



CHAPTER cxvii.

An Act to empower the mayor aldermen and burgesses of the borough of Stockton-on-Tees to construct street works and railways and for other purposes. A.D. 1930.
—
[10th July 1930.]

WHEREAS the borough of Stockton-on-Tees (in this Act called “the borough”) is under the municipal and local government of the mayor aldermen and burgesses of the borough (in this Act referred to as “the Corporation”):

And whereas it is expedient that the Corporation should be empowered to make and maintain the street works and railways referred to in this Act:

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

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

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

(a) For and in connection with the purchase of lands - - - -	£ 39,864
(b) For and in connection with the construction of the street works bridges and sewer authorised by this Act - - - -	217,281
(c) For and in connection with the construction of the railways authorised by this Act - - -	3,520

[Price 1s. Net.] A 1

A.D. 1930.

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Stockton-on-Tees Corporation (Works) Act 1930.*

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street works &c.

Part IV.—Railways.

Part V.—Financial and miscellaneous provisions.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not

inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely):— A.D. 1930.

(1) The Lands Clauses Acts with the following exception and modification—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(2) The Railways Clauses Consolidation Act 1845 (except sections 107 and 143):

Provided that the Corporation shall not exercise the powers of the last-mentioned Act with respect to the temporary occupation and use of lands over or in respect of any lands within the jurisdiction of the Tees Conservancy Commissioners;

(3) Part I (relating to the construction of a railway) of the Railways Clauses Act 1863.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires— Interpretation.

“The borough” means the borough of Stockton-on-Tees;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The council” means the council of the borough;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough;

“The Durham County Council” means the county council of the administrative county of Durham;

A.D. 1930.

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

“The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

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

PART II.

LANDS.

Power to
take lands.

5. Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference for the purpose of constructing the works authorised by this Act including the improvement and development of frontages or of the lands abutting on or adjacent to any of the street works authorised by this Act.

Period for
compulsory
purchase of
lands.

6. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the first day of October nineteen hundred and thirty.

Correction
of errors in
deposited
plans and
book of
reference.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Durham for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their

certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace of the said county and a duplicate thereof shall also be deposited with the town clerk of the borough and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

A.D. 1930.

8. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the twentieth day of November nineteen hundred and twenty-nine if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Provisions as to new buildings and interests.

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

Benefits to be set off against compensation.

10. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section

Purchase of additional lands by agreement.

A.D. 1930. shall not at any time exceed five acres Provided that
the Corporation shall not create or permit the creation or
continuance of any nuisance on any such lands.

Persons
under
disability
may grant
easements
&c.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
enter upon
property
for survey
and
valuation.

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

Application
of road
materials
excavated
in con-
struction
of works.

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

Owners
may be
required to
sell parts
only of
certain
premises.

14.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the

remainder of the said properties without material detri- A.D. 1930.
ment thereto Therefore the following provisions shall
have effect:—

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties";
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;
- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be

A.D. 1930.

so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

(e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

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

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or

but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845. A.D. 1930.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

15. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the street works authorised by this Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange. Power to reinstate owners of property.

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

(2) The Corporation shall not (unless the Minister of Health otherwise direct) sell lease exchange or otherwise dispose of any such lands or interests therein except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease

A.D. 1930.

or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any persons from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Application
of capital
moneys on
disposal of
lands.

17. So long as any lands remain to be acquired by the Corporation under the authority of this Act the Corporation may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health :

Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;
- (b) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Land laid
into streets
to form
part
thereof.

18. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Stopping up
of certain
streets in
borough.

19. So soon as the Corporation shall have purchased the land on each side of the following streets in the borough they may stop up the said streets and thereupon

all rights of way over such streets shall be by virtue of this Act extinguished. The streets referred to in this section are Paradise Street Tees Street Cross Carrol Street from Carrol Street to Paradise Street and the lane parallel to Dovecot Street from Buchanan Street to Tarring Street. A.D. 1930.

20. All private rights of way over lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

PART III.

STREET WORKS &C.

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

The works hereinbefore referred to and authorised by this Act will be situate in the borough and are—

Work No. 1 A widening of Church Row on its southerly side the Square (to the north of the Cattle Market) on its southerly side and Paradise Row on its southerly side;

Work No. 2 A widening of the street on the west side of the Cattle Market known as the Square on its easterly side;

Work No. 3 A new street (including a widening of Paradise Row) commencing in Paradise Row at its junction with George Street passing under the London and North Eastern Railway and terminating in Portrack Lane;

Work No. 4 A bridge carrying the London and North Eastern Railway over the new street (Work No. 3) authorised by this Act;

A.D. 1930.

Work No. 5 A diversion of the footpath leading from Barrett Street towards Paradise Street including a footbridge across the new street (Work No. 3) authorised by this Act;

Work No. 6 A conduit or sewer commencing at a point seventeen yards south-east of the south-eastern corner of the fitters' shop of Smith's Dock Company Limited and terminating on the foreshore of the river Tees;

Work No. 7 A new street (including a widening of Tynedale Street and of Dovecot Street) commencing at the junction of Tynedale Street with Elsdon Street passing under the London and North Eastern Railway and terminating at the junction of Fagg Street with Dovecot Street;

Work No. 8 A new street commencing at a point on the centre line of the back street leading from Dovecot Street to Bell Street and terminating in Buchanan Street;

Work No. 9 A bridge carrying the London and North Eastern Railway over the new street (Work No. 7) authorised by this Act;

Work No. 10 A widening of Dovecot Street on its southerly side from Hartington Road to Skinner Street.

Removal
of human
remains.

22.—(1) If and when the Corporation shall acquire the lands in the borough numbered 3 on the deposited plans or any part thereof they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in so much of the said lands as shall be so acquired.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the borough to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir

executor administrator or relative of any deceased person whose remains are interred in so much of the said lands as shall be acquired by the Corporation may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of Durham to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place. A.D. 1930.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Durham who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of reinterment of such remains or at such place within the borough as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of

[Ch. cxvii.] *Stockton-on-Tees* [20 & 21 GEO. 5.]
Corporation (Works) Act, 1930.

A.D. 1930. — the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough.

Limits of deviation.

23. In constructing the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to make subsidiary works.

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

(a) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works or otherwise;

(b) Raise lower or alter any step window spout vault arch cellar or area under or adjoining any roadway or footway but so that the same

be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit; A.D. 1930.

- (c) Construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;
- (d) Stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Part of this Act;
- (e) Execute any works for the protection of any adjoining land or buildings;
- (f) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and
- (g) Raise lower alter divert stop up or otherwise interfere with any drain sewer channel or gas or water main or pipe or electricity wire or cable or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section Provided that the Corporation shall not exercise any of the powers of this subsection with respect to any county road except with the previous consent in writing of the Durham County Council such consent not to be unreasonably withheld.

(2) Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

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

A.D. 1930.

—
For protection of
Tees Valley
Water
Board.

25. For the protection of the Tees Valley Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed between the Corporation and the board apply and have effect (that is to say):—

- (1) In this section "apparatus" means and includes all or any mains pipes or apparatus belonging to the board and "authorised work" means any work authorised by this Part of this Act:
- (2) Before commencing to execute any authorised work which will be within three feet of any apparatus the Corporation shall give to the board not less than fourteen days' notice in writing of their intention to execute such work and shall at the same time deliver to the board for their reasonable approval a plan and section of such authorised work and such work shall not be executed except in accordance with such plan and section as so approved or as determined by arbitration under this section. Provided that in the event of such plan and section not being objected to within fourteen days from the receipt thereof they shall be deemed to have been approved by the board:
- (3) If it should appear to the board that the execution of such authorised work would interfere with or endanger any such apparatus or interfere with the access thereto or impede the supply of water thereby the board may within fourteen days from the receipt by them of the notice by the Corporation give notice to the Corporation to alter the position of such apparatus in such manner as may be reasonably necessary and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be settled by arbitration under this section and all such alterations shall be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the board as the circumstances will admit

and to the reasonable satisfaction of the engineer of the board and under his supervision if he shall think fit to attend : A.D. 1930.
—

- (4) If the board shall desire to execute the works connected with any such alteration of the position of any apparatus and shall give not less than seven days' notice in writing thereof to the Corporation before they commence the works the board may themselves carry out the works and all reasonable expenses properly incurred by them in connection therewith shall be repaid to them by the Corporation :
- (5) Any difference which shall arise under this section between the Corporation and the board shall be referred to and settled by an arbitrator to be appointed on the application of either party (after notice thereof in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration.

26. Whereas in order to avoid in the execution and maintenance of works authorised by this Part of this Act injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own cost and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

Under-
pinning of
houses
near works.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Corporation :

A.D. 1930.

- (3) If any owner lessee or occupier of any such house or building or the Corporation (as the case may require) shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by the Corporation or such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Corporation shall be liable to compensate the owner lessee and occupier of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owner lessee and

occupier of such house or building for such injury provided the claim for compensation in respect thereof be made by such owner within twelve months and by such lessee or occupier within six months from the discovery thereof : A.D. 1930.
—

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate any owner lessee or occupier under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :

(8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

27.—(1) The Corporation during the execution and for the purposes of any works authorised by this Part of this Act may break up and also temporarily stop up divert and interfere with any street or road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any house in the street or road from passing along and using the same Provided that before the Corporation exercise any of the powers of this subsection with respect to any county road the Corporation shall give not less than seven days' notice in writing to the Durham County Council of the intention in that behalf. Temporary stoppage of streets.

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

28. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the Corporation and the London and North Eastern Railway Company (in this section referred to as "the company") apply and have effect (that is to say) :— For protection of London and North Eastern Railway Company.

(1) (a) The lands which the company shall sell and the Corporation may purchase for the purposes of the works by this Act authorised

A.D. 1930.

shall not extend respectively beyond the limits which are indicated by a red colour on the plans numbered respectively 1 and 2 signed by John Percy Wakeford on behalf of the Corporation and by John Miller on behalf of the company ;

(b) Except with the previous consent in writing of the company the Corporation shall not—

(i) except in accordance with the provisions of this section enter upon take use or interfere with either permanently or temporarily or purchase or acquire any lands or property belonging to the company other than those within the respective limits which are indicated on the said plans but the Corporation may purchase and take and the company shall sell and grant an easement or right of using such other of the lands of the company as may be necessary for the construction and maintenance of the said works and all temporary works connected therewith (in this section referred to as “the said works”) subject to and in accordance with the provisions of this section ;

(ii) interfere except in accordance with the provisions of this section with any railways or works of the company :

(2) The Corporation shall pay to the company for any land easement or right which they may acquire under the provisions of this section such consideration as may be agreed upon or in the event of difference may be determined in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for the purpose of any such determination the acquisition of such easement or right shall be deemed a taking of lands within the meaning of the Lands Clauses Consolidation Act 1845 :

(3) The said works so far as the same will be carried under the railways or over under or through the lands works and property of the company or

A.D. 1930.

may be in proximity thereto shall when commenced be carried out continuously and with all possible dispatch and shall be constructed in such line or situation within the limits of deviation shown upon the deposited plans as shall be reasonably approved by the engineer of the company (hereinafter called "the engineer") and by such means and in such manner as to leave the railways undisturbed at all times and so as in no way to obstruct impede or interfere with the free uninterrupted and safe user thereof or with the traffic thereon or ancillary thereto and if any such obstruction or interference shall be caused or take place contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which they may be put as well as full compensation for any loss sustained by them by reason of any such interruption or interference :

- (4) The Corporation shall not less than twenty-eight days before commencing the construction of any part of the said works which shall or may pass under over through or be adjacent to the railways lands works and property of the company (which said railways lands works and property are in this section referred to as "the railway") furnish to the company proper and sufficient plans sections drawings and specifications of the works proposed for the reasonable approval of the engineer and shall not commence the said works until such plans sections drawings and specifications shall have been approved in writing by the engineer or in case of difference arising between him and the Corporation until the same shall have been settled by arbitration Provided that if at the expiration of twenty-one days after such plans sections drawings and specifications shall have been furnished to the company the engineer shall not have disapproved the same he shall be deemed to have approved thereof Provided also that if he shall disapprove such plans he shall do so in writing to the Corporation within such period of twenty-one days :

A.D. 1930.
—

- (5) If any additions or alterations either permanent or temporary to the railway or to the signal boxes signals signalling apparatus or the telephone or telegraph wires and works on the railway are in the opinion of the engineer necessary in consequence of the construction of the said works the same shall be made and maintained by the company at the expense of the Corporation and the costs thereof as certified by the engineer so far as they are reasonable and reasonably incurred shall be repaid to the company by the Corporation on demand :
- (6) The said works so far as the same affect the railway shall be executed under the superintendence and to the reasonable satisfaction of the engineer and the Corporation shall bear and pay to the company all reasonable costs charges and expenses incurred by the engineer in respect of such superintendence and the reasonable expenses of and in connection with the employment by the company of a sufficient number of inspectors watchmen and signalmen to be appointed by them for inspecting watching lighting and signalling the railway with reference to and during the execution or repair of the said works and for preventing as far as may be all interference obstruction danger or accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employ :
- (7) The Corporation shall at all times maintain and renew the bridges (Works Nos. 4 and 9) by which the company's railways will be carried over the new streets (Works Nos. 3 and 7) and all necessary works ancillary thereto in substantial repair and good order and condition to the reasonable satisfaction of the engineer and if and whenever the Corporation fail to do so after reasonable notice in that behalf the company may make and do in and upon as well the lands and property of the company as of the Corporation such works and things as the engineer shall think requisite in that behalf and the reasonable

cost of so doing as certified by the engineer shall be repaid to the company by the Corporation on demand : A.D. 1930.

- (8) The Corporation shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to them or to the railway or to the traffic thereon or otherwise by reason of the construction renewal maintenance or failure of the said works over under or adjacent to the railway or of any act or omission of the Corporation or of any person or persons in their employ or of their contractors or others whilst engaged upon works under or in pursuance of the provisions of this Act and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such construction maintenance or failure or of any such act or omission Provided that the fact that any work or thing has been done in accordance with any plan section drawing or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Corporation from any liability for damage as aforesaid or affect any claim of the company for injury to the railway or the traffic thereon :
- (9) If at any time hereafter the company shall be desirous of widening or altering under statutory powers existing at the passing of this Act any part of the railway affected by the said works or of adapting the railway for working by electrical power the Corporation shall give to the company all proper and reasonable facilities for that purpose including the right in connection with electrification to make attachments subject to the reasonable approval of the Corporation to the said works :
- (10) Any additional expense which the company may reasonably incur under statutory powers existing at the passing of this Act in widening altering reconstructing repairing or maintaining

A.D. 1930.

the railway or other works by reason of the existence of the works of the Corporation upon across over or under the same shall be paid by the Corporation :

(11) The Corporation shall at all times during the execution of the said works and thereafter when the said works are completed provide access to the reasonable satisfaction of the engineer for pedestrian and vehicular traffic going to or coming from any station or depôt or property of the company access to which at the passing of this Act is obtained from any road for which any of the said works is to be substituted :

(12) Any difference arising between the Corporation and the company or the engineer under this section (except under subsection (2) hereof) shall be referred to and determined by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Confirma-
tion of
scheduled
agreement.

29. The agreement made the seventeenth day of March nineteen hundred and thirty between the Durham County Council of the one part and the Corporation of the other part and set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly.

PART IV.

RAILWAYS.

Railways.

30. Subject to the provisions of this Act the Corporation may make and maintain in the borough upon the lands in the lines and according to the levels shown upon the deposited plans and sections the railways and bridge hereinafter described with all works and conveniences connected therewith (that is to say) :—

Work No. 11 (Railway No. 1) Commencing by a junction with an existing goods siding at a point twenty yards or thereabouts south of the north-eastern corner of Silver Street and terminating

at a point thirty-one yards south-west of the north-western corner of the ferry steps near Cleveland Row; A.D. 1930.
—

Work No. 12 (Railway No. 2) Being a continuation of a goods siding of the Corporation commencing at a point six yards or thereabouts north-east of the north-eastern corner of the transit warehouse of the Corporation and terminating by a junction with Railway No. 1 authorised by this Act at a point sixty-three yards north-east of the northern corner of the Bishop's Creek;

Work No. 13 A fixed bridge carrying Railway No. 2 authorised by this Act over the Bishop's Creek.

31. If the railways and bridge (Works Nos. 11 12 and 13) by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Part of this Act granted to the Corporation for making and completing the said railways and bridge or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of railways and bridge.

32.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun. Works below high-water mark to be subject to approval of Board of Trade.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

A.D. 1930.

—
Lights on
works
during
construc-
tion.

33.—(1) The Corporation shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of
works by
Board of
Trade.

34. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement
of work
abandoned
or decayed.

35.—(1) Where any work constructed by the Corporation under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above

high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

A.D. 1930.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

36. For the protection of the Tees Conservancy Commissioners (in this section called "the commissioners") the following provisions shall unless otherwise agreed in writing between the Corporation and the commissioners apply and have effect :—

For protection of Tees Conservancy Commissioners.

(1) The bridge (Work No. 13) by this Act authorised in so far as the said work may be placed or constructed in or on or project into or over the river Tees or the foreshore or banks thereof within the jurisdiction of the commissioners shall be carried out in accordance with detailed plans and sections and other sufficient particulars respecting the construction and the position and depth of the foundations thereof reasonably approved by the commissioners and such works shall not be commenced until the commissioners or (in case of difference) an arbitrator appointed as in this section provided shall have approved such plans sections and particulars. Provided that if the commissioners shall not within one month of the receipt of such plans sections and particulars signify to the Corporation in writing their approval with or without alteration or their disapproval thereof they shall be deemed to have approved the said plans sections and particulars :

(2) When the said work shall have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously

A.D. 1930.
—

to making any such alteration or extension the consent and approval in writing of the commissioners such consent and approval not to be unreasonably withheld :

- (3) If the said work be commenced or carried out by the Corporation contrary to the provisions of this section the commissioners may remove and abate the same and restore the site thereof to its former condition at the expense of the Corporation :
- (4) If any part of the said work constructed by the Corporation on in over or across any lands or tidal waters within the jurisdiction of the commissioners is abandoned or suffered to fall into decay the Corporation shall take such means for preventing danger to navigation as the commissioners shall direct and the Corporation shall and the commissioners may at their option and at the expense of the Corporation abate and remove the said work or any part thereof and restore the site thereof to its former condition :
- (5) Any difference which may arise between the commissioners and the Corporation with reference to the provisions of this section shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (6) If there shall be any inconsistency between any plans or sections approved by the commissioners or settled by arbitration under this section and the plans and sections approved by the Board of Trade under the section of this Act of which the marginal note is " Works below high-water " mark to be subject to approval of Board of " Trade " the work shall be executed in accordance with the plans and sections so approved by the Board of Trade.

PART V.

A.D. 1930.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

37.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (each of which shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby) mentioned in the third column of the said table (namely):—

Power to borrow.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For and in connection with the purchase of lands.	£ 39,864	Sixty years from the date or dates of borrowing.
(b) For and in connection with the construction of the street works bridges and sewer authorised by this Act.	217,281	Thirty years from the date or dates of borrowing.
(c) For and in connection with the construction of the railways authorised by this Act.	3,520	Fifty years from the date or dates of borrowing.
(d) For the payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for or in connection with any purposes of Part IV (Railways) of this Act and with the consent of the Minister of Health borrow such further money as may be necessary for any of the other purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent such money is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

[Ch. cxvii.] *Stockton-on-Tees* [20 & 21 GEO. 5.]
Corporation (Works) Act, 1930.

A.D. 1930.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

Application
of pro-
visions of
Stockton-
on-Tees
Corporation
Act 1919.

38. The following provisions of the Stockton-on-Tees Corporation Act 1919 shall with the necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections had been re-enacted in this Act (namely):—

- Section 70 (Mode of raising money);
- Section 71 (Provisions of Act of 1869 as to mortgages to apply);
- Section 72 (Mode of payment off of money borrowed);
- Section 73 (Sinking fund) (Provided that the application of the said section 73 shall be subject to the provisions of the Stockton-on-Tees Corporation Act 1925);
- Section 74 (Appointment of receiver);
- Section 75 (Application of money borrowed);
- Section 82 (Corporation not to regard trusts);
- Section 84 (Expenses of execution of Act);
- Section 85 (Audit of accounts).

Inquiries
by Minister
of Health.

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

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

40. Nothing in this Act shall prejudicially affect any powers rights or authorities vested in or exercised by the Tees Conservancy Commissioners.

A.D. 1930.

—
Saving for rights of Tees Conservancy Commissioners.

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

Crown rights.

42. Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Corporation authorised to be taken or constructed by this Act.

Crown minerals.

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

Costs of Act.

A.D. 1930.

The SCHEDULES referred to in the
foregoing Act.

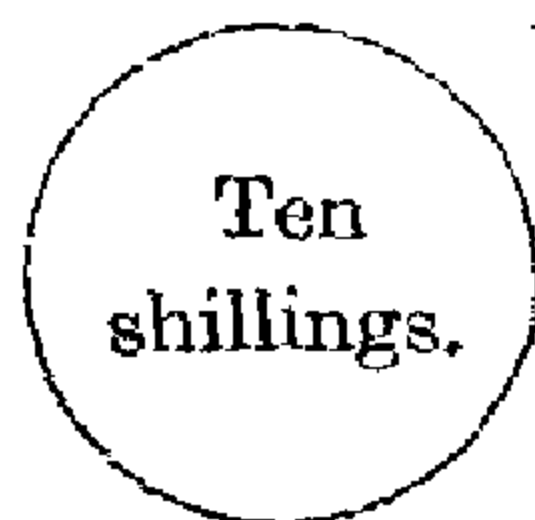
THE FIRST SCHEDULE.

LIST OF PROPERTIES OF WHICH PART ONLY MAY
BE TAKEN.

Borough.	Numbers on deposited plans.
Stockton-on-Tees	3 29 101 174 175 193 209 222 223 225 227 228 231 234 255 256 257 258 270 271 272 and 274.

THE SECOND SCHEDULE.

Stamp.



AN AGREEMENT made the seventeenth day of March one thousand nine hundred and thirty between the COUNTY COUNCIL of the ADMINISTRATIVE COUNTY of DURHAM (herein called "the County Council") of the one part and the MAYOR ALDERMEN and BURGESSES of the BOROUGH of STOCKTON-ON-TEES (herein called "the Corporation") of the other part.

WHEREAS the Corporation have deposited in Parliament a Bill with the short title of "the Stockton-on-Tees Corporation Bill" which Bill has been certified in accordance with the resolution of the House of Commons dated the eleventh day of December one thousand nine hundred and twenty-nine and now bears the short title of "the Stockton-on-Tees Corporation (No. 1) Bill":

And whereas the County Council deposited a petition against the said Stockton-on-Tees Corporation Bill but it has been agreed that in consideration of the terms and conditions hereinafter set forth the County Council shall withdraw from further opposition to the said Stockton-on-Tees Corporation (No. 1) Bill:

Now it is hereby agreed as follows:—

(1) The County Council shall withdraw from further opposition to the Stockton-on-Tees Corporation (No. 1) Bill now pending in Parliament.

[20 & 21 GEO. 5.] *Stockton-on-Tees* [Ch. cxvii.]
Corporation (Works) Act, 1930.

(2) If the Works Nos. 1 to 6 inclusive proposed to be authorised by the said Bill shall be sanctioned by Parliament and the road formed by such works shall subsequently become a classified road the County Council shall contribute fifty-five per centum of the capital cost of such works after deducting any grant from the Ministry of Transport or otherwise which may be made in respect of such works. A D. 1930.

(3) The said contribution by the County Council shall be accepted by the Corporation as the total contribution which the County Council may be required to make under the provisions of subsection (1) (b) of section 33 of the Local Government Act 1929 or otherwise in respect of the said works and no further claim in respect of the construction of the said works shall be made upon the County Council by the Corporation.

(4) This agreement is made subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill in either House of Parliament make any material alteration in this agreement it shall be competent to the County Council or the Corporation to withdraw the same.

In witness whereof the Corporation have hereunto affixed their corporate seal the day and year first before written.

The corporate seal of the mayor aldermen and burgesses of the borough of Stockton-on-Tees was affixed hereto in the presence of



THOS. DOWNEY
Town Clerk.

By order
HAROLD JEVONS
Clerk of the County Council.



Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses ;
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

