	Parts II to IV, so far as not repealed by Part I of this Schedule, sections 110 to 112, 126 and 132 and Schedules 2 to 4.
1971 c. xliv.	Teesside Corporation (General Powers) (No. 2) Act 1971.	The whole Act, so far as not repealed by Part I of this Schedule, except section 109.

SCH. 2  
—cont.

## SCHEDULE 3

Section 43 (2).

## SAVING PROVISIONS

1. In so far as anything done under an enactment repealed by this Act could have been done under any enactment in this Act, or any public general Act, relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned enactment.

2. Where an instrument or document refers, either expressly or by implication, to an enactment repealed by this Act the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any enactment in this Act relating to the same matter in the same area.

3.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act or in any public general Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act or by section 262 (9) of the Local Government Act 1972 is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if that period began to run under that provision. 1972 c. 70.

4. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment repealed by this Act and any enactment in this Act relating to the same matter in the same area, be construed as including references to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

- SCH. 3  
—*cont.*
5. Where an enactment is repealed by this Act subject to exceptions and a provision so repealed is material for the interpretation of a provision excepted from repeal, the repeal shall not affect the interpretation of the excepted provision.
- 1972 c. 70. 6. Nothing in this Act shall affect the operation of section 254 of the Local Government Act 1972.
- 1978 c. 30. 7. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15 to 17 of the Interpretation Act 1978.
- 1870 c. cxiii.  
1931 c. ciii.  
1980 c. 66. 8. Where, immediately before the making of an order under section 89 of the West Hartlepool Extension and Improvement Act 1870 (power to stop up highways where unnecessary, etc.) or before the conveyance of any land in pursuance of section 85 of the West Hartlepool Corporation Act 1931 (adjustment of boundaries of streets), there was under, in, upon, over, along or across the land any apparatus belonging to or maintained by any statutory undertakers supplying gas or water, or their predecessors, and that apparatus was under, in, upon, over, along or across the land immediately before the commencement of this Act, Part II of Schedule 12 to the Highways Act 1980 (apparatus of statutory undertakers) shall apply to the land as if it had ceased to form part of a highway by virtue of an order under section 116 of that Act (power of magistrates' court to order stopping up or diversion of highway) or, as the case may be, had been conveyed in pursuance of section 256 of that Act (power to exchange land to adjust boundaries of highways).

---

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR J. A. DOLE

Controller and Chief Executive of Her Majesty's Stationery Office and  
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£5.00 net

ISBN 0 10 510987 8

# County of Cleveland Act 1987

## CHAPTER ix

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

1. Citation and commencement.
2. Interpretation.
3. Appointed day.

#### PART II

##### FIRE PRECAUTIONS

4. Prescription of signs to be used on certain buildings.
5. Facilities for fire fighting.
6. Parking places: safety requirements.
7. Buildings used for storage of hazardous substances.

## PART III

## STORAGE OF FLAMMABLE MATERIAL

## Section

8. Interpretation of Part III.
9. Stacks to which Part III applies.
10. Unlawful stacks.
11. Part III appeals.
12. Powers of entry for Part III.
13. Offences under Part III.
14. Transitional provisions for Part III.

## PART IV

## PUBLIC HEALTH

15. Safety of stands.
16. Dangerous electrical installations in dwellings.
17. Boundary walls.
18. Power to order alteration of chimneys.
19. Interference with life-saving equipment.
20. Hairdressers and barbers.

## PART V

## MARKETS

21. Application of Food Act 1984 to markets.
22. Powers of councils in relation to markets.
23. Control of occasional sales.

## PART VI

## HIGHWAYS AND ROAD TRAFFIC

24. Saving for bridge undertakings.
25. Traffic regulation during carnivals, etc.

PART VII  
OPEN SPACES

Section

26. Provision of parking places in parks, etc.
27. Saltburn Pier and lifts, etc., at Lower Promenade, Saltburn.
28. Lights on works during removal.
29. Albert Park, Stewart Park and Pallister Park.
30. Hartlepool Headland Promenade.
31. Contributions by port authority to maintenance, etc., of sea wall at Hartlepool.
32. Boat parking on Redcar Esplanade.

PART VIII  
MISCELLANEOUS AND GENERAL

33. Numbering of buildings.
34. Defence of due diligence.
35. Restriction on right to prosecute.
36. Liability of directors, etc.
37. Suspension of proceedings pending appeal.
38. Appeals to magistrates' court.
39. Local inquiries.
40. Application of provisions of Public Health Act 1936.
41. Crown rights.
42. Saving for Health and Safety at Work etc. Act 1974 and Building Act 1984.
43. Repeals and savings.

SCHEDULES—

Schedule 1—Provisions of Public Health Act 1936 applied.

Schedule 2—Repeals.

Schedule 3—Saving provisions.