

PORT OF TYNE AUTHORITY

STATUTORY POWERS AND DUTIES REFERRED TO IN THE  
PORT OF TYNE REORGANISATION SCHEME 1967  
CONFIRMATION ORDER 1968  
(STATUTORY INSTRUMENT NO. 1968/942)



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AS AT 1ST AUGUST, 1985

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SECTION 2

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THE RIVER TYNE IMPROVEMENT ACT, 1850

An Act for the Improvement and Regulation of the River Tyne  
and the Navigation thereof, and for other Purposes  
(15th July, 1850)

WHEREAS an Act was passed in the Twenty-first Year of the Reign of King Henry the Eighth, intituled An Act concerning Newcastle-upon-Tyne and the Port and Haven thereunto belonging: And whereas an Act was passed in the Forty-first Year of the Reign of King George the Third, intituled An Act for extending and enlarging the Powers and increasing the Rates and Duties of the Corporation of the Trinity House of Newcastle-upon-Tyne, and for better regulating the Port of Newcastle: And whereas an Act was passed in the First Year of the Reign of the Queen's most Gracious Majesty, intituled An Act for regulating and improving the Borough of Newcastle-upon-Tyne: And whereas an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of the Queen's most Gracious Majesty, intituled An Act to alter and extend an Act passed in the First Year of the Reign of Her present Majesty, intituled "An Act for regulating and improving the Borough of Newcastle-upon-Tyne:" And whereas the Newcastle-upon-Tyne Port Act, 1845, was passed in the Ninth Year of the Reign of the Queen's most Gracious Majesty: And whereas the Port of Newcastle-upon-Tyne extends from Hedwin Streams above the Borough of Newcastle-upon-Tyne to Spar Hawke in the Sea: And whereas the Mayor, Aldermen, and Burgesses of the Borough are the Conservators of the Port, and hold the Town of Newcastle-upon Tyne, together with the said Port, in Fee Farm under the Crown: And whereas by virtue of Prescription and various Charters, and the recited Acts or some of them, the Mayor, Aldermen, and Burgesses demand, take and receive certain Dues called "Town and Quay Dues" for and in respect of Goods, Wares, Merchandize, Cattle, and Things imported into the Port within the Limits aforesaid, in whatever Part of the Port the same are landed or discharged, and whether the same be landed or discharged at any Quay or Landing Place of the Mayor, Aldermen, and Burgesses, or at any Quay, Pier, or Landing Place at Newcastle-upon-Tyne, or whether the same be discharged in the Stream of the River, or landed at any Part of the shore of the River within the Port, and such Dues are in this Act referred to as "The Import Dues:" And whereas the Mayor, Aldermen, and Burgesses, by virtue of Prescription and various Charters, demand, take, and receive certain Dues called "Town Dues" on Coals, Cinders, Grindstones, and Salt exported from the said Port, and which Dues are in this Act referred to as "The Coal Dues," and certain Dues payable in respect of Ballast brought into and delivered in the Port, and other Dues, called "Ballast Office Dues," and which Dues are respectively in this Act referred to as "The Ballast Dues," and certain other Dues called respectively "Groundage and Plankage" and "Ship and Boat Dues:" And whereas it is expedient that further Provision should be made for the Improvement of the Port and of the River, and for the Regulation of the Navigation thereof: And whereas the Mayor, Aldermen, and Burgesses are willing, on the Terms herein expressed, that Commissioners be appointed for carrying into execution some of the Provisions and Purposes of this Act, and that the Authorities, Duties, and Obligations of the Mayor, Aldermen, and Burgesses, as the Conservators of the Port, so far as in this Act expressed, be transferred to and imposed on such Commissioners, and that for the Purpose of providing a Fund expressly for the Improvement and Conservancy of the Port and of the River a certain Portion of the Dues received by and belonging to the said Mayor, Aldermen, and Burgesses, subject as herein-after mentioned, should be placed at the Disposal of such Commissioners for the Purposes of such Improvement and Conservancy: And whereas it is expedient that some of the Provisions of the recited Acts be repealed, altered, or amended: And whereas such several Purposes cannot be effected without the Authority of Parliament: 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

The River Tyne Improvement Act, 1850.

Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence and have effect on and from the Ninth Day of November next after the passing thereof.

Interpreta- 4. And be it enacted, That the following Words and  
tion of Expressions in this Act have the Meanings hereby assigned to them,  
Terms. unless there be something in the Subject or Context repugnant to  
such Construction; (that is to say,)

The Expression "the Port" means the Port of Newcastle-upon-Tyne:

The Expression "the River" means the Parts of the River Tyne within the limits of the Port:

The Expression "the Borough" means the Borough of Newcastle-upon Tyne:

The Expression "the Lord High Admiral" includes the Commissioners for the Time being for executing the Office of Lord High Admiral:

The Expression "the Corporation" means the Mayor, Aldermen, and Burgesses of the Borough of Newcastle upon Tyne:

The Expression "the Commissioners" means the Tyne Improvement Commissioners for carrying this Act into execution:

The Expression "the Newcastle Council" means the Council of the Borough of Newcastle upon Tyne:

The Expression "the Gateshead Council" means the Council of the Borough of Gateshead:

The Expression "the Tynemouth Council" means the Council of the Borough of Tynemouth:

The Expression "the Improvement Commissioners" means the Commissioners for the Improvement of the Town of South Shields in the County of Durham:

The Expression "the Town Clerk" means the present Town Clerk of the Borough of Newcastle upon Tyne:

The Expression "the Treasurer" means the present Treasurer of the Borough of Newcastle-upon-Tyne:

The Expression "the Borough Fund" means the Borough Fund of the Borough of Newcastle upon Tyne:

The Expression "the Import Dues" means the Dues payable to the Corporation of Newcastle upon Tyne on Goods, Wares, and Merchandizes imported into the Port, as specified in the Second Schedule to the recited Act of the Fourth and Fifth Years of the Reign of the Queen's most Excellent Majesty, but exclusive of the Package Duties and Dues for the Use of the Sheds on the Quay respectively specified in the same Schedule:

The Expression "the Coal Dues" means the Dues payable to the Corporation on Coals, Cinders, Grindstones, and Salt exported from the Port:

The Expression "Ballast Lighter" means any Lighter, Keel, Barge, Boat, or other Vessel used for receiving or conveying Ballast:

The Word "Ballast" includes Stone, Gravel, Sand, Clay, Earth, Soil, and other Materials and Substances used as Ballast:

The Word "Rubbish" includes Ballast, Wreck, Ashes, Filth, and other waste Materials and Substances:

The several Words and Expressions in this Act to which Meanings are assigned by the Acts wholly or partly incorporated with this Act, and to which Meanings are not otherwise assigned by this Act, have in this Act the same Meanings as are so assigned to them respectively.

39. And be it enacted, That if any Tenant or Occupier of any Wharf, Staith, or Quay adjoining the River permit any Ballast or Rubbish cast or placed thereon after the same is cast or placed thereon, and the Apparatus used in casting or placing the same is removed, to be or remain on and within Three Feet of the Edge of such Wharf, Staith, or Quay, or cause or suffer any such Ballast or Rubbish to be cast or placed in or so near to any Runner or Watercourse upon or adjoining such Wharf, Staith, or Quay as that such Ballast or Rubbish, or any Part thereof, is or may be washed into the River to the Prejudice thereof, every Person so offending shall for every such Offence forfeit any Sum not exceeding Fifty Pounds.

(as amended by the Criminal Justices Act 1982, as amended)

41. And be it enacted, That in case the Tenant or Occupier of any Wharf, Staith, Quay or Land adjoining the River whereon any Ballast or Rubbish is cast or placed refuse or neglect to remove the same from such Wharf, Staith, Quay, or Land within One Week after the casting or placing of the same thereon, the Engineer of the Commissioners and such other Persons as they or he appoint may remove all or any Part of such Ballast or Rubbish to such Places as the Commissioners or such Engineer think fit, and may dispose of the same as the Commissioners think fit, and the Charges of removing and disposing of the same shall be paid by such respective Tenant or Occupier, and in case of Refusal or Neglect to pay the same, on Demand, shall be recoverable as Penalties may by this Act be recovered.

42. And be it enacted, That if any Officer of the Commissioners or any other Person whosoever, under any Pretence whatever, save in the Execution of Works properly authorized, cast or unload any Ballast or Rubbish into the River Tyne, or into Shields Harbour within the Port, or into the Sea within Three Miles of the Bar at the Mouth of the River Tyne, or into the Sea in any Part thereof where the Depth is less than Twenty Fathoms at Low Water, every Person so offending shall for every such Offence forfeit any Sum not exceeding Fifty Pounds.

(As amended by Section 12, Tyne Improvement Act 1886 and the Criminal Justices Act 1982, as amended)

43. And be it enacted, That the Commissioners may use and dispose of in such Manner as they think proper the Stones, Gravel, Sand, Soil, and other Materials dug or dredged by them from the River, and all Ballast and Rubbish removed by them under the Authority of this Act.

62. Provided always, and be it enacted, That, except as is by this Act expressly enacted, any Power created or given by this Act shall not be exercised so as in any Manner to defeat, lessen, or interfere with any Right, Jurisdiction, Usage, or Property of the Lord of any Manor, or the Owner of any Land adjoining the River, or lying between High and Low Water Mark, without the Consent of such Lord or owner in Writing under his Hand for that Purpose first had and obtained; and, except as aforesaid, this Act or anything therein contained shall not affect any Right, Jurisdiction, Usage, or Privilege belonging to such Lord or Owner.

Saving  
Rights  
of the  
Duke of  
Northumb-  
erland.

63. And be it enacted, That, except as is by this Act expressly provided for the Purpose of carrying this Act into execution, this Act or anything therein contained shall not take away, divest, abridge lessen, alter, or in any Manner affect or prejudice any Property or Royalties, Rights, Estates, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, or Advantages whatsoever of or belonging to the Most Noble Algernon Duke of Northumberland, his Heirs, Assigns, or Successors, in the Barony of Alnwick, and the Manors of Tynemouth, Warkworth, and Alnmouth, or any of them, as Lord of Lords thereof respectively, or as Grantee or Grantees of the Crown or otherwise, or of any future Lords or Ladies thereof respectively, or of the Assigns of such Grantee or Grantees, or of his or their Officer or Officers in their respective Duties within the same, or any Estate, Right, Title, or Interest of the said Algernon Duke of Northumberland his Heirs or Assigns, as such Grantee or Grantees as aforesaid, or as the Assigns of such Grantee or Grantees as aforesaid, or otherwise, in or to the Bed and Soil, Banks and Shores of the River Tyne, or any Part thereof, or any Right of the said Algernon Duke of Northumberland, his Heirs, Successors, or Assigns, to prefer, commence, or prosecute any Proceedings or Claims which he or they may be advised to prefer, commence or prosecute in respect of the Damage, if any, which may have accrued or which may hereafter accrue to the said Algernon Duke of Northumberland, his Heirs, Successors, or Assigns, by reason of the Construction of a certain Quay and Works at Willington, within the Port, but that all such Property, Royalties, Rights, Titles, Estates, Interest, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, and Advantages shall be exercised, received, and enjoyed, and shall continue and be preserved whole and unimpaired, as if this Act had not been passed.

Saving  
Rights of  
Commis-  
sioners  
of  
Sewers.

65. Provided always, and be it enacted, That this Act of anything therein contained shall not take away, lessen, prejudice, alter, or affect any of the Rights, Duties, Privileges, Powers, or Authorities vested in or to be discharged by any Commission of Sewers, or the Commissioners appointed under any local or private Act of Parliament for Sewers or Drainage.

Saving  
Rights of  
the Dean  
and  
Chapter  
of  
Durham.

67. Provided always, and be it enacted, That, except as is by this Act expressly enacted, this Act or anything therein contained shall not defeat, lessen, prejudice, or affect the Rights of the Dean and Chapter of the Cathedral Church of Durham as Lords of the Manor of Westoe otherwise Wivestoe in the County of Durham.

General  
Saving.

69. Provided always, and be it enacted, That, except as is by this Act expressly enacted, this Act or anything therein contained shall not defeat, lessen, prejudice, alter, or affect the Rights and Privileges of any of the Freemen of the Borough, or any of the Lessees and Grantees of the Corporation, or any other Person or Body Politic, Corporate, or Collegiate whatsoever, his or their Successors, heirs, Executors, Administrators, or Assigns, in any respect whatsoever.

THE TYNE IMPROVEMENT ACT, 1852

An Act for repealing an Act of the Ninth Year of the Reign of Her present Majesty, relating to Moorings for Vessels in the River Tyne, and the River Police, and for transferring the Powers of the said Act to the Tyne Improvement Commissioners; for enabling the said Commissioners to construct and maintain Piers at the Mouth of the said River in the Counties of Durham and Northumberland, and to construct and maintain Docks and other Works on the North Side of the said River in the last-mentioned County; and for other Purposes. (17th June 1852.)

WHEREAS an Act was passed in the Session of Parliament holden in the Ninth year of the Reign of Her present Majesty, Chapter Fifty-nine, (The Newcastle-upon-Tyne Port Act, 1845,) whereby the Council of the Borough of Newcastle upon Tyne were authorized to provide, fix, and place, maintain and regulate, Moorings for the Use of Ships resorting to and using the Port of Newcastle-upon-Tyne (defined by the said Act), and the said Council were by the said Act authorized, out of the Borough Fund of the said Borough of Newcastle-upon-Tyne, to expend any Sum or Sums of Money that might be required for providing, fixing, and placing such Moorings, and in paying the Expenses of the said Act, not exceeding in the whole the Sum of Twenty thousand Pounds: And whereas by such Act the said Council were empowered from Time to Time to borrow at Interest any Sum of Money not exceeding in the whole the Sum of Twenty thousand Pounds, and to secure by Mortgage of Two Thirds Parts of the Tonnage Rates by the said Act made payable, or by Bond or other Instrument under the Common Seal of the said Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne, the Repayment of the Monies so borrowed, with Interest: And whereas by such Act it was enacted that the Money thereinbefore authorized to be borrowed should be applied in paying the Expenses of the Act, and in providing, laying down, fixing, and placing Moorings within the said Port, and maintaining the same, as therein-after provided, and in and to no other Purpose whatsoever: And whereas by such Act it was enacted that a Committee should be appointed, consisting of the Mayor for the Time being of the Borough of Newcastle-upon-Tyne, and Eleven Members of the Council, and Nine other Persons, to be appointed as therein-after mentioned, such Committee to be called the "River Watch Committee," and to exercise the several Powers conferred upon them by the said Act: And whereas by such Act it was enacted, that so soon as the River Watch Committee should have been appointed it should be lawful for the Council to demand and receive for every Vessel which should enter within the Limits of the Port of Newcastle-upon-Tyne the Sum of One Farthing for every Ton Burden which such Vessel should measure or contain: And whereas by such Act it was enacted, that the Tonnage Rates should be applied as therein and herein-after mentioned, (that is to say,) One Third Part of the Amount of such Tonnage Rates to the Maintenance of the River Police and to the other Purposes of the said Act connected therewith, and the remaining Two Thirds of the Amount of such Tonnage Rates in paying, as therein mentioned, the Principal and Interest of the Monies borrowed and expended in placing and laying down Moorings within the said Port, and in the Accumulation and Investment of the Sum of Money therein mentioned, and after Repayment of the said Principal and Interest Monies, and the Completion of such Investment, the same Two Thirds of such Tonnage Rates should be applied with the other One Third Part thereof in the Maintenance of the River Police, and to the other Purposes of the said Act connected therewith: And whereas by such Act it was enacted, that when the Sum expended by

The Tyne Improvement Act, 1852

the Council in placing and laying down Moorings, and the Interest thereon, as therein mentioned, should have been paid, the Sum of Four thousand Pounds of the Proceeds of the said Two Thirds of the Tonnage Rates should be accumulated and invested in the Three Per Centum Consolidated or Reduced Bank Annuities, or in any other of the Public Funds, or in any Real Securities, in the Name of the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne, and the Dividends and Interest arising therefrom should be applied in the Maintenance of the said Moorings: And whereas by such Act it was enacted, that so soon as the said Sum of Four thousand Pounds should have been accumulated and invested as aforesaid, the Tonnage Rate by the said Act granted should be reduced, and should not exceed the Sum of One Eighth of a Penny per Ton, and the Council should from Time to Time further reduce, suspend, or discontinue the said Tonnage Rate as the River Watch Committee should from Time to Time require: And whereas the Council of the Borough of Newcastle-upon-Tyne have, under the Authority of the said recited Act, laid out and expended the Sum of Twenty thousand Pounds for the Purposes of such Moorings as aforesaid, and have, under the Authority of the same Act, borrowed for the Purposes thereof various Sums of Money, of which the Sum of Seventeen thousand one hundred Pounds only now remains due and owing to the several Persons, and on the several Securities, and bearing the Rates of Interest mentioned and specified in Schedule (A.) to this Act, but no Part of the Sum of Four thousand Pounds directed by the said Act to be accumulated and invested for the Purpose therein and herein-before mentioned has been provided: And whereas the said River Watch Committee has been from Time to Time appointed pursuant to the same Act, and they have acted in the Execution of the same Act: And whereas an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Seventy-three (the River Tyne Improvement Act, 1850), and by the same act Commissioners were appointed, and authorized to be appointed, for executing the same Act, by the Name of "the Tyne Improvement Commissioners:" And whereas it was by the said last-mentioned Act enacted, that after the Commencement (which was declared to be from the Ninth Day of November next after the passing of the same Act), and subject to the Provisions of the same Act, the Commissioners, meaning thereby, as declared in the same Act, the said Improvement Commissioners, should be the Conservators of the Port and of the River, meaning thereby, as declared by the same Act, the Port of Newcastle-upon-Tyne, and the Parts of the River Tyne within the Limits of the Port, and the Conservancy of the Port and of the River was thereby vested in the Commissioners: And whereas by such last-mentioned Act the Sum of Sixty-seven thousand three hundred and forty-nine Pounds, Part of the then existing Debt, was charged upon the Tyne Improvement Fund thereby vested in the said Commissioners, and by the same Act the said Commissioners were authorized to raise, on the Credit of the said Tyne Improvement Fund, the further Sum of Thirty thousand Pounds: And whereas it was by the said last-mentioned Act enacted, that anything therein contained should not authorize the Commissioners, without the previous Consent in every Instance of the River Watch Committee, acting under the Authority of the Newcastle-upon-Tyne Port Act, 1845, to appoint any Person to be a Special Constable; and it was also enacted, that any Person appointed by the Commissioners to be a Special Constable should not exercise his Authority as a Special Constable so as in any Manner to prevent, obstruct, or interfere with the Execution by any Person appointed by the River Watch Committee, or Superintendent or Police Constable, for the Purposes of the Newcastle-upon-Tyne Port Act, 1845, or any of his respective Duties under that Act: And whereas it would be of advantage to the Public if the Management and Control of the Moorings for Vessels in the River Tyne, and the watching of the same River, were transferred to the said Tyne Improvement Commissioners, and if the said Commissioners were authorized to provide additional Moorings, and also if the same Powers in reference to



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the Moorings for Vessels, and watching of the said River, as were by the said first-recited Act granted to the said Council and the said River Watch Committee, were granted to the said Commissioners: And whereas it is expedient for the Purposes aforesaid, that the same Tonnage Rate as by the said first-recited Act authorized to be demanded and received by the said Council should be granted to the said Commissioners and that for the Purpose of such Moorings they should be authorized to expend additional Monies, not exceeding the Limit herein-after mentioned, and to borrow a Part thereof upon the Security of such Rates: And whereas it is expedient that the said first-recited Act should be repealed, and some of the Provisions thereof should be re-enacted in this Act, with reference to the said Tyne Improvement Commissioners: And whereas a Bay or Inlet, situate at or near to a Place called the Hayhole on the North Side of the said River Tyne, in or adjacent to the Parishes of Tynemouth and of Wallsend in the County of Northumberland, is in its present state injurious to the Navigation of the River; but if the same Bay or Inlet were enclosed from the River it might be conveniently converted into Docks for Shipping, by means whereof the Channel of the River would be straightened, and the Navigation thereof improved, the Public be benefited: And whereas the Queen's most Excellent Majesty in Right of Her Crown, the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne, and his Grace the Most Noble Algernon Duke of Northumberland, respectively lay Claim to the Ownership of the Soil of the said Bay or Inlet, or to Rights, Privileges, and Easements therein equivalent to an Ownership: And whereas by the Construction of Piers at the Mouth of the River Tyne the Entrance into the said River from the Sea will be greatly improved: And whereas it is expedient that the said Tyne Improvement Commissioners be authorized to construct the said Docks and Piers, with all convenient Works to be connected therewith respectively, and to levy Rates, Dues, and Duties for the Purposes thereof respectively, and to borrow Money for the like Purposes, in manner herein-after provided: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: 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.

13. That the Commissioners shall provide, fix, and place good and sufficient Moorings for the Use of Vessels resorting to or using the said Port, in addition to the Moorings already provided, and hereby vested in them, and such additional Moorings may be placed and fixed in such Situations in the Bed of the River Tyne within High-water Mark, and may be of such Nature, Quality, and Description, as the Commissioners may think fit; and the Moorings and Works hereby vested in the Commissioners, and which may be provided, fixed, or placed by them, under the Authority of this Act, may be taken up and replaced, from Time to Time, and may be maintained, and the Nature, Quality, and Description thereof varied, as the Commissioners may think proper.

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Savings  
Rights of  
Corporat-  
ion of  
Newcastle.

77. Provided always, That, subject to the Provisions in this Act expressly contained, and save and except as otherwise herein is expressly enacted, this Act shall not take away, lessen, prejudice, alter, or affect any Estate, Right or Interest whatsoever of, in, or to the Soil of the Port and River, or lessen or prejudice any of the Estates, Lands, Property, and Effects of the Corporation, or any of the Tolls, Rates, Dues, Duties, Rents, Issues, Profits, or other Income whatsoever of or payable to the Corporation, or any of the Powers, Authorities, Franchises, Customs, Usages, Immunities, Rights, or Privileges of the Corporation.

Saving  
Rights of  
Lord of  
Manor and  
Owners of  
Land.

78. Provided always, That, except as is by this Act expressly enacted, any Power created or given by this Act shall not be exercised so as in any Manner to defeat, lessen, or interfere with any Right, Jurisdiction, Usage, or Property of the Lord of any Manor, or the Owner of any Land adjoining the River, or lying between High and Low Water Mark, without the Consent of such Lord or Owner in writing under his Hand for that Purpose first had and obtained; and, except as aforesaid, this Act, or anything therein contained, shall not affect any Right, Jurisdiction, Usage or Privilege belonging to such Lord or Owner.

Saving  
Rights of  
Duke of  
North-  
umberland.

79. That, except as is by this Act expressly provided and enacted, anything therein contained shall not take away, divest, abridge, lessen, alter, or in any Manner affect or prejudice any Property, or Royalties, Rights, Estates, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, or Advantages whatsoever of or belonging to the Most Noble Algernon Duke of Northumberland, his Heirs, Assigns, or Successors, in the Barony of Alnwick, and the Manors of Tynemouth, Warkworth and Alnmouth, or any of them, as Lord or Lords thereof respectively, or as Grantee or Grantees of the Crown, or otherwise, or of any future Lords or Ladies thereof respectively, or of the Assigns of such Grantee or Grantees, or of his or their Officer or Officers, in their respective Duties within the same, or any Estate, Right, Title, or Interest of the said Algernon Duke of Northumberland, his Heirs or Assigns, as such Grantee or Grantees as aforesaid, or otherwise, in or to the Bed and Soil, Banks, and Shores of the River Tyne, or any Part thereof, but that, save and except as aforesaid, all such Property, Royalties, Rights, Titles, Estates, Interests, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, and Advantages shall be exercised, received, and enjoyed, and shall continue and be preserved whole and unimpaired, as if this Act had not passed.

THE TYNE IMPROVEMENT ACT, 1861

An Act to amend the Acts relating to the River Tyne; and to enable the Tyne Improvement Commissioners to construct Docks and other Works, and to remove and rebuild the Bridge of Newcastle-upon-Tyne; to make certain Alterations in the Rates charged by the Commissioners; and for other Purposes.  
(28th June 1861.)

WHEREAS by "The River Tyne Improvement Act, 1850," (in this Act called the Act of 1850,) a Body of Commissioners (to be called the Tyne Improvement Commissioners,) in this Act called the Commissioners, was constituted for exercising the Powers by that Act conferred on the Commissioners for the Improvement of the Port of Newcastle-upon-Tyne and the River Tyne, and the Regulation of the Navigation thereof: And whereas by the Act of 1850 Provision was made for the Formation of a Fund for the Execution of that Act by the Commissioners, to be called the Tyne Improvement Fund: And whereas by such Act the Sum of Sixty-seven thousand three hundred and forty-nine Pounds, Part of the then existing Debt, was charged upon the Tyne Improvement Fund, thereby vested in the said Commissioners, and by the same Act the said Commissioners were authorized to raise, on the Credit of the said Tyne Improvement Fund, the further Sum of Thirty thousand Pounds: And whereas by the Tyne Improvement Act, 1852, further Powers were conferred on the Commissioners, for the Improvement of Navigation of the Port and of the River, and for the Regulation of the Navigation thereof, and the Commissioners were authorized, amongst other things to make Docks, to be called the Northumberland Docks, at a Place called Hay Hole, on the Northern Side of the River, and to levy Rates, Dues, and Duties for the Purposes thereof, and to borrow on Mortgage of such Rates and Dues any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds: And whereas the Commissioners proceeded with the Construction of the Northumberland Docks, and the said Docks have been for some Time past open for the Use of Vessels frequenting the Port of Newcastle-upon-Tyne; and whereas the Commissioners have borrowed a considerable Sum of Money on Mortgage of the Rates, Dues, and Monies by the Act of 1852 authorized to be levied in respect of the Northumberland Docks and the Works connected therewith, and that Sum, with the Interest thereon, is now charged on those Rates, Dues, and Monies: And whereas, for the Purpose of facilitating the borrowing of such Sum of Money, several Coal Owners entered into Agreements with the Commissioners for the Shipment of their Coals in the Northumberland Docks: And whereas by the Tyne Improvement Act, 1857, the Commissioners were incorporated, and were authorized to make Docks at a Place on the Northern Side of the River called Coble Dene, to be called the Coble Dene Docks, and to levy Rates, Dues, and Duties for the Purposes thereof: And whereas by the Tyne Improvement Act, 1859, further Powers were conferred on the Commissioners of raising Money for the Purposes of the Northumberland Docks, and certain Sums of Money have been borrowed under the Powers thereof: And whereas, for the Convenience of the Trade of the River Tyne, it is expedient that the Commissioners be authorized to make a Dock at Tynemouth, at a Place called Low Lights, to be called the Tynemouth Docks: And whereas it is expedient that the Commissioners should be authorized to levy Rates, Dues, and Duties for the Purposes of the Construction of the said Tynemouth Dock, and to borrow Money on Mortgage of such Rates, Dues, and Duties, and on Mortgage of the Rates, Dues, and Duties levied at the Northumberland Docks: And whereas it would much lessen the crowding of the River with Vessels, and would greatly improve the Navigation thereof, and would enable larger Vessels to navigate the said River, if the Banks or Shores were in certain Places altered or contracted, the Bed of the River deepened, and the Course diverted and straightened, and the projecting Points, Shoals and Sand Banks removed, and it is expedient that the Commissioners be authorized to execute these several Works: And whereas the Bridge of Newcastle-upon-Tyne hinders the

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Flow of the Waters of the River Tyne, and prejudicially affects the scouring of the Bed of the said River by the Action of the Tide, and obstructs the Passage of masted Vessels, and it is expedient that the Commissioners be empowered to take down and rebuild the said Bridge upon a new and improved Plan, and to construct it so as to admit of the passing of Ships with Masts into the upper Parts of the River: And whereas there is a sum of Money in the Three Pounds per Centum Consolidated Bank Annuities now standing in the Names of the Mayor, Aldermen, and Burgesses of the Borough of Newcastle, for the Purpose of protecting the said Mayor, Aldermen, and Burgesses, and the See of Durham, from the Cost of repairing a Portion of the said Bridge, and it is expedient to regulate the Expenditure of the Income arising from the said Sum in the Repair of the said Bridge: And whereas it is expedient that the Commissioners be authorized to levy further Rates, Dues, and Duties, and to borrow further Monies: And whereas it is expedient that certain ancient Rates or Dues now levied by the Commissioners should be extinguished, and certain other Rates and Dues levied in their Stead: And whereas it is expedient that the Commissioners should have Powers vested in them to purchase any existing Ferries over the said River, and to regulate the Speed of Steamers navigating the said River: And whereas, for the Purposes aforesaid, it is expedient that the said Acts be amended; but the Purposes aforesaid cannot be effected without the Authority of Parliament: 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 the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Interpret- 7. In this Act, or in any Act the whole or any  
ation of Part whereof is incorporated with this Act, the following Words  
Terms. and Expressions have, for the Purposes of this Act, the following  
Meanings, unless there be something in the Subject or Context  
repugnant to such Construction; (that is to say,)

The Expression "the Commissioners" means the Tyne Improvement Commissioners:

The Expression "the Port" means, for the Purposes of this Act, the Port of Newcastle upon Tyne, as defined by the Act of 1850, and includes so much of the Port of Shields established for Custom House Purposes as lies within the Limits of the Port of Newcastle-upon-Tyne, so long as the same continues for such Purposes a separate Port, and includes all Docks and Places therein, and within the River as extended by this Act;

The Expression "the River" means the Parts of the River Tyne within the Jurisdiction of the Commissioners as extended by this Act:

The Expression "the Lord High Admiral" and the Expression "the Admiralty" respectively mean and include the Lord High Admiral of the United Kingdom and the Commissioners from Time to Time for executing the Office of Lord High Admiral:

The Expression "River Works" means the several Works by this Act authorized to be executed, and not included in the Expression "Tynemouth Docks:"

The Expression "Northumberland Docks" means the Docks by the Act of 1852 authorized to be made, and the Basins, Locks, Channels, Entrances, and other Works and Conveniences thereof:

The Expression "Tynemouth Docks" means the Docks at and near the Low Lights by this Act authorized to be made, and the Basins, Locks, Entrances, Approaches, and other Works and Conveniences thereof:

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The Expression the "Two Docks" means and includes the Northumberland Docks and Tynemouth Docks, and the Works' connected therewith respectively:

The Expression "the Piers" means the Piers by the Act of 1852 and the Act of 1859 authorized to be made:

The Expression "the Corporation of Newcastle upon Tyne" means the Mayor, Alderman, and Burgesses of the Borough of Newcastle upon Tyne:

The Expression "the Corporation of Tynemouth" means the Mayor, Aldermen, and Burgesses of the Borough of Tynemouth.

52. The limits within which, save in the Execution of Works properly authorized, any Ballast or Rubbish may not be cast or unloaded, shall be extended to any Part of the Sea between Saint Mary's Isle on the North and Souter Point on the South where the Depth is less than Twenty Fathoms at Low Water; and the Thirty-third and Thirty-fourth Sections of the Act of 1857, and all other Provisions of the recited Acts relating to the casting of Ballast at Sea, shall be construed as if that Limit had been imposed in those Sections and in those Acts, and as if Twenty Fathoms had been mentioned therein instead of Ten Fathoms and Penalties for Offences may be enforced accordingly.

(As amended by Section 12, Tyne Improvement Act 1886)

63. It shall be lawful for the Commissioners to purchase by Agreement any Property, Right, Interest, or Claim of and in any Ferry or the Works connected therewith established in and over the River; and it shall be lawful for the Commissioners to maintain such Ferries, and to charge and receive such Rates and Tolls for and in respect of any such Ferries, as the Owners from whom the same were purchased were entitled to receive: Provided always, that if the Commissioners shall purchase, in pursuance of the Powers hereby conferred upon them, any such Ferries, they shall and are hereby required to maintain the same.

77. And whereas it is necessary that the Fortifications and Works belonging to Her Majesty, and under the Charge of Her Majesty's Principal Secretary of State for the War Department, should be preserved intact and free from all Obstruction: Therefore nothing in this Act contained shall authorize the Commissioners to enter upon, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, or Powers vested in or exercised by the said Principal Secretary for the Time being, without his previous Consent, signified in Writing under his Hand, and which Consent the said Principal Secretary for the Time being is hereby authorized to give, subject to such special or other Conditions as he shall see fit to impose on the said Commissioners.

79. Except as by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, prejudice, alter or affect any of the Rights, Duties, Privileges, Powers, or Authorities vested in or to be discharged by any Commissioner of Sewers or the Commissioners appointed under any Local Act of Parliament for Sewers or Drainage.

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Saving Rights of Corporation of Newcastle upon Tyne. 80. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, alter, or affect any of the Estates, Lands, Property, and Effects of the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne, or any of the Tolls, Rates, Dues, Duties, Issues, Profits, or other Income whatsoever of or payable to that Corporation, or any of the Powers, Authorities, Franchises, Customs, Usages, Immunities, Rights, or Privileges of that Corporation.

Saving Rights of the Duke of Northumberland. 81. Except as is by this Act expressly provided, nothing in this Act contained shall take away, divest, abridge, lessen, alter, or in any Manner affect or prejudice any Property, or Royalties, Rights, Estates, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, or Advantages whatsoever of or belonging to the Most Noble Algernon Duke of Northumberland, his Heirs, Assigns, or Successors, in the Barony of Alnwick, and the Manors of Tynemouth, Warkworth and Alnmouth, or any of them, as Lord or Lords thereof respectively, or as Grantee or Grantees of the Crown or otherwise, or of any future Lords or Ladies thereof respectively, or of the Assigns of such Grantee or Grantees, or of his or their Officer or Officers, in their respective Duties within the same, or any Estate, Right, Title, or Interest of the said Algernon Duke of Northumberland, his Heirs and Assigns, as such Grantee or Grantees as aforesaid, or otherwise, in or to the Bed and Soil, Banks, and Shores of the River Tyne or any Part thereof, but, except as aforesaid, all such Property, Royalties, Rights, Titles, Estates, Interests, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Franchises, Emoluments, and Advantages shall be exercised, received, and enjoyed, and shall continue and be preserved whole and unimpaired, as if this Act were not passed.

Saving Rights of Lords of Manors and Owners of Land. 82. Except as is by this Act provided, nothing in this Act contained shall take away, defeat, lessen or interfere with any Right, Jurisdiction, Usage, or Property of the Lord of any Manor, or of the Owner of any Land adjoining the River, or lying between High and Low Water Mark, without the previous Consent of such Lord or Owner in Writing under his Hand; and, except as aforesaid, this Act shall not affect any Right, Jurisdiction, Usage or Privilege belonging to such Lord or Owner.

THE TYNE IMPROVEMENT ACT, 1865

An Act to enlarge the Powers of the Tyne Improvement Commissioners, and to facilitate the Construction of the Tynemouth Docks; and for other Purposes. (5th July 1865.)

WHEREAS by "The River Tyne Improvement Act, 1850," (in this Act called the Act of 1850,) a Body of Commissioners (to be called the Tyne Improvement Commissioners), in this Act called the Commissioners, was constituted for exercising the Powers by that Act conferred on the Commissioners for the Improvement of the Port of Newcastle-upon-Tyne and the River Tyne, and the Regulation of the Navigation thereof; And whereas by the Act of 1850 Provision was made for the Formation of a Fund for the Execution of that Act by the Commissioners, to be called the Tyne Improvement Fund: And whereas by "The Tyne Improvement Act, 1852," (in this Act called the Act of 1852,) further Powers were conferred on the Commissioners for the Improvement of the Navigation of the Port and of the River, and for the Regulation of the Navigation thereof; and the Commissioners were authorized, amongst other Things, to make Docks, to be called the Northumberland Docks, at a Place called Hay Hole on the Northern Side of the River, and to levy Rates, Dues,

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and Duties for the Purposes thereof, and to borrow on Mortgage of such Rates and Dues the Sum of Two hundred thousand Pounds: And whereas the said Northumberland Docks have been for some Time past open for the Use of Vessels frequenting the Port of Newcastle-upon-Tyne: And whereas by "The Tyne Improvement Act, 1857," in this Act called the Act of 1857, the Commissioners were incorporated: And whereas by "The Tyne Improvement Act, 1859," in this Act called the Act of 1859, further Powers were conferred on the Commissioners of raising Money for the Purposes of the Northumberland Docks, and the whole of the monies authorized to be raised by that Act and the Act of 1852 for the Purposes of the same Docks, amounting together to the Sum of Three hundred thousand Pounds, have been borrowed accordingly: And whereas by "The Tyne Improvement Act, 1861," in this Act called the Act of 1861, the Commissioners were authorized to make a Dock at Tynemouth, at a Place called Low Lights, to be called the Tynemouth Docks, and to levy Rates, Dues, and Duties for the Purposes thereof, and to borrow Money, not exceeding in the whole Six hundred thousand Pounds, on Mortgage of such Rates, Dues, and Duties, and on Mortgage of the Rates, Dues, and Duties levied at the Northumberland Docks; and it was by the Act of 1861 provided that if the Works of the Tynemouth Docks thereby authorized should not be commenced within Three Years after the passing of that Act, then at the Expiration of that Period the Powers by that Act granted to the Commissioners for executing the Works of the said Dock should cease; and by the same Act the Commissioners were authorized to borrow for their general Purposes Money, not exceeding Five hundred thousand Pounds, on Mortgage of the Tyne Improvement Fund: And whereas no Part of the Sum of Six hundred thousand Pounds authorized to be raised for the Purposes of the Tynemouth Docks has been borrowed, and the Sum of Three hundred thousand pounds Part of the said Sum of Five hundred thousand Pounds authorized to be raised for general Purposes has been borrowed: And whereas the Works of the Tynemouth Docks were commenced within such last-mentioned Period, and it is expedient to grant further Powers to the Commissioners for the Construction of the Tynemouth Docks, and to extend the Time limited by that Act for completing the Works thereof: And whereas the proposed Site of the Tynemouth Docks is at the Entrance to the River Tyne, and will be accessible to the largest Class of Vessels which can enter that River: And whereas the Construction of the Tynemouth Docks will be of great Advantage to the Trade and Commerce of the River Tyne by facilitating the Shipment of Coals from the Coalfield in the North of the River Tyne; and for the Purpose of securing its early Completion, Arrangements are proposed between the Commissioners, the Blyth and Tyne Railway Company, certain Owners of Land or Parties entitled to Wayleave Rents, the Owners, Lessees, or Occupiers of Collieries, the Corporation of Newcastle-upon-Tyne (who are entitled to Five Eighths of the Dues in respect of Coal and other Articles exported from the Port), and the Corporation of Tynemouth, for Contributions or Guarantees of Portions of the said Sum of Six hundred thousand Pounds authorized to be raised for the Purposes of the Tynemouth Docks, by means of which the Construction of the Tynemouth Docks may be effected: And whereas by the Act of 1861 the Commissioners were empowered, if they saw fit, to contribute out of the Tyne Improvement Fund to the Expense of the Southern Wall of the Tynemouth Docks such a Sum of Money as the Commissioners might think fit to appropriate to the Execution of River Works; and it is expedient to specify the Amount which the Commissioners shall be empowered to contribute; and it is also expedient to authorize the Commissioners to raise further Sums of Money, and that all necessary and incidental Powers should be conferred for the

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above-mentioned Purposes: And whereas it is expedient to authorize the Commissioners to enter into Arrangements and Agreements with the Owners and Lessees of certain Collieries with respect to the Shipment of Coals, Coke, and Cinders in the said Tynemouth Docks: And whereas by "The Newcastle and Gateshead Waterworks Act, 1863" the Newcastle and Gateshead Waterworks Company are empowered to afford a Supply of Water from their Waterworks within certain Limits prescribed by their Act; and for the Purpose of affording a Supply of Water to the Northumberland Docks it is expedient that those Limits be extended: And whereas by the Act of 1861 the Commissioners were empowered to take down and remove the old Bridge of Newcastle-upon-Tyne, in this Act called "the old Tyne Bridge," and to make and maintain an Opening or Swing Bridge, with a moveable Platform, in lieu thereof; and there are at present laid down upon the first-mentioned Bridge Water Pipes belonging to the said Waterworks Company; and it is expedient that Provision should be made for the Removal of such Water Pipes, and for carrying Water across the River by Pipes attached to the High-level Bridge belonging to the North-eastern Railway Company, and for facilitating and regulating the working of the said moveable Platform: And whereas it is expedient that further Provision should be made for regulating the casting into the Sea of Ashes, Refuse, and Rubbish, and to give further Powers to the Commissioners to make and enforce Byelaws: And whereas it would be of Advantage to the Public if the maximum Rates of Towage of Vessels into and out of the Port were fixed: And whereas by "The Tyne General Ferry Act, 1862," the Commissioners were required to purchase the Undertaking, Rights, and Powers of the North and South Shields Ferry Company, subject to the Rights of the Dean and Chapter of the Cathedral Church of Durham for the Time being in the said Undertaking, and such Purchase has been made accordingly, and it is desirable that the said Rights of the Dean and Chapter of Durham should become vested in the Commissioners, and that other Provisions should be made with respect to the said Undertaking: And whereas it is expedient that the Powers of the Commissioners to borrow Money, and to collect Rates and Dues, should be further augmented or varied, and that all necessary Provisions should be made for that Purpose: And whereas for the Convenience of the Trade of the River Tyne it is expedient that the Commissioners be authorized to make and construct Graving Docks on the North Side of the Northumberland Docks and the Tynemouth Docks respectively, and to levy and receive Rates and Charges for the Use of such Graving Docks: And whereas by "The Newcastle-upon-Tyne and Gateshead Gas Act, 1864." the Newcastle-upon-Tyne and Gateshead Gas Company, whose Works will be disturbed and damaged by the Exercise of the Power of the Commissioners for the Removal of Newcastle Bridge, were authorized to construct a Tunnel under the River Tyne, from the public Quay of the Borough of Newcastle-upon-Tyne to the public Quay of Gateshead, and to use the same for connecting their Mains and Pipes on either Side of the River; and it is expedient that the Commissioners should be empowered to contribute to the Construction of such Tunnel, or to construct another Tunnel under the same River in a more convenient Situation, and that both or either of such Tunnels, when constructed, should be used for Gas Pipes and Water Pipes, and that the Newcastle and Gateshead Water Company and the Newcastle and Gateshead Gas Company should be authorized to unite with the Commissioners in the Construction of both of such Tunnels: And whereas it is expedient that the Commissioners should be empowered to purchase certain additional Lands and Houses for the Purposes of the above-mentioned Works, and that the Powers conferred on the Commissioners in respect of the Works authorized by the Act of 1861 should be extended and become



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applicable to the Works authorized by this Act: And whereas it is expedient to make further Provision with respect to the Regulation and Police of the River and other Matters required for the increasing Trade of the River: And whereas the Act passed in the Eighth and Ninth Years of the Reign of her present Majesty, intituled An Act to regulate the loading of Ships with Coals in the Port of Newcastle-upon-Tyne, is very prejudicial to the Trade of the River, and will shortly expire, and it is expedient that the same should be repealed: And whereas the Objects aforesaid cannot be accomplished without the Authority of Parliament: 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:

"The Lands Clauses Consolidation Act, 1845," 8 & 9  
and "The Lands Clauses Consolidation Acts Amendment Vict. c.18  
Act, 1860," are incorporated with this Act. and 23 &  
24 Vict.  
c.106 in-  
corporated.

4. The Provisions with respect to the temporary Occupation of Lands near the Railway during the Construction thereof of "The Railway Clauses Consolidation Act. 1845," are incorporated with this Act, and the Expression "The Railway" in these Provisions means, for the Purposes of this Act, the several Works by this Act authorized to be executed. Parts of 8 & 9 Vict. c. 20. incorporated.

5. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction. Same Meanings to Words in incorporated Acts as in this Act.

6. In this Act, or in any Act the whole or any Part whereof is incorporated with this Act, the following Words and Expressions have, for the Purposes of this Act, the following Meanings, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

The Expression "the Commissioners" means the Tyne Improvement Commissioners:

The Expression "the Port" means, for the Purposes of this Act, the Port of Newcastle upon Tyne, as defined by the Act of 1850, and includes so much of the Port of Shields, established for Custom House Purposes, as lies within the Limits of the Port of Newcastle-upon-Tyne, so long as the same continues for such Purposes a separate Port, and includes all Docks and Places therein and within the River, as extended by the Act of 1861;

The Expression "the River" means the Parts of the River Tyne within the Jurisdiction of the Commissioners, as extended by "The Tyne Improvement Act, 1861:"

The Expression "Vessel" shall mean any Ship, Lighter, Keel, Barge, Boat, Raft, or Craft, or any other kind of Vessel whatever, whether navigated by Steam or otherwise:

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The Expression "Northumberland Docks" means the Docks by the Act of 1852 authorized to be made, and the Basins, Locks, Channels, Entrances, and other Works and Conveniences thereof:

The Expression "Tynemouth Docks" means the Docks by the Act of 1861 authorized to be made, and the Basins, Locks, Channels, Entrances, and other Works and Conveniences thereof:

The Expression "the Two Docks" means and includes the Northumberland Docks and Tynemouth Docks, and the Works connected therewith respectively.

The Expression "the Corporation of Newcastle" means the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne:

The Expression "the Corporation of Tynemouth" means the Mayor, Aldermen, and Burgesses of the Borough of Tynemouth:

The Expression "the Company" means the Blyth and Tyne Railway Company:

The word "Owner," as applied to Land or Collieries, shall include all Persons or Corporations who, under the Provisions of "The Lands Clauses Consolidation Act, 1845," are enabled to sell and convey Lands to the Promoters of Undertakings:

For the Purposes of this Act, and the Collection of Rates thereunder, the Word "Owner," as applied to any Goods in Vessels, shall extend to the Broker or Consignee:

The Word "Person," so far as regards the Shipment of Goods, shall be held to include the Owner, the Charterer, the Consignee, Broker, and Agent of every Vessel exporting or importing Goods liable to River Dues under the Schedules D. and E. of the Act of 1861:

The Expression "Graving Dock" means and includes Graving Docks, Gridirons, Patent Slips, Saucers, and other Works for like Purposes:

The Expression "Harbour-master" shall mean any Harbour-master appointed by the Commissioners, and shall include his Assistants.

As to Supply of Water to Northumberland Docks by Newcastle and Gateshead Water Works Company. 34. It shall be lawful for the Newcastle and Gateshead Water Company to afford from their Waterworks and for the Commissioners to obtain a supply of water for the Northumberland Docks and the Shipping resorting to the same, and for all or any of the Purposes of those Docks, and of the Buildings and other Premises of the Commissioners, and of the Quays, Hydraulic Cranes, Railways, and Tramways within those Docks; and it shall be lawful for the Commissioners to enter into Arrangements with the Newcastle and Gateshead Water Company with reference to the Works and the Payment to be made in respect thereof.

Extension of Limits of Newcastle and Gateshead Waterworks Act, 1863. 35. The Limits of "The Newcastle and Gateshead Waterworks Act 1863," shall, for the Purpose of that Supply of Water, but for no other Purpose, extend to and include the Township of Chirton in the Parish of Tynemouth, and the Newcastle and Gateshead Water Company are hereby authorized for the Purposes of such Supply to exercise all the Powers and Authorities of their said Act within the Township of Chirton as if that Township had been included within the Limits of the said Act: Provided always, that it shall be lawful for the Company of Proprietors of the North Shields Waterworks, and they are hereby empowered, to enter into, upon, and within the Precincts of the said Northumberland Docks, and of the Quays, Wharves, and Shipping Places belonging or adjoining thereto, and to exercise all their Powers and Authorities for the Purpose of

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laying Mains, Pipes, Hose, and other Apparatus necessary and convenient for supplying Water to the said Docks, and the Shipping resorting to the same but the Exercise of such Powers shall be subject to the reasonable Approval of the Engineer of the said Commissioners; and that, except as is by this Act expressly provided, nothing in this Act shall take away, divest, abridge, lessen, alter, or in any Manner affect or prejudice any Property, Rights, Privileges, Duties, Tolls, Payments, Powers, or Authorities whatsoever vested in or to be discharged by the said Company of Proprietors of the North Shields Waterworks.

36. Subject to the Provisions of this Act it shall be lawful for the Commissioners, if they see fit, either alone or in conjunction with the said Newcastle and Gateshead Water Company, to lay down, place, repair, and maintain Water Pipes, not exceeding Four in Number, and each not exceeding Thirteen Inches in internal Diameter, along, under or attached to the High Level Bridge belonging to the North-eastern Railway Company, and the Approaches thereto, in such Manner as shall be mutually approved by the Engineer of the said Commissioners and the Engineer of the said North-eastern Railway Company, or, in case of Difference, as shall be settled by an Engineer to be appointed by the Board of Trade; and it shall be lawful for the Commissioners, either alone or in conjunction as aforesaid, to lay and place a Pipe, not exceeding Five Inches in internal Diameter, for the Application of Hydraulic Power to working the moveable Platform of the Opening or Swing Bridge by the Act of 1861 authorised to be constructed in lieu of the old Tyne Bridge, and to purchase and acquire compulsorily an Easement for the above-named Purposes.

Power to  
Commission-  
ers to lay  
and  
suspend  
Pipes from  
the High  
Level  
Bridge.

37. The said Water Pipes shall be used by the said Newcastle and Gateshead Water Company for the Conveyance of Water between the Boroughs of Newcastle-upon-Tyne and Gateshead.

Use of  
Water  
Pipes on  
High-  
level  
Bridge.

38. The said Water Company shall not be liable to any Damages or Expenses by reason of the said Pipes having been placed in manner herein-before provided, for which they would not have been liable had the same Pipes continued in and upon the old Tyne Bridge.

Water  
Company  
not to  
be liable  
for  
Damages.

39. The Water Pipes so to be laid and placed in connection with the High-level Bridge shall not, without the Commissioners Consent, be so placed as to lessen the present Space or Height between the Surface of the Water and the under Part of the said Bridge.

Height  
above  
Water not  
to be  
diminished.

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Expense of Pipes. 40. The said Water Pipes and Easement, with all suitable and proper Valves, Junctions, and Connexions, shall, when completed, be vested in and be the absolute Property of the said Water Company; and the Expense of laying, placing, and completing the same, and uniting the same with the Water Company's principal High and Low Level Service Mains in Newcastle-upon-Tyne and Gateshead, and also the Expense of laying and placing the Water Pipe for the Purpose of applying Hydraulic Power to the said moveable Platform, shall be borne wholly by the Commissioners, and the Expenses of the Commissioners shall in each Case be defrayed out of the Tyne Improvement Fund.

Maintenance of Pipes. 41. The Commissioners shall maintain and from Time to Time repair and renew the said Pipe for the Application of Hydraulic Power as aforesaid, and all necessary Appliances in connexion therewith, and the said Water Company shall maintain and from Time to Time repair and renew the said Water Pipes as aforesaid, and the Commissioners and the Water Company shall, subject to the Provisions of this Act, be respectively entitled, when and as may be reasonably necessary, to enter into and upon the said High-level Bridge and the Approaches thereto, for the Purposes aforesaid, but for those Purposes only.

For Protection of North-eastern Railway Company. 42. The Commissioners shall from Time to Time pay and make good to the North-eastern Railway Company all Loss, Costs, Damages, and Expenses which they may sustain, incur, or be put unto, or held liable for, on account of any Injury that may be done to the High-level Bridge, or other the Property and Works of that Company, or to the Engines, Carriages, Goods, and Passengers, or other Traffic passing and being on their Railway, or on the said Bridge, or of any Stoppage, Hindrance, or Delay in the carrying on of their Passenger or other Traffic, or otherwise by or in consequence of the fixing, laying, or repairing by the Commissioners alone or in conjunction with the said Water Company of the said Pipes in connexion with the High-level Bridge, or of the bursting, giving way, or leaking of those Pipes, or from any other Cause, whether arising from any Act or Negligence of the Commissioners of the Water Company, or their Agents, Servants, or Workmen, or from inevitable Accident, or otherwise howsoever, consequent upon the Exercise by the Commissioners or Water Company of the Powers by this Act conferred upon them, or either of them, in reference to the said High-level Bridge.

Power to license Vessels for Conveyance of Refuse to Sea. 46. It shall be lawful for the Commissioners, and if the Vessels are properly constructed to the Satisfaction of the Commissioners they are hereby required to license Vessels for the Conveyance to Sea of all Ashes, Refuse, Rubbish, or other Substances; and it shall be lawful for the Commissioners to withdraw such Licence in case of Misconduct on the Part of the Master or Crew employed in any such Vessel, and to build or purchase, maintain, and use Vessels or Buoys for the Purposes of indicating the Distance at which such Deposit shall be made.

Penalty for putting Ashes on board unlicensed vessels. 47. If any Person put, or cause, or order, or knowingly permit to be put on board any Vessel not licensed by the Commissioners for that Purpose any such Ashes, Refuse, Rubbish, or other Substances for the Purpose of being cast into the Sea, every Person so offending shall for every such offence be liable to a Fine not exceeding Fifty Pounds.  
(as amended by the Criminal Justices Act 1982, as amended)

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52. Every Master, Pilot, or other Person in charge of any Vessel on the River in the Neighbourhood of any Ship Launch within the Port shall stop or slacken the Speed of such Vessel, and otherwise navigate the same in obedience to the Orders given by the Harbour-master or Superintendent of Police, or upon Refusal or Neglect to do so shall be liable to a Penalty of not exceeding Fifty Pounds.  
(as amended by the Criminal Justices Act 1982, as amended)

On occasion of Launches Speed of Vessels to be slackened.

57. It shall be lawful for the Commissioners, subject as herein-after provided, from Time to Time to give Directions for regulating the Manner in which any Vessel shall approach and pass through the new Opening or Swing Bridge which the Commissioners were authorized to construct by virtue of the Act of 1861, instead of the old Tyne Bridge.

Power to Commissioners to regulate Time of passing through Swing Bridge.

58. The Master of every Vessel passing through the new Opening or Swing Bridge, or approaching the same within the Limits, if any, prescribed by the Commissioners, shall regulate such Vessel according to the Directions of the Commissioners made in pursuance of this Act, and any Master of Vessel who, after Notice of any such Directions, shall not comply with such Directions shall be liable to a Penalty not exceeding Fifty Pounds.

Masters of Vessels to observe Directions of Harbour master.

(as amended by the Criminal Justices Act 1982, as amended)

59. The Seventy-first and Seventy-third Sections of the Act of 1861 are repealed, and in lieu thereof the said Opening or Swing Bridge shall be opened at such Times, by Night and by Day, and for such Period of Time on each Occasion of opening as shall from Time to Time be mutually agreed on between the Commissioners on the one Part and the Corporation of Newcastle-on-Tyne, and the Mayor, Aldermen, and Burgesses of the Borough of Gateshead, on the other Part.

Time of opening Swing Bridge.

66. In addition to the Powers given to Harbour Authorities by "The Harbours, Docks, and Piers Clauses Act, 1847," for the Collection of Rates, the following Powers and Authorities may be exercised by the Commissioners, and the following Provisions shall be in force; (that is to say,)

Additional Facilities to Commissioners for Collection of Rates. Persons shipping Goods to deliver Account to Collector.

1. Any person shipping Goods on board any Vessel in the Port liable to any Dues payable to the Commissioners shall, within Forty-eight Hours after the Shipment of such Goods, deliver to the Collector of Rates an Account signed by him of the Kinds, Quantities, and Weights of such Goods, and the Names and Descriptions of the Owners thereof; and every Person shipping Goods on board any Vessel, and not so preparing and delivering to the Collector of Rates an Account as aforesaid, or who shall give or sign a false Account of such Goods, or of the Names and Descriptions of the Owners thereof, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

(as amended by the Criminal Justices Act 1982, as amended) - 19 -

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- Persons un-shipping Goods to deliver Account to Collector.
2. Every Person discharging Goods from any Vessel liable to Dues payable to the Commissioners shall, within Forty-eight Hours of the unshipping of such Goods, deliver to the Collector of Rates a true Account signed by him of the Kinds, Quantities, and Weights of such Goods, and the Names and Descriptions of the Owners thereof; and every Person unshipping Goods, and not delivering to the Collector of Rates an Account as aforesaid, or who shall give or sign a false Account of such Goods, or of the Names and Descriptions of the Owners thereof, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: (as amended by the Criminal Justices Act 1982, as amended)
- Rates on Goods when payable.
3. The Rates due to the Commissioners on such Goods shall be payable at any Time after the Delivery to the Collector of Rates of the Account as aforesaid, or when demanded by the Collector of Rates; and any Person refusing or neglecting to pay such Rates within Two Days after Demand by the Collector of Rates shall be liable to a Penalty not exceeding Fifty Pounds: (as amended by the Criminal Justices Act 1982, as amended)
- Persons building or launching Ships to deliver Statement of Size, &c. to Commissioners.
4. Any Person or Persons building and launching a Ship or Vessel in the Tyne shall, within Seven Days thereafter, send or deliver to the Secretary of the Commissioners a Statement of the Size and the gross Tonnage of such Vessel, together with the Names of the Builders and of the Owners thereof, and in the case of Steamships shall give likewise the Name of the Manufacturer or other Person who put such Machinery on board, and the Weight of such Machinery; and all Shipbuilders, Boatbuilders, and other Persons neglecting or refusing to give such Statement, or who shall give or sign a false Statement, shall be liable to a Penalty not exceeding Fifty Pounds: (as amended by the Criminal Justices Act 1982, as amended)
- Dues on Vessels launched when payable.
5. The Dues on Vessels launched shall be payable to the Commissioners at any Time after the Delivery of such Statement, on Demand being made for the same by the Collector of Rates; and the Dues on the Vessel shall be payable and paid by the Shipbuilder, and the Dues on the Machinery and Boilers shall be payable and paid by the Manufacturer or Maker of such Machinery:
- Steamboat Dues when payable.
6. The Steamboat Dues shall be payable by quarterly Instalments on the First Day of January, First day of April, First Day of July, and First Day of October every Year, at the Times and Places to be appointed from Time to Time for that Purpose by the Commissioners, of which Notice given once in each daily Newspaper published in the Towns of Newcastle, Shields, and Gateshead, shall be deemed sufficient; and in case of Nonpayment of such Dues within Twenty-four Hours after Demand by the Collector of Rates, such Collector may seize and detain the Vessel in respect of which the same Dues shall be payable until Payment thereof, and the Costs of such Seizure and Detention:

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7. The Master or Owner of any Steam Vessel plying on the Tyne or used for the Purpose of towing in, to, or from the River, shall, whenever required by the Commissioners, in each and every Year furnish to the Secretary of the Commissioners a Statement of the Size and Horse Power of such Vessel; and any Master or Owner of a Steam Vessel which has so plied or been used for the Purpose of towing in, to, or from the River during the Three Months, or any Part thereof, of the Period preceding the above-named Days, who shall fail to furnish such Statement, or who shall furnish a false Statement, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.  
(as amended by the Criminal Justices Act 1982, as amended)

Master of Vessel plying on Tyne to furnish Commissioners with Statement of Size, &c.

85. Except as by this Act expressly provided, nothing in this Act contained shall prejudice or affect the Right or Title of the Corporation of the Master, Pilots, and Seamen of the Trinity House of Newcastle-upon-Tyne, or the Members thereof, to any Rights, Powers, Privileges, Immunities, Authorities, Tolls, Dues, Duties, or Sums of Money to which that Corporation, or any Member or Members thereof, is or are now entitled.

Saving Rights of Corporation of Trinity House of Newcastle-upon-Tyne.

86. Except as by this Act expressly provided, this Act or anything therein contained shall not take away, lessen prejudice, alter, or affect any of the Rights, Duties, Privileges, Powers, or Authorities vested in or to be discharged by any Commissioner of sewers or the Commissioners appointed under any Local Act of Parliament for Sewers or Drainage.

Saving Rights of Commissioners of Sewers.

87. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, alter, or affect any of the Estates, Lands, Property, and Effects of the Mayor, Aldermen and Burgesses of the Borough of Newcastle-upon-Tyne, or any of the Tolls, Rates, Dues, Duties, Issues, Profits, or other Income whatsoever of or payable to that Corporation, or any of the Powers, Authorities, Franchises, Customs, Usages, Immunities, Rights or Privileges of that Corporation.

Saving Rights of Corporation of Newcastle upon-Tyne.

88. Except as by this Act expressly provided, nothing in this Act contained shall prejudice or affect the Right or Title of the North-eastern Railway Company to any Rights, Powers, Privileges, Immunities, Authorities, Tolls, Dues, Duties, or Sums of Money to which that Company is now entitled.

Saving Rights of North-eastern Railway Company.

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Saving  
Rights of  
the Duke  
of North-  
umberland.

89. Except as is by this Act expressly provided, nothing in this Act contained shall take away, divest, abridge, lessen, alter, or in any Manner affect or prejudice any Property or Royalties, Rights, Estates, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments, or Advantages whatsoever of or belonging to the Most Noble George Duke of Northumberland, his Heirs, Assigns, or Successors, in the Barony of Alnwick, and the Manors of Tynemouth, Warkworth, and Alnmouth, or any of them, as Lord or Lords thereof respectively or as Grantee or Grantees of the Crown or otherwise, or of any future Lord or Ladies thereof respectively, or of the Assigns of such Grantee or Grantees, or of his or their Officer or Officers in their respective Duties within the same, or any Estate, Right, Title, or Interest of the said George Duke of Northumberland, his Heirs and Assigns, as such Grantee or Grantees as aforesaid or otherwise, in or to the Bed and Soil, Banks and Shores of the River Tyne, or any part thereof; but, except as aforesaid, all such Property, Royalties, Rights, Titles, Estates, Interests, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Franchises, Emoluments, and Advantages shall be exercised, received, and enjoyed, and shall continue and be preserved whole and unimpaired as if this Act were not passed.

Saving  
Rights of  
Lords of  
Manors  
and  
Owners of  
Land.

90. Except as is by this Act provided, nothing in this Act contained shall take away, defeat, lessen, or interfere with any Right, Jurisdiction, Usage, or Property of the Lord of any Manor, or of the Owner of any Land adjoining the River, or lying between High and Low Water Mark, without the previous Consent of such Lord or Owner in Writing under his Hand, and, except as aforesaid, this Act shall not affect any Right, Jurisdiction, Usage, or Privilege belonging to such Lord or Owner.

THE TYNE IMPROVEMENT ACT, 1867

An act to authorise the Tyne Improvement Commissioners  
to borrow further Sums of Money, and to construct  
Railways and Shipping Places in connexion with the  
Northumberland Docks; and for other Purposes.  
(15th July, 1867)

WHEREAS the Tyne Improvement Commissioners, in this Act called the Commissioners, are by the River Tyne Improvement Act, 1850, (in this Act called the Act of 1850,) and by divers other Acts subsequently passed, authorized to improve the Port of Newcastle-upon-Tyne and the River Tyne and are empowered to execute various Works and exercise certain Powers for such Purpose: And whereas in the Act of 1850 Provision is made for the Formation of a Fund for the Execution of that Act, to be called the Tyne Improvement Fund, and by that Act and various other Acts the Commissioners are authorized to borrow Money on the Credit of that Fund, and to apply the Money borrowed to the several Purposes authorized by such Acts: And whereas the aggregate Amount which the Commissioners are by the existing Acts authorized to borrow on the Credit of the Tyne Improvement Fund is Seven hundred and forty-seven thousand three hundred and forty-nine Pounds: And whereas the Commissioners have been for some Time past carrying out Works of Improvement on the said Port and River, and have borrowed large Sums of Money under the Powers of the said Acts: And whereas the Trade and Commerce of the River Tyne have of late Years greatly increased, and it is expedient that the Commissioners be authorized for the Purpose of carrying out their Improvements and Works, and otherwise exercising the Powers conferred by the said Acts in



The Tyne Improvement Act, 1867

relation to the said Port and River, to borrow further Sums of Money on the Credit of the Tyne Improvement Fund: And whereas by the Tyne Improvement Act, 1852, (in this Act called the Act of 1852,) the Commissioners were authorized, amongst other things, to make Docks, to be called the Northumberland Docks, at a Place called Hay Hole on the Northern Side of the River, and to levy Rates, Dues and Duties for the Purposes thereof, and to borrow on Mortgage of such Rates, Dues, and Duties the Sum of Two hundred thousand Pounds: And whereas by the Tyne Improvement Act, 1859, (in this Act called the Act of 1859,) the Commissioners are authorized to raise a further Sum of One hundred thousand Pounds for the Purposes of the Northumberland Docks: And whereas the whole of the said Sum of Two hundred thousand Pounds and a considerable Portion of the said Sum of One hundred thousand Pounds have been raised accordingly: And whereas the Receipts and Expenditure of the Commissioners in relation to the Northumberland Docks are directed to be kept separate from the other Receipts and Expenditure of the Commissioners, and the Rates, Tolls, Duties, and Monies received in respect of the Northumberland Docks are carried to the Account of a Fund which is in this Act called the Northumberland Dock Fund: And whereas the Accommodation provided in the Northumberland Docks has become inadequate for the increased and increasing Trade on the Northern Side of the River Tyne, and it is expedient that the Commissioners be authorized in connexion with the Northumberland Docks to erect and provide such Shipping Staiths and Works on and near the River Tyne as are by this Act authorized, and to connect the same by means of Railways with the Blyth and Tyne Railway, the Cramlington Railway, the Backworth Railway, and the Brunton and Shields Railway: And whereas it is expedient to make such Provision in respect of the Cost of the Works by this Act authorized as in this Act expressed, and that the Application of the surplus Revenues arising from the Northumberland Docks, and the Appropriation of certain Monies out of the Tyne Improvement Fund, provided for in the Tyne Improvement Act, 1861, (in this Act called the Act of 1861), and the Tyne Improvement Act, 1865, (in this Act called the Act of 1865,) be respectively altered: And whereas Plans and Sections describing the Lines and Levels of the several Railways and Works by this Act authorized, and the Lands to be taken or used for the Purposes thereof, with Books of Reference to the Plans, have been deposited with the respective Clerks of the Peace for the County of Northumberland and for the County of the Town of Newcastle-upon-Tyne, and are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is expedient for the Purposes aforesaid and other Objects of this Act to confer on the Commissioners such further Powers as are in this Act mentioned; but the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the 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:

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Interpreta- 4. In this Act, or in any Act the whole or any Part whereof  
tion of is incorporated with this Act, the following Words and Expressions  
Terms. have for the Purposes of this Act the following Meanings, unless  
there be something in the Subject or Context repugnant to such  
Construction; that is to say,

The Expression "the Commissioners" means the Tyne Improvement Commissioners;

The Expression "the Port" means, for the Purposes of this Act, the Port of Newcastle-upon-Tyne as defined by the Act of 1850, and includes so much of the Ports of North Shields and South Shields established for Custom House Purposes as lies within the Limits of the Port of Newcastle-upon-Tyne, and includes all Docks and Places therein, and within the River;

The Expression "the River" means the Parts of the River Tyne within the Jurisdiction of the Commissioners as extended by "The Tyne Improvement Act, 1861;"

The Expression "Vessel" shall mean any Ship, Lighter, Keel, Barge, Boat, Raft, or Craft, or any other Kind of Vessel whatever, whether navigated by Steam or otherwise;

The Expression "Northumberland Docks" means the Docks by the Act of 1852 authorized to be made, and the Basins, Locks, Channels, Entrances, and other Works and Conveniences thereof;

The Expression "the Railways" means the Railways and Works by this Act authorized to be made, and includes the Shipping Staiths, Wharves, Quays, Tramways, Sidings, Works, and Conveniences connected therewith or authorized to be made by this Act;

The Expression "Tyne Improvement Acts" means the Act of 1850 and the several subsequent Acts from Time to Time amending or altering the same;

The Expression "the Local Board" shall mean the Local Board of Health of the Borough of Tynemouth; and

The Expression "their Surveyor" shall mean the Surveyor for the Time being of the said Local Board;

And in construing "The Railways Clauses Consolidation Act 1845," and "the Railways Clauses Act, 1863," the words "Work" and "Railway" shall be taken to include the Embankment or Quay on the Northern Shore of the Tyne.

For Prot- 11. And whereas the Most Noble George Duke of Northumberland is  
ection or claims to be the Owner of all the Lands which the Commissioners  
of Duke are authorized to take for the Purposes of this Act, and it is  
of expedient to make Provision for the Protection of the said Duke,  
Northum- his Heirs, Assigns, and Successors in Estate: Therefore the  
berland. following Provisions shall be in force for the Protection of the  
said Duke, his Heirs, Assigns, and Successors in Estate:

1. The Lands authorized to be purchased and taken under the Provisions of this Act shall be used in such Manner as the Commissioners shall see fit for the Purposes of promoting, extending, and improving their Undertaking, but the Commissioners shall not on any Portion of the Land purchased or taken from the said Duke construct or permit to be constructed any Railways other than those authorized to be constructed by this Act (including all necessary Works and Conveniences connected therewith) without the previous Consent in Writing of the said Duke, his Heirs, Assigns, or Successors in Estate, first had and obtained:

The Tyne Improvement Act, 1867

2. The Commissioners shall erect a Quay, with Wharfage behind the same, between the Whitehill Point and the existing Platform at the Entrance to the Northumberland Dock, and shall construct the Railways in connexion with such Quay and Wharfage shown on the deposited Plans, together with the said Railways connected therewith, and with the Blyth and Tyne Railway, the Cramlington Railway, the Brunton and Shields Railway, and the Backworth Railway, and all Parties using such Quay and Wharfage shall be subject to the Payment of the Dues to the Commissioners as authorized by this Act. A Portion of the Quay and Wharfage of not less Length than One hundred Yards shall be made and completed by the Commissioners within Two Years from the passing of this Act, and afterwards duly extended to the Extent as by this Act authorized as required for the Traffic:
3. The Commissioners shall not purchase or acquire any Land belonging to the said Duke to the Eastward of the Western Boundary of the Whitehill Point Branch of the Backworth Railway without the Consent in Writing of the said Duke, his Heirs, Assigns, or Successors in Estate, first had and obtained:
4. The Commissioners shall not sell any Part of the Land purchased under the Provisions of this Act without the Licence of the said Duke, his Heirs, Assigns, or Successors in Estate, in Writing for that Purpose first had and obtained.

17. Railway Number 4. and Railway Number 9. shall respectively be carried over the Road or public Footway numbered on the deposited Plans 195. in the Parish of Tynemouth and Township of Chirton by means of an Arch of not less than Ten Feet in Width, and not less than Eight Feet in Height above the Surface of the said Road or public Footway at the springing of the Arch from the Abutment on either Side, unless some other Arrangement with respect to the said Footway shall be made by the Commissioners and the Local Board prior to the Construction of the said Railways.

Mode of carrying Railways over Road No.195. in Tynemouth.

18. The Commissioners may, if they think fit, divert the Road numbered on the deposited Plans 16. in the Parish of Tynemouth and Township of Chirton to the East Side of the West Cramlington Railway, and the said Road or the Diversion thereof shall be carried over Railway Number 1. by means of a Bridge, and the Ascent in the said Road or the Diversion thereof when carried over the said Railway by the said Means shall in no Part be more than One Foot in Thirty Feet.

Power to divert Road No.16 in Tynemouth.

22. Except as is by this Act expressly provided, nothing herein contained shall take away, diminish, alter, or prejudice any of the Estates, Rights, Interests, Powers, Privileges, Authorities, or Immunities of the Local Board.

Saving Rights of Local Board.

THE TYNE IMPROVEMENT ACT, 1872

An Act to enable the Tyne Improvement Commissioners to construct a Dock at or near the Coble Dene, with River Walls, Railways, and other Works; to consolidate, alter, and define the application of all or some of the Funds of the said Commissioners; and for other purposes.

(18th July, 1872.)

WHEREAS by "The River Tyne Improvement Act, 1850," in this Act called the "Act of 1850" a body of Commissioners (who were incorporated by "The Tyne Improvement Act, 1857," and are in this Act called "the Commissioners") was constituted for the purpose of the conservancy and improvement of the River Tyne and the port of Newcastle-upon-Tyne, which was defined as extending from Hedwin Streams above the borough of Newcastle-upon-Tyne to Spar Hawke in the Sea, and provision was made by the said Act of 1850 for the formation of a fund for the execution of that Act, to be called the Tyne Improvement Fund, on security of which the Commissioners were authorised to borrow moneys:

And whereas by "The Tyne Improvement Act, 1852," the Commissioners were authorised, amongst other things, to construct and maintain piers at the mouth of the said river and to levy rates for that purpose which should form a separate fund, commonly and in this Act called the Tyne Piers Fund, on security of which the Commissioners were authorised to borrow moneys; and by the same Act the Commissioners were authorised to construct and maintain within the said port certain docks to be called the Northumberland Docks, and to levy rates and dues which should form a separate fund, commonly and in this Act called the Northumberland Dock Fund, on security of which the said Commissioners were authorised to borrow moneys; and by the same Act the powers of an Act of the ninth year of the reign of Her Majesty Queen Victoria, relating to moorings for vessels in the River Tyne and the river police, were transferred to the Commissioners; and the Commissioners were authorised to provide and maintain moorings for ships and to levy a tonnage rate on vessels which should form a separate fund, commonly and in this Act called the Moorings Fund, on security of which the Commissioners were authorised to borrow moneys:

And whereas under "The Tyne Improvement Act, 1867," the Commissioners were authorised to construct certain railways and shipping places in connexion with the Northumberland Docks which are now in course of being completed:

And whereas in consequence of the increased and increasing trade of the River Tyne it is desirable that the Commissioners should be authorised to construct and maintain a dock or docks and other works at or near the Coble Dene in connexion with the Northumberland Dock, and to make and maintain railways communicating therewith, and to place and maintain guiding lights, buoys, and beacons for the greater safety of vessels using the port:

And whereas the Commissioners are by the Tyne Improvement Acts, or some of them, empowered to borrow on security of the said several funds the sums after mentioned, (that is to say,) on security of the Tyne Improvement Fund sums of money amounting in the aggregate to the sum of one million three hundred and ninety-seven thousand three hundred and forty-nine pounds, which power has been exercised up to the thirtieth day of November last to the extent of one million two hundred and forty-three thousand four hundred and seventy-three pounds six shillings and eight pence; on security of the Tyne Piers Fund sums of money amounting in the aggregate to the sum of six hundred thousand pounds, which power has up to the same day been exercised to the extent of four hundred and sixty-eight thousand three hundred and thirty-nine pounds ten shillings and sixpence; on security of the Northumberland Dock

The Tyne Improvement Act, 1872

Fund sums amounting in the aggregate to four hundred and fifty thousand pounds, which power has up to the same day been exercised to the extent of two hundred and ninety-seven thousand and thirty-five pounds; and on security of the Moorings Fund the sum of thirty-five thousand pounds, which power has up to the same day been exercised to the extent of twenty-nine thousand one hundred and forty pounds:

And whereas it is desirable that the Tyne Improvement Fund, the Tyne Piers Fund, the Northumberland Dock Fund, and the Moorings Fund should be amalgamated and consolidated to the extent and in the manner in this Act provided, and that the Commissioners should be authorised to borrow on security of such Consolidated Fund all sum and sums of money which may be required to pay off and discharge the moneys already borrowed on security of the said four separate funds, all moneys that may remain to be borrowed under any of the existing powers, the sum of six hundred thousand pounds for the purposes of this Act, and the further sum of six hundred and seventeen thousand six hundred and fifty-one pounds for the purposes of the Tyne Improvement Fund, making in the aggregate the sum of three millions seven hundred thousand pounds:

And whereas the provisions of the Tyne Improvement Acts, relating to the sinking funds for money borrowed by the Commissioners on the security of the said four funds respectively are complicated and to a great extent inoperative, and it is expedient that the same should be repealed, and that one general provision should be enacted with respect to the payment off of money borrowed by the Commissioners and to re-borrowing:

And whereas plans and sections describing the lines and levels of the docks, railways, and works by this Act authorised, and the lands to be taken or used for the purposes thereof, with books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands intended to be taken, have been deposited with the respective clerks of the peace for the county of Northumberland and for the county of the town of Newcastle-upon-Tyne, and are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient for the purposes aforesaid, and other objects of this Act, to confer on the Commissioners such further powers as are in this Act mentioned, but the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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:

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated wholly or partially herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

Interpretation of terms.

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act, or any Act incorporated herewith, shall be read and have effects as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

The expression "the port" means the ancient port of Newcastle-upon-Tyne as defined by "The River Tyne Improvement Act, 1850," and includes all docks and places therein and within the River Tyne:

The Tyne Improvement Act, 1872

The expression "the local board" means the local board of health of the borough of Tynemouth:

The expression "the surveyor" means the surveyor for the time being of the said local board:

And in construing "The Railway Clauses Consolidation Act, 1845," and "The Railway Clauses Act, 1863," the words "work" and "railway" include the dock or docks and quay or river wall on the shore of the River Tyne authorised by this Act, and the word "company" includes the Commissioners.

For protection of Duke of Northumberland.

5. And whereas the Most Noble Algernon George Duke of Northumberland is or claims to be the owner of nearly the whole of the lands which the Commissioners are authorised to take by compulsory purchase for the purposes of this Act, and it is expedient to make provision for the protection of the said Duke, his heirs, assigns, and successors in estate: Therefore the following provisions shall be in force for the protection of the said Duke, his heirs, assigns, and successors in estate:

The Duke's land to be used for the undertaking only.

(1). The land of the said Duke of Northumberland authorised to be purchased and taken by the Commissioners under the provisions of this Act shall be used in such manner as the Commissioners shall see fit, but only for the purposes of promoting, extending, and improving their undertaking:

The Duke to have junctions with the works of the Commissioners.

(2). The Commissioners shall construct a quay and dock within the limits shown on the deposited plan, and shall, in or upon the land to be acquired by them as aforesaid under the authority of this Act, and on the land which has been acquired by them under the authority of the Act of 1867, construct and maintain in such manner as they shall arrange, all requisite railways, railway approaches, and shipping places in connexion with the said quay and docks, with all necessary sidings, standage, and conveniences, and shall permit the said Duke, his heirs, assigns, or successors in title, and his and their lessees, to form junctions therewith at the boundary of the Commissioners said lands, or at such places upon the said lands of the Commissioners as the Commissioners may indicate, or as shall be settled by the Board of Trade in case of difference of opinion, so that he and they may be enabled to have convenient railway communication between the said quay and dock and the North-eastern Railway, the Blyth and Tyne Railway, the Cramlington Railway, the Brunton and Shields Railway, the Backworth Railway, and any other railway or railways hereafter to be constructed upon any adjoining lands of the said Duke, his heirs, assigns, or successors in title, and be enabled to ship coals and coke in and upon the said dock and quay, but on such part or parts thereof as the Commissioners shall from time to time fix and determine; and all persons using such quay, dock, railway, sidings, and conveniences provided by the Commissioners under this Act or the Act of 1867 shall pay dues to the Commissioners as authorised by this Act or the Act of 1867:

The Tyne Improvement Act, 1872

(3.) The Commissioners shall not acquire by compulsory purchase any land belonging to the said Duke of Northumberland, his heirs, assigns, or successors in estate, lying to the north of the southern boundary of the intended new road between North Shields and Howdon laid down on the deposited plan, save only such land as may be required for the purposes of the railways Nos. 1 and 2 laid down on the said deposited plan, together with all proper and necessary sidings and other works connected therewith:

Limit on compulsory purchase from the Duke.

(4.) None of the land acquired from the Duke of Northumberland under the powers of this Act shall be used for the purpose of building dwelling-houses, except such dwelling-houses as the Commissioners shall require for the residence of any of their officers or servants, or the officers or servants, or the officers or servants of any railway company communicating with and using, or of the owner or owners of any colliery or collieries having a railway or railways communicating with and using the said dock and quay, whose duties, business, or engagements at or near such dock and quay, or with respect to the shipping therein, may make their residence near the same requisite or convenient for the discharge of such duties, business, or engagements, without the consent of the Duke of Northumberland, his heirs, assigns, or successors in estate, in writing first had and obtained:

Houses not to be erected on land taken from the Duke not to be sold without his consent.

(5.) The Commissioners shall not sell any part of the land purchased from the said Duke under the provisions of this Act without the consent of the said Duke, his heirs, assigns, or successors in estate in writing for that purpose first had and obtained.

Land taken from the Duke not to be sold without his consent.

THE TYNE IMPROVEMENT ACT, 1877

An Act for altering and consolidating certain Dues levied by the Tyne Improvement Commissioners: and for other purposes. (12th July 1877.)

WHEREAS the Tyne Improvement Commissioners (in this Act called the Commissioners) were constituted by the River Tyne Improvement Act, 1850, and incorporated by the Tyne Improvement Act, 1857, and under those Acts and the following Acts, (that is to say,) the Tyne Improvement Act, 1852, the Tyne Improvement Act, 1859, the Tyne Improvement Act, 1861, the Tyne Improvement Act, 1865, the Tyne Improvement Act, 1866, the Tyne Improvement Act, 1867, the Tyne Improvement Act, 1870, the Tyne Coal Dues Act, 1872, the Tyne Improvement Act, 1872, and the Tyne Improvement Commission Act, 1875 (all which Acts are in this Act referred to collectively as the Commissioners Acts,) had powers conferred on them to construct and maintain extensive works for the improvement of the River Tyne, and for the construction and maintenance of docks and other works connected with the river and docks, and for those purposes to levy dues:

The Tyne Improvement Act, 1877

And whereas the Commissioners are proceeding with the execution of those works to the great advantage of the persons using the River Tyne, and the trade and commerce of the port of Newcastle-upon-Tyne:

And whereas the dues and sums received by the Commissioners are carried to four funds, called respectively the Tyne Improvement Fund, the Tyne Piers Fund, the Moorings Fund, and the Northumberland Dock Fund, and by the Tyne Improvement Act, 1872, those four funds were for borrowing purposes, but not otherwise, consolidated into one fund called the Tyne Consolidated Fund:

And whereas from the increased cost of construction and other causes the dues, rates, and duties now constituting the Tyne Improvement Fund and the Moorings Fund have become inadequate for the purposes of those funds, and the works authorised to be executed thereout cannot be completed, and the general purpose to which those funds were and are applicable cannot be adequately discharged, and it is expedient that those dues, rates, and duties be altered and to some extent increased, and that the dues, rates, and duties payable in respect of the docks of the Commissioners be revised and to some extent increased:

And whereas it is just and reasonable that the Commissioners be empowered to levy dues in respect of vessels passing the opening bridge which they have constructed over the Tyne:

And whereas it is expedient that the borrowing powers of the Commissioners be increased:

And whereas it is expedient that the Commissioners be authorised to raise their capital funds by the creation of debenture stock:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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:

Abolition of certain dues on goods and of town and quay dues, and substitution of river dues on goods.

5. On and after the passing of this Act the several dues levied under section fifty-eight of the Tyne Improvement Act, 1861, as modified by section sixty-seven of the Tyne Improvement Act, 1865, and the import dues called the Town and Quay Dues (as defined by the Tyne Improvement Act, 1870), shall cease to be levied, and the Commissioners may from time to time, in lieu of and in substitution for those dues, demand and receive, in respect of all goods mentioned in Schedule (B.) to this Act shipped on or unshipped from any vessel within the port and in respect of ships or vessels and of steam vessels built and launched in the Tyne and of propelling machinery put on board any vessel dues to be called River Dues on goods at any rate not exceeding the rates specified in that behalf in that schedule, and those dues shall be carried to the Tyne Improvement Fund. (As amended by Section 69, Tyne Improvement Act 1897)



The Tyne Improvement Act, 1877

SCHEDULE (B).

River Dues on Goods.

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SHIPS AND MACHINERY.

Ships or vessels, built and launched in the Tyne, per registered ton	- 4d.
Steam vessels, built and launched in the Tyne, per registered ton	- 4d.
Propelling machinery put on board any vessel, per ton weight	- 4d.

(Note:- Section 5 and Schedule (B) are preserved only so far as they relate to ships or vessels built or launched in the river, and to machinery - see Article 88 and Schedule 2 of Port of Tyne Reorganisation Scheme 1967)

33. No notice of any trust, express, implied, or constructive, shall be entered in any register of or be receivable by the Commissioners in relation to any debenture stock, mortgage, or bond, or other security, nor shall they be affected by express or constructive notice of any such trust, although the same be contained in any document registered by them or tendered to them for registration. Commissioners not to be affected by notice.

TYNE IMPROVEMENT ACT, 1886

An act for conferring further powers on the Tyne Improvement Commissioners and for amending certain of the Tyne Improvement Acts; and for other purposes.  
(4th June, 1886.)

WHEREAS by the River Tyne Improvement Act 1850 the Tyne Improvement Act 1852 the Tyne Improvement Act 1857 the Tyne Improvement Act 1859 the Tyne Improvement Act 1861 the Tyne Improvement Act 1865 the Tyne Improvement Act 1866 the Tyne Improvement Act 1867 the Tyne Improvement Act 1870 the Tyne Coal Dues Act 1872 the Tyne Improvement Act 1872 the Tyne Improvement Commission Act 1875 the Tyne Improvement Act 1877 and the Tyne Improvement Act 1881 the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and they were empowered to execute extensive works for the improvement of the River Tyne and to construct and maintain docks and piers and other works and for those purposes to levy dues and to borrow money:

And whereas it is expedient that for the completion of various works already authorised the Commissioners be empowered to borrow the further sums in this Act mentioned:

And whereas by section twenty of the Tyne Improvement Act 1872 the Commissioners were required to appropriate out of the income of the Tyne Consolidated Fund such sums as with any accumulations thereof would be sufficient to pay off within sixty years from the passing of that Act all money borrowed by them but that they should not be required to make any appropriation until after the expiration of ten years from the passing of that Act And by section nineteen of the Tyne Improvement Act 1877 the Commissioners were subject to the provisions of the Tyne Improvement Act 1872 authorised to borrow on the Tyne Consolidated Fund an additional sum of three hundred thousand pounds so as to raise the aggregate amount which they were authorised to borrow to four million pounds And it was provided by section three of the Tyne Improvement Act 1881 that the said recited sections should have effect as if the said period of sixty years

Tyne Improvement Act, 1886

were sixty-one years from the passing of that Act and that it should not be obligatory on the Commissioners to make appropriations until after the expiration of eleven years from the passing of that Act and it is expedient that these powers be extended:

And whereas by the Tyne Improvement Act 1877 the Commissioners were authorised to raise money by creating debenture stock and by section six of the Tyne Improvement Act 1881 the Commissioners were authorised to grant mortgages subject to the condition to be expressed on the face of the mortgage that the Commissioners might issue on an equality therewith any other mortgages which under that Act or any other Act already passed or thereafter to be passed the Commissioners were authorised to grant and the Commissioners have not since the passing of the last-mentioned Act created any debenture stock or raised money otherwise than by equality mortgages:

And whereas by section two of the Tyne Improvement Act 1881 the time limited for completion of the works referred to therein will expire in the year one thousand eight hundred and ninety-two and it is expedient to extend that time:

And whereas it is expedient that the Harbour Lights Buoys and Beacons Accounts of the Commissioners be merged in the accounts of the Tyne Improvement Fund and that the balances of the former accounts be transferred to the latter accounts:

And whereas under the Tyne Improvement Act 1861 a swing bridge over the Tyne between the city of Newcastle-upon-Tyne and the borough of Gateshead has been constructed by the Commissioners and it is expedient to make better provision for regulating the opening and closing of the said swing bridge and the traffic along and through the same:

And whereas the powers of the Commissioners and of the harbour-master for dealing with vessels which are laid by or neglected as unserviceable within the port of Newcastle-upon-Tyne and for recovering charges or expenses incurred in respect or on account of such vessels or under the Harbours Docks and Piers Clauses Act 1847 or the Removal of Wrecks Act 1877 are insufficient and it is expedient that they be extended:

And whereas it is expedient to amend divers provisions of the recited Acts relating to the discharge of ballast ashes refuse rubbish and other substances into the sea and to make further provisions as to the use of buoys and of river moorings and to empower the Commissioners to provide plant and appliances for salvage purposes and for the removal of wrecks and obstructions:

And whereas it is desirable to enable any justice of the peace who is also a Tyne Improvement Commissioner to hear and adjudicate upon any matter affecting the Commissioners in respect to which he has not acted or taken part in acting as a Tyne Improvement Commissioner:

And whereas by an order in Council made under the powers of the Harbours and Passing Tolls &c. Act 1861 Her Majesty was pleased to consent to a transfer to the Commissioners by the Master Pilots and Seamen of the Trinity House of Newcastle upon Tyne (hereinafter called "the Trinity House") of certain lightage rates or duties and buoy and beacon rates or duties and the rights powers and privileges of the said Trinity House in respect thereof on the terms contained in a deed of the eleventh day of October one thousand eight hundred and eighty-three whereof a copy was annexed to the said Order in Council:

Tyne Improvement Act, 1886

And whereas by a supplemental deed of even date with the last-mentioned deed the said Trinity House transferred to the Commissioners certain lighthouses lights buoys and beacons together with certain rights powers and privileges and it is expedient to confirm such last-mentioned transfer and the deed which is set forth in the Second Schedule to this Act.

And whereas it is expedient to extend the powers which the Commissioners are entitled to exercise under the Act 10 George IV. chapter xcvi. the Tyne Direct Ferry Company Act 1848 the Tyne Improvement Act 1861 Tyne General Ferry Act 1862 and the Tyne Improvement Act 1865 relating to the conveyance of persons animals vehicles goods merchandise and things upon the River Tyne between places within the parishes of Tynemouth and Wallsend or either of them in the county of Northumberland the parish of Jarrow and the parochial chapelry of Saint Hilda in the parish of Jarrow in the county of Durham and the parish of Saint Nicholas in the city and county of Newcastle upon Tyne and to extend and apply the provisions of the said Acts or some of them relating to tolls and other matters:

And whereas it is expedient that the council of the borough of Jarrow should be presented on the Tyne Improvement Commission and that such council should be empowered to appoint a representative on the said commission:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say):-

9. The provisions of the Tyne Improvement Act 1865 and of the Tyne Improvement Act 1877 which relate to the said swing bridge shall be varied and amended as follows:-

Amendment  
of  
provis-  
ions of  
Tyne Imp-  
rovement  
Acts 1865  
and 1877  
respecting  
swing  
bridge.

- (i) The Commissioners in addition to any directions now or hereafter made or given by them under section fifty-seven of the Tyne Improvement Act 1865 may from time to time make repeal or alter regulations for or incidental to the passing of any vessel through or for or incidental to the opening of the said swing bridge and copies of any such directions and regulations shall be kept legibly and conspicuously exhibited on boards or otherwise at the north and south ends of the said swing bridge and on the pier or timber platform thereof and also outside the office of the bridge-master and such exhibition shall be deemed to be full and sufficient notice of the existence and matter of such directions and regulations to all persons whomsoever and the owner manager agent master and pilot of any vessel infringing any of such directions or regulations shall be severally liable to a penalty not exceeding five pounds to be recovered by the Commissioners in any court of summary jurisdiction:

Tyne Improvement Act, 1886

- (ii) The minimum sum which the Commissioners may demand and receive as bridge dues in respect of every vessel passing either way through the opening or swing bridge shall be five shillings and if the passing of a vessel through the said opening or swing bridge entails the employment of the bridge men between sunset and sunrise or on a Sunday the Commissioners may in addition to the bridge dues demand and receive a reasonable charge in respect of such employment:
- (iii) Section twelve of the Tyne Improvement Act 1877 is hereby repealed and in lieu thereof it is hereby enacted that the Commissioners may refuse to open the said swing bridge for the passage of any vessel unless notice be given to the bridge-master or other person for the time being in charge of the bridge by the person for the time being in charge of such vessel or by the owner master or agent of such vessel not less than four hours before the time of opening and the Commissioners may also refuse notwithstanding such notice to open the said bridge for the passage of any vessel if in their opinion special circumstances exist which render it necessary or advisable that the bridge should not be opened:
- (iv) The Commissioners may from time to time with the consent of the respective corporations of the city of Newcastle-upon-Tyne and the borough of Gateshead make repeal alter and add to regulations for controlling and regulating the traffic along the said bridge and any person committing a breach of any of such regulations shall be liable to a penalty not exceeding forty shillings to be recovered by the Commissioners in any court of summary jurisdiction. Copies of such regulations shall be kept legibly and conspicuously exhibited at each end of the said bridge and such exhibition shall be deemed to be full and sufficient notice of the existence and matter of such regulations to all persons whomsoever.

Further  
power to  
deal with  
unservice-  
able vessels.

10. In addition to the powers conferred on the Commissioners and the harbour-master by section fifty-seven of the Harbours Docks and Piers Clauses Act 1847 and to the powers conferred on the Commissioners by the Removal of Wrecks Act 1877 the Commissioners may on giving notice of their intention by advertisement inserted three times in each of two local newspapers sell break up or otherwise dispose of or may cause to be sold broken up or otherwise disposed of any vessel laid by or neglected as unserviceable within the port and may receive the moneys if any arising therefrom and may retain out of such moneys any expenses incurred by them in respect or on account of such vessel and also any charges or expenses incurred by the Commissioners or the harbour-master under section fifty-seven of the Harbours Docks and Piers Clauses Act 1847 or section four of the Removal of Wrecks Act 1877 rendering the balance if any to the owner and if there be no such moneys or if any such moneys be insufficient to cover such expenses or charges the Commissioners may recover such expenses or charges or the unsatisfied balance thereof from the owner by proceeding or action in any court of summary or competent jurisdiction.

Tyne Improvement Act, 1886

11. The Commissioners shall have the appointment of meters and weighers within the limits of their docks and quays wharves shipping-places and other premises.

Appointment of meters and weighers.

12. Section forty-two of the River Tyne Improvement Act 1850 and sections thirty-three and thirty-four of the Tyne Improvement Act 1857 shall henceforth be read and have effect as if "three miles" were mentioned therein respectively instead of "two miles" and "twenty fathoms" instead of "ten fathoms" and section fifty-two of the Tyne Improvement Act 1861 shall also be read and have effect as if "twenty fathoms" were mentioned therein instead of "fifteen fathoms".

Amendment of enactments as to casting ballast &c. into sea.

17. The deed of transfer by the Trinity House of Newcastle-upon-Tyne of certain lighthouses and other property to the Commissioners which is set forth in the Second Schedule to this Act is hereby confirmed and the Commissioners may if they think fit at any time after they shall have constructed new lighthouses in lieu of the existing high and low lighthouses sell remove or otherwise dispose of the lighthouses and property so transferred as aforesaid and apply any proceeds towards the reduction of any loans effected under the powers conferred by section four of this Act.

Confirmation of scheduled deed.

20. No toll shall be demanded or taken in respect of any ferry or other undertaking of the Commissioners for any person or horse or carriage or other vehicle employed in conveying or guarding postal packets under the authority of Her Majesty's Postmaster General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same. The term "postal packet" in this section has the same meaning as in the Post Office (Protection) Act 1884.

Exemption from ferry tolls in respect of conveyance of postal packets.

21. Sections sixty-nine seventy-one seventy-four eighty-two eighty-five eighty-nine and ninety-one of the Act 10th George IV. c. xcvi and sections twenty-five forty one forty-two and fifty-one of Tyne Direct Ferry Company Act 1848 are hereby incorporated with this Act and all rights powers and privileges conferred upon the North and South Shields Ferry Company and the Tyne Direct Ferry Company respectively and all penalties imposed by the said several sections respectively shall so far as the same are or may be applicable be conferred upon and exercisable and recoverable by the Commissioners not only with respect to the undertakings established under or by virtue of the said respective Acts and subsequently acquired by the Commissioners but also with respect to any other ferries landing-places or other similar undertakings which have heretofore been provided or which shall under or by virtue of this Act be provided by the Commissioners.

Incorporation of sections of 10 Geo. IV c. xcvi and of the Tyne Direct Ferry Company Act 1848.

THE SECOND SCHEDULE

DEED OF TRANSFER by the Trinity House of Newcastle-upon-Tyne of certain lighthouses &c. to the Commissioners dated 11th day of October 1883 and being supplemental to another deed of transfer of certain rates and duties &c. of even date therewith.

THIS INDENTURE made the eleventh day of October One thousand eight hundred and eighty-three between the Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne (hereinafter called the said Trinity House") of the one part and the Tyne Improvement Commissioners (hereinafter called "the said Commissioners") of the other part.

WHEREAS by an indenture bearing even date herewith and made between the said Trinity House of the one part and the said Commissioners of the other part they the said Trinity House have made over absolutely and transferred to the said Commissioners their successors and assigns as from the thirty-first day of December one thousand eight hundred and eighty-two all lightage rates or duties and all buoy and beacon rates or duties leviable or recoverable by the said Trinity House under the Act of the 41st year of King George the Third cap. 86 entitled "An Act for extending and enlarging the powers and increasing the rates and duties of the Corporation of the Trinity House of Newcastle-upon-Tyne and for better regulating the port of Newcastle" (hereinafter referred to as the said Act of 1801) save only and except the rates or duties leviable in respect of the buoys and beacons north of the entrance to the River Tyne up to and inclusive of Holy Island And whereas it has been agreed between the said Trinity House and the said Commissioners that the said Trinity House shall by a supplemental indenture also make over absolutely and transfer to the said Commissioners the lighthouses lights buoys and beacons and the rights powers and privileges hereinafter mentioned Now this indenture (being supplemental to the said indenture bearing even date herewith as aforesaid) witnesseth that in pursuance of the said agreement and in consideration of the premises they the said Trinity House do hereby make over absolutely and transfer to the said Commissioners all the lighthouses and the houses attached to the lighthouse towers lights buoys and beacons mentioned in the schedule hereto and delineated on the Plan A annexed to these presents and thereon coloured red the said lighthouses and houses being also more particularly delineated on the plans marked respectively Plan B Plan C and Plan D and thereon coloured round with red and together with all rights powers and privileges belonging to or exerciseable by the said Trinity House in respect of or in connexion with the lighthouses and houses lights buoys and beacons so transferred as aforesaid including all such rights and powers of erecting placing and maintaining other lighthouses lights buoys and beacons in the harbour of Newcastle-upon-Tyne as are now vested in or exerciseable by the said Trinity House To hold the same unto the said Commissioners their successors and assigns upon and for the same trusts ends intents and purposes and subject to the same obligations and liabilities in all respects as the said Trinity House held the same immediately before the execution hereof.

In witness whereof the said Trinity House and the said Commissioners have respectively caused their common seals to be hereunto affixed the day and year first above written.

Tyne Improvement Act, 1886

The Common seal of the said Master) )  
Pilots and Seamen of the Trinity) )  
House of Newcastle-upon-Tyne ) )  
was hereunto affixed by order of) ) L.S. THOMAS WATSON,  
the Board in the presence of ) ) Master.  
FRED. SMITH, Secretary ) ) J. H. WATSON,  
Deputy Master.

The Common seal of the Tyne ) )  
Improvement Commissioners was ) ) JAMES C. STEVENSON,  
hereunto affixed in the ) ) Chairman  
presence of ) ) L.S.  
R. URWIN, Secretary ) )

THE SCHEDULE

The following lighthouses towers lights buoys beacons with the houses and vessels thereto attached or belonging in each case:-

1. High lighthouse at North Shields.
2. Low Lighthouse at North Shields.
3. New lighthouse on the Groyne at South Shields at the south side of harbour entrance.
4. One buoy at end of North Pier painted red.
5. One buoy at South Pier painted red and white vertically.
6. Two buoys on Mussel Scarp painted black.
7. One buoy on Herd Sand painted black.
8. One beacon on Black Middens with skeleton ball painted red.
9. Two brick obelisks on the Lawe at South Shields.

TYNE IMPROVEMENT ACT, 1890

An Act for consolidating the separate Funds of the Tyne Improvement Commissioners; and for amending the provisions of the Tyne Improvement Commission Act 1875 relating to the election of Commissioners and Auditor and of the Tyne Improvement Acts relating to the levying and collection of Rates and Dues; and for empowering the Commissioners to establish a Superannuation Fund: and for other purposes.

(22nd May 1890).

WHEREAS by the Tyne Improvement Acts 1850 to 1886 the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and were empowered to execute extensive works for the improvement of the River Tyne and to construct and maintain docks piers and other works and for those purposes to levy dues and to borrow money:

And whereas the dues and sums received by the Commissioners are carried to four funds called respectively the Tyne Improvement Fund the Moorings Fund The Tyne Piers Fund and the Northumberland Dock Fund and by the Tyne Improvement Act 1872 those four funds were for borrowing purposes but not otherwise consolidated into one fund called the Tyne Consolidated Fund:

And whereas it is expedient to consolidate the said four funds for all purposes into one fund:

And whereas it is expedient to amend the provisions of the Tyne Improvement Commission Act 1875 relating to the election of Commissioners and of an auditor of their accounts:

And whereas it is desirable to remove doubts and to make new provisions respecting the levying and collection of rates and dues by the Commissioners:

And whereas a superannuation fund has been established for the river police of the Commissioners and it is desirable to empower the Commissioners to establish (if they think fit) a superannuation fund for the whole of their permanent staff and to make contributions thereto:

And whereas it is desirable in other respects to enlarge the powers of the Commissioners and to amend the Tyne Improvement Acts 1850 to 1886:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say):

Inter-pretation. 3. In this Act the expression "the port" means the port of Newcastle-upon-Tyne as defined by the Tyne Improvement Act 1861 the expression "collector of rates" means collector of rates of the Commissioners the expression "manager" in relation to a company includes managing director the expressions "Tyne dues" "shipowners", "coal owners" "the year of election" "the three ports" "the three custom houses" "the Tyne district" and "revisers" shall have the same respective meanings which they have in the Tyne Improvement Commission Act 1875 and expressions to which meanings are assigned by the Acts incorporated with this Act or by any of the Tyne Improvement Acts have in this Act unless the meanings are enlarged by this Act or the context otherwise requires the same respective meanings:



Tyne Improvement Act, 1890

For the purposes of sections thirty-four to forty-five both inclusive and section forty-eight of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Act of section eight of the Tyne Improvement Act 1865 and of this Act the word "master" when used in relation to a vessel unless there be in the subject or context something repugnant to or inconsistent with such construction shall include the owner of and agent or broker for such vessel the word "owner" when used in relation to goods unless there be in the subject or context something repugnant to or inconsistent with such construction shall include as the case may be the consignor consignee importer shipper exporter receiver broker or agent for sale or custody and the word "vessel" shall include ship:

And in this Act and in any Act incorporated herewith the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

4. The works authorised by the Tyne Improvement Acts 1852 1861 and 1872 respectively shall for the purposes of section six of the Telegraph Act 1878 be deemed to be an undertaking authorised by Act of Parliament passed after the first day of January one thousand eight hundred and seventy-eight and the Postmaster-General shall have the same rights powers and authorities in under upon along over and across such undertaking of the Commissioners as are conferred upon him by that section with respect to undertakings mentioned or referred to in such section. Grant of powers to Postmaster-General in respect of telegraphs.

25. It is hereby declared that:

- (1) Where in any of the Tyne Improvement Acts 1850 to 1890 or in any schedule to any of such Acts the words "which shall leave or clear outwards from the port" "with a cargo to any port or place" "clearing" or "which shall receive cargo within the port" are used to describe or qualify the description of any vessel for the purpose of imposing on such vessel any outward due toll rate or charge such words shall in each case be deemed to be equivalent to or include the words "reported or cleared at any of the three custom houses" "reported at the office of the harbour master of the Commissioners or at the office of the collector of rates of the Commissioners" "using the port" and "leaving the port": Amendment of Tyne Improvement Acts 1850 to 1890
- (2) Where in any of the Tyne Improvement Acts 1850 to 1890 or in any schedule to any of such Acts the words "with a cargo" or "which shall discharge or deliver cargo within the port" are used to describe or qualify the description of any vessel for the purpose of imposing on such vessel any inward due toll rate or charge such words shall in each case be deemed to be equivalent to or include the words "reported or cleared at any of the three custom houses" "reported at the office of the harbour master of the Commissioners or at the office of the collector of rates of the Commissioners" "entering the port" and "using the port":

Tyne Improvement Act, 1890

(3) If any vessel shall clear or leave the port with cargo or solid or liquid fuel for use on board such vessel or intended to be carried partly to one port or place and partly to another port or place the Commissioners may charge demand and receive dues rates tolls or charges on the vessel as if she had cleared or left the port for any of such ports or places:

(4) The master of any vessel who in reply to inquiries by any officer of the Commissioners knowingly gives false or incorrect or incomplete information as to the destination of his vessel on leaving the port or as to the destination of any cargo or solid or liquid fuel on board of such vessel shall be liable to a penalty not exceeding fifty pounds. (as amended by the Criminal Justices Act 1982, as amended).

Report to collector of rates of vessels entering or leaving port.

26. (1) Within twenty four hours after the arrival within the port of any vessel liable to dues rates tolls or charges the master of such vessel shall report such arrival to a collector of rates The harbour master of the Commissioners shall be a collector of rates for the purpose of receiving such report in respect of any vessel entering the port for refuge or entering or leaving the port without receiving delivering or discharging cargo or solid or liquid fuel:
- (2) Before the departure from the port of any vessel liable to dues rates tolls or charges the master of such vessel shall report such intended departure to a collector of rates:
- (3) If the master of any vessel fail to make any such report in accordance with the provisions of this section he shall be liable to a penalty not exceeding fifty pounds. (as amended by the Criminal Justices Act 1982, as amended)

Master to deliver account in writing of fuel and ballast.

28. The master of any vessel shall within twelve hours after the arrival of such vessel within the port deliver to a collector of rates the best account in writing in his power of the kind weights and quantities of all solid or liquid fuel and ballast in such vessel when she enters the port and if such master refuse omit or neglect to deliver such account within the time aforesaid or shall deliver or give any false particulars he shall be liable to a penalty not exceeding fifty pounds. (as amended by the Criminal Justices Act 1982, as amended)

Master to deliver copy of bill of lading or manifest.

29. The master of any vessel shall before such vessel leaves the port deliver to a collector of rates a copy of the bill of lading or manifest of the cargo and an account in writing of the quantity of solid and liquid fuel and ballast with which the vessel is intended to leave or is leaving the port and if such master refuse omit or neglect to deliver such copy of the bill of lading or manifest or such account or shall deliver or give any false particulars he shall be liable to a penalty not exceeding fifty pounds. (as amended by the Criminal Justices Act 1982, as amended)

Power to license and make charges in respect of certain river craft.

35. The Commissioners may on such terms and conditions as they from time to time shall think fit grant licenses in respect of vessels moored or intended to be moored in the port and used or intended to be used for the storage or sale of coal or merchandise or for the deposit of ashes or other refuse or for any other purpose and in respect of boats carrying or intended to carry stores for sale and boats carrying or intended to carry marine

Tyne Improvement Act, 1890

stores in the port and may take a charge not exceeding \*sixty shillings for such license and no vessel or boat shall be used for any of such purposes unless and until such license shall have been granted and such charge has been paid.

Any such license shall if granted be granted for the period named therein and the owner of every such vessel or boat used or intended to be used as aforesaid shall before the first day of January in every year apply in writing to the Commissioners for a license in respect of that vessel or boat for such year and if such license be granted by the Commissioners such owner shall on the granting of the same pay such charge as aforesaid in respect of the period named in such license:

Every application for a license shall state the full name and address of the owner of such vessel or boat and of the person applying and the purpose for which such vessel or boat is intended to be used:

The Commissioners may refuse to grant a license in respect of any such vessel or boat or may withdraw any license granted in respect of any such vessel or boat:

Any person using or causing permitting or suffering to be used any unlicensed vessel or boat for any of the before-named purposes shall be liable to a penalty not exceeding five pounds for every day during which such vessel or boat shall be used without license:

Provided always that nothing in this section contained shall apply to any boat belonging to any vessel other than the vessels in this section mentioned.

(\* increased from 20/- to 30/- by section 2, Tyne Improvement Act 1919; further increased to 60/- by section 26 of and the Third Schedule to the Tyne Improvement Act 1950 - see article 88(3) of Port of Tyne Reorganisation Scheme 1967)

42. In addition to the powers conferred on the Commissioners and the harbour master by section fifty-seven of the Harbours Docks and Piers Clauses Act 1847 and to the powers conferred on the Commissioners by the Removal of Wrecks Act 1877 and by section ten of the Tyne Improvement Act 1886 or any other Act the Commissioners may on giving notice of their intention by advertisement inserted three times in each of two local newspapers circulated in the Tyne district sell break up or otherwise dispose of or may cause to be sold broken up or otherwise disposed of any wreck or any vessel or thing sunk stranded or abandoned or any obstruction within the port or in or near any approach thereto and may recover and receive the moneys (if any) arising therefrom and may retain out of such moneys any expenses incurred by them in lighting watching advertising buoying raising removing breaking up or selling such wreck vessel thing or obstruction or any part thereof or otherwise in any manner or for any purpose whatsoever in respect or on account of such wreck vessel thing or obstruction or any part thereof and also any charges or expenses incurred by the Commissioners or the harbour master under section fifty-seven of the Harbours Docks and Piers Clauses Act 1847 or section four of the Removal of Wrecks Act 1877 rendering the balance (if any) to the person who was the owner of such wreck vessel thing or obstruction immediately before it became a wreck or obstruction or was sunk stranded or abandoned and if there be no such moneys or if any such moneys be insufficient to cover all of such

Further power to deal with wrecks &c. and recover expenses.

Tyne Improvement Act, 1890

expenses and charges the Commissioners may recover such expenses and charges or the unsatisfied balance thereof from such person or from any person who was the owner of such wreck vessel thing or obstruction at any time after it became a wreck or obstruction or was sunk stranded or abandoned and before it was sold by the Commissioners by proceeding or action in any court of summary or competent jurisdiction Provided always that for the purposes of this clause the word "vessel" shall include and extend to everything included in the same word in the Removal of Wrecks Act 1877 under or by virtue of section six of that Act.

(As amended by section 73 of the Tyne Improvement Act, 1934).

(Note: Section 42 is repealed so far as it relates to wrecks - see Article 88 and Schedule 2 of Port of Tyne Reorganisation Scheme 1967)

TYNE IMPROVEMENT ACT, 1897

An Act for empowering the Tyne Improvement Commissioners to create and issue Stock and for the completion of Works and for amending certain of the provisions of the Tyne Improvement Acts 1850 to 1890 and for other purposes.  
(6th August 1897).

WHEREAS by the Tyne Improvement Acts 1850 to 1890 the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and were empowered to execute extensive works for the improvement of the River Tyne and to construct and maintain docks piers and other works and for those purposes to levy dues and to borrow money:

And whereas all dues rates tolls charges and moneys received by the Commissioners are now carried to one fund known as the Tyne Consolidated Fund and all expenditure of the Commissioners is defrayed out of that fund:

And whereas the Commissioners under the Tyne Improvement Acts 1850 to 1890 are authorised to borrow sums amounting in the aggregate to four million three hundred and twelve thousand pounds and of that amount they have raised up to the thirty-first October one thousand eight hundred and ninety-six by debenture stock one hundred and four thousand seven hundred and eighty pounds and by three mortgages two thousand three hundred and fifty pounds and by mortgages ranking pari passu with each other but after the said debenture stock and three mortgages four million one hundred and sixty-nine thousand eight hundred and twenty-seven pounds three shillings:

And whereas the Commissioners have no power to create or issue any further debenture stock:

And whereas it is expedient to empower the Commissioners to create and issue stock and to make provisions for the conversion of their existing debt or any part thereof into such stock:

And whereas under section 20 of the Tyne Improvement Act 1872 section 19 of the Tyne Improvement Act 1877 and section 6 of the Tyne Improvement Act 1886 the Commissioners are under an obligation from time to time at yearly half-yearly or other intervals to appropriate out of the income of the Tyne Consolidated Fund such sums as (with any accumulation thereof) will be sufficient to pay off within sixty-one years from the passing of the Tyne Improvement Act 1886 (that is to say on before the fourth day of June one thousand nine hundred and forty-seven) all money borrowed by them but the Commissioners are not obliged to make any such appropriations until after the fourth day of June one thousand eight hundred and ninety-seven:

Tyne Improvement Act, 1897

And whereas the time limited for the completion of the works authorised by any of the Tyne Improvement Acts 1850 to 1890 except the works to which no limit of time is applicable will expire on the fourth day of June one thousand eight hundred and ninety-seven and it is expedient to extend that time:

And whereas the expenditure on those works has been largely defrayed out of the surplus revenue of the Tyne Consolidated Fund and it is proposed to similarly defray a large proportion of the remaining capital expenditure and storms have caused considerable damage to the north pier of the Commissioners which will render necessary large expenditure out of surplus revenue in repairing and reinstating and improving such pier and it is accordingly expedient to further extend the time for the repayment of the debt of the Commissioners:

And whereas it is desirable in other respects to enlarge the powers of the Commissioners and to amend the Tyne Improvement Acts 1850 to 1890:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say):-

46. The Commissioners may make such arrangements with any person for or with regard to the admission of or use by such person to or of any of their piers and landing places and may make such reasonable charges for such admission or use and may vary such charges as they may from time to time see fit Provided that the Commissioners shall exhibit on a placard at the entrance of every pier or landing stage the charges for admission as fixed or varied from time to time:

Admission of  
public to piers.

Provided that this section shall not apply to any person being a passenger to or from the landing stages at the north and south piers or either of them by any steamer or other boat belonging to the Tyne General Ferry Company so long as any agreement between the said company and the Commissioners in respect of the user or the said landing stages or either of them shall subsist.

49. The Commissioners may pay or secure to any officer or servant who shall have held an appointment under them whether before or after the passing of this Act such sum in gross or such periodic sum either during his life or any less period as they may think reasonable and any periodic sum may be secured to such officer or servant by bond under the common seal of the Commissioners and the Commissioners may contribute towards the relief of any officer or servant disabled or injured in the service of the Commissioners and the widow or wife and any member or members of the family of any officer or servant dying or disabled or injured in the service of the Commissioners:

Power to grant  
allowances &c.  
in certain  
cases.

Tyne Improvement Act, 1897

Provided always that any such periodic sum as aforesaid may be granted subject to a condition that the same shall be an inalienable personal provision for the officer or servant to whom it is granted and shall cease if and whenever such officer or servant shall assign charge or encumber or attempt to assign charge or encumber the same or any part thereof or if and whenever the same or any part thereof shall by operation of law or otherwise cease to belong or be payable to such officer or servant or become payable to any other person.

(As amended by Article 88 and Schedule 2 of Port of Tyne Reorganisation Scheme 1967)

Amendment 69. Section 5 of the Tyne Improvement Act 1877 shall be read of and have effect as if after the word "port" there had been section inserted the words "and in respect of ships or vessels and of 5 of Act steam vessels built and launched in the Tyne and of of 1877. propelling machinery put on board any vessel":

Provided that vessels built and launched on the Tyne and on which the dues of fourpence per ton register and fourpence per ton weight of machinery named in Schedule B of the Act of 1877 as amended by this Act are leviable shall not either as incompleated hulls leaving the Tyne for another port for machinery and returning to the Tyne for completion or as vessels leaving the Tyne for trial trips and returning to the Tyne immediately after such trial trips be liable for the due of twopence halfpenny per register ton leviable under clause 8 of the Act of 1877 on vessels "entering or leaving the port without receiving delivering or discharging cargo."

TYNE IMPROVEMENT ACT, 1902

An Act for empowering the Tyne Improvement Commissioners to construct new landing-stages and other works and for enlarging the powers of the Commissioners with respect to their ferries and for other purposes.

(23rd June 1902).

WHEREAS in the year one thousand eight hundred and sixty-three the Tyne Improvement Commissioners (hereinafter called "the Commissioners") in pursuance of provisions in that behalf contained in the Tyne Improvement Act 1861 and the Tyne General Ferry Act 1862 acquired from the North and South Shields Ferry Company their undertaking rights and powers including the ferries known respectively as:-

The Market Place or Penny Ferry;  
The Whitehill Point Ferry;  
The Direct or Halfpenny Ferry;

and all the rights powers and liabilities of the North and South Shields Ferry Company were transferred to the Commissioners:

And whereas the Commissioners have maintained and worked the said ferries to the great benefit and advantage of the public but further and improved landing-stages and other accommodation are now urgently required:

And whereas it would be of local and public advantage if the Commissioners were empowered to construct the new landing-stages and other works by this Act authorised:

Tyne Improvement Act, 1902

And whereas it is expedient that the Commissioners be empowered from time to time to vary the route of any of their ferries:

And whereas it is expedient to enlarge the powers of the Commissioners for making byelaws and regulations and in other respects and to amend the Tyne Improvement Acts 1850 to 1898:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference to the plans 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 clerks of the peace for the counties of Durham and Northumberland respectively and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

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

3. Expressions and words to which meanings are assigned by any Act incorporated herewith or by any of the aforesaid Tyne Improvement Acts have in this Act (unless the context otherwise requires) the same respective meanings. Interpretation.

5. Subject to the provisions of this Act the Commissioners may enter on take and use such of the lands delineated and described on and in the deposited plans and book of reference as they may require and they may upon over or under those lands make and maintain within the limits of deviation and (subject as hereinafter mentioned) according to the lines and levels shown on the deposited plans and sections the several works by this Act authorised to be executed. Power to acquire lands and execute works.

The works which the Commissioners are by this Act authorised to execute comprise the works following (that is to say):-

DIRECT OR HALFPENNY FERRY AND MARKET PLACE OR  
PENNY FERRY.

- (1) A floating landing-stage or stages at or near the New Quay North Shields and the removal of the existing landing-stage of the Direct or Halfpenny Ferry and of the landing-stage of the Commissioners at or near the said New Quay in connexion with the Penny Ferry and of the North Shields landing-stage of the Tyne General Ferry Company at or near the said New Quay:

Provided always that the above works shall not unless otherwise agreed between the Commissioners and the Most Noble Henry George Duke of Northumberland be executed by the Commissioners otherwise than in conformity with and in the position shown on the signed plan referred to in the section of this Act whereof of the marginal note is "For protection of Duke of Northumberland" but this proviso shall not prevent the execution of the said Works by the Commissioners on a scale less than that shown on the signed plan if they see fit:

DIRECT OR HALFPENNY FERRY.

- (2) A floating landing-stage or stages extending for a distance of 12 yards or thereabouts northward and 3 yards or thereabouts southward of the existing landing-stage of the Commissioners' Direct or Halfpenny Ferry at Comical Corner South Shields and extending westward into the River Tyne for a distance of 28 yards or thereabouts from the face of the existing quay at or near the site of the said existing landing-stage and the removal of the said existing landing-stage:

MARKET PLACE OR PENNY FERRY.

- (3) (A) A floating landing-stage or stages extending for a distance of 70 yards or thereabouts northward and 24 yards or thereabouts southward of the existing landing-stage of the Commissioners' Market Place or Penny Ferry at South Shields and extending westward into the River Tyne for a distance of 65 yards or thereabouts from the face of the existing quay at the site of the said existing landing-stage and the removal of the said existing landing-stage:
- (B) A widening on both sides thereof of the approach from Ferry Street to the said existing landing-stage:

WHITEHILL POINT FERRY.

- (4) A floating landing-stage or stages commencing 32 yards or thereabouts to the north-east of the existing landing-stage of the Commissioners' Whitehill Point Ferry at or near Whitehill Point and extending for a distance of 21 yards or thereabouts north-eastward and extending for a distance of 23 yards or thereabouts from the Commissioners' quay at or near to the site of the said existing landing-stage south-eastward into the River Tyne and the removal of the said existing landing-stage:
- (5) A floating landing-stage or stages 21 yards or thereabouts in length situate at or about the site of the existing landing-stage of the Commissioners' Whitehill Point Ferry at Penny Pie Stairs at South Shields and extending for a distance of 19 yards or thereabouts north westward into the River Tyne from the quay at or near Penny Pie Stairs and the removal of the said existing landing-stage.

Together with all necessary gangways bridges quays wharves approaches roads footpaths walls abutments stairs chains moorings buoys toll-gates toll-houses building works cranes machinery and conveniences in connexion with the said ferries landing-stages and works.

For protection of Duke of Northumberland. 16. For the protection of the Most Noble Henry George Duke of Northumberland his heirs successors and assigns (hereinafter in this section collectively and individually referred to as "the Duke"):-

- (1) The Commissioners shall not under the powers of this Act acquire otherwise than by agreement any lands belonging to the Duke or any easements in or over lands belonging to the Duke except that they may acquire-



Tyne Improvement Act, 1902

- (A) Lands forming part of the bed of the River Tyne above which the floating landing-stages and the gangways shown on a plan which has been signed on behalf of the Commissioners by their secretary Robert Urwin and on behalf of the Duke by his solicitor Charles Gibbons May (hereinafter referred to as "the signed plan") are to be moored or fixed;
- (B) Lands on the north foreshore or bank of the River Tyne on which the gangways of the easternmost of the said floating landing-stages are designed to rest; and
- (C) An easement for foot passengers over the land coloured blue on the signed plan lying to the south-west the west and the north-west of the properties Nos. 25 and 26 on the signed plan:
- (2) The Commissioners shall not under the powers of this Act without the consent of the Duke lay down or fix any moorings for or in connexion with either of the said floating landing-stages which will cause any greater interference with the access to the New Quay between the sites of the said floating landing-stages or between such sites and the lands of the Duke than is liable to be caused by the moorings shown on the signed plan and the Commissioners shall not erect or place any gangway bridge quay stairs chains or other works in connexion with Work No. 1 which will interfere with the access by water to the New Quay or the said lands of the Duke other than such as is shown on the signed plan:
- (3) In the event of the Commissioners commencing to make or execute any portion of the easternmost of the said floating landing-stages shown on the signed plan or of the gangway in connexion therewith they shall complete such landing-stage and gangway and shall within three months after the completion thereof remove the existing landing-stage of the Direct or Halfpenny Ferry at or near the New Quay North Shields and the North Shields landing-stage of the Tyne General Ferry Company at or near the said New Quay and the gangways connected with the said two landing-stages.

17. Except as is by this Act expressly provided nothing in this Act contained shall take away divest lessen alter or in any manner affect or prejudice any property or royalties rights estates duties tolls payments customs powers authorities jurisdictions privileges liberties franchises emoluments or advantages whatsoever of or belonging to the Most Noble Henry George Duke of Northumberland his heirs assigns or successors in the barony of Alnwick and the manors of Tynemouth Warkworth and Alnmouth or any of them as lord or lords thereof respectively or as grantee or grantees of the Crown or otherwise or of any future lord or ladies thereof respectively or of the assigns of such grantee or grantees or of his or their officer or officers in their respective duties within the same or any estate right title or interest of the said Henry George Duke of Northumberland his heirs and assigns as such grantee or grantees as aforesaid or otherwise in or Saving rights of Duke of Northumberland.

Tyne Improvement Act, 1902

to the bed and soil banks and shores of the River Tyne or any part thereof but except as aforesaid all such property royalties rights titles estates interests duties tolls payments customs powers authorities jurisdictions privileges franchises emoluments and advantages shall be exercised received and enjoyed and shall continue and be preserved whole and unimpaired as if this Act were not passed.

Power to vary routes of ferries. 18. The Commissioners may from time to time vary the route of any of their ferries at any time running between any points on the banks or foreshore of the River Tyne between which prior to the passing of this Act the Commissioners could run ferries and may acquire by agreement lands and may construct maintain alter remove or discontinue landing-stages approaches buildings and other works and do all other things necessary or proper for carrying into effect any such variation of route and for making the same as useful and advantageous to the public as may be.

All persons animals vehicles goods merchandise and things shall be carried over any such varied route where the requisite accommodation has been provided on payment of the tolls and charges authorised in respect of the route for which such new route is substituted but subject nevertheless to the like exemptions and nothing in this Act affects prejudicially any right interest power or privilege of the Crown.

Byelaws for ferries. 20. The Commissioners may make byelaws for regulating the use of their ferries and the conduct of persons on ferry boats or on any approaches to their ferries which are the exclusive property of the Commissioners and with respect to the navigation of vessels within the area traversed by the said ferries and for the prevention of interference with the working of the said ferries or obstruction of any such approaches as aforesaid and the riverward approaches to any of the Commissioners' landing-stages and the provisions of the Harbours Docks and Piers Clauses Act 1847 "with respect to the byelaws to be made by the undertakers" shall be deemed to apply to such byelaws.

TYNE IMPROVEMENT ACT, 1907.

An Act for conferring further powers on the Tyne Improvement Commissioners and for amending certain of the Tyne Improvement Acts 1850 to 1902 and for other purposes. (4th July 1907,)

WHEREAS by the Tyne Improvement Acts 1850 to 1902 the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and were empowered to execute extensive works for the improvement of the river and port and to construct and maintain docks piers and other works and for those purposes to levy dues and borrow money:

And whereas it is expedient to empower the Commissioners to acquire certain lands for the improvement of the river between the east end of Ryton Island and the western limit of the Commissioners' jurisdiction near Hedwin Streams and to extend the powers of the Commissioners for dealing with lands not required for the purposes of their Acts:

And whereas it is expedient to extend the time limited for the completion of the works authorised by the Tyne Improvement Acts 1850 to 1902 other than the works to which no limit of time is applicable:

The Tyne Improvement Act, 1907

And whereas the North Pier at the mouth of the river authorised by the Tyne Improvement Act 1852 and the Tyne Improvement Act 1859 (hereinafter in this Act referred to as "the North Pier") was some time since to a considerable extent destroyed by storms and it is expedient to authorise the alteration and reconstruction of the said pier as provided by this Act:

And whereas it is expedient to authorise the diversion of a footpath in this Act described:

And whereas it is expedient to enable the Commissioners to construct additional works when required for the support maintenance and protection of the North Pier when so reconstructed and of the South Pier authorised by the Tyne Improvement Act 1852 and the Tyne Improvement Act 1859 (hereinafter in this Act referred to as "the South Pier"):

And whereas it is expedient owing to the said reconstruction of the North Pier and for other reasons to fix and define more accurately the seaward boundary of the port:

And whereas it is expedient to extend the powers of the Commissioners with regard to moorings in the port:

And whereas it is expedient to confer further powers on the Commissioners in relation to the levying and recovery of dues rates and charges:

And whereas it is expedient to enable the Commissioners to make byelaws for preventing or regulating the discharge or escape of inflammable or dangerous substances in the port:

And whereas it is expedient to make such other provisions as this Act contains:

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

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

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

3. Expressions and words to which meanings are assigned by any Act incorporated herewith have in this Act unless the context otherwise requires the same respective meanings and the following words and expressions have for the purposes of this Act unless the context otherwise requires the following meanings (that is to say):-

Interpretation.

The expression "the port" means the port of Newcastle-upon Tyne as defined by the Tyne Improvement Act 1850 and as extended by the Tyne Improvement Act 1861 the Tyne Improvement Act 1867 the Tyne Improvement Act 1872 and this Act;

The expression "the river" and the expression "the River Tyne"

The Tyne Improvement Act, 1907

means the parts of the River Tyne within the jurisdiction of the Commissioners under any of the Tyne Improvement Acts 1850 to 1902 or this Act;

The expression "vessel" and the expression "the Northumberland Docks" shall have the same respective meanings as in section 4 of the Tyne Improvement Act 1867.

Power to divert foot-path.

13. Subject to the provisions of this Act the Commissioners may execute the work described in this section and so far as such work is shown upon the plans and in accordance with such plans (namely):

In the parish of Ryton in the urban district of Ryton the county of Durham and in the parish of Heddon-on-the-Wall in the rural district of the Castle-Ward in the county of Northumberland a diversion of the footpath leading from Newburn to North Wylam such diversion to commence at a point in the said parish of Heddon-on-the-Wall at or near the boundary stone at Hedwin Streams and to terminate at a point in the said footpath in the parish of Ryton two hundred and fifty-three yards or thereabouts measured in a westerly direction from the point where such footpath crosses the boundary between the parish and urban district of Newburn and the parish and urban district of Ryton.

Repair of new foot-path.

18. The new or diverted portion of the footpath to be made under the authority of this Act shall unless otherwise agreed when made and completed be repaired and maintained by and at the expense of the parties liable to maintain the portions of the footpath hereby authorised to be diverted.

Vesting site of portions of foot-paths stopped up.

19. The site and soil of so much of the said footpaths as under the powers of this Act the Commissioners shall stop up and discontinue for public traffic are by this Act vested (as to so much thereof as is bounded on both sides by land of the Commissioners) in the Commissioners and (as to so much thereof as is bounded on both sides by land of any other person) in such other person and (as to so much thereof as is bounded on opposite sides by lands belonging to different persons) in such owners respectively to the centre of the respective footpaths in proportion to the respective frontages of their lands thereto.

Power to construct groynes &c. for support of piers.

20. The Commissioners may from time to time as occasion may require on the outside and inside of the North Pier when reconstructed and on the outside and inside of the South Pier erect deposit and maintain such groynes wave breakers concrete blocks and other works and materials as they may deem necessary or expedient for the support maintenance or protection of the North Pier when reconstructed or the South Pier or any part thereof respectively.

Powers as to moorings.

22. (1) The Commissioners may from time to time on such terms and conditions as they shall think fit grant licences to any corporation or person to place lay down maintain use and have existing and future moorings in the river and may contribute to the cost of the same and the Commissioners may also grant licences to any corporation or person to exercise the privilege of preferential right of user of moorings laid down by the Commissioners in consideration of a contribution or periodical payment by such corporation or person to the Commissioners.

The Tyne Improvement Act, 1907

(2) All existing and future moorings belonging to the Commissioners or over which they have rights of user for vessels whether belonging to the Commissioners or not shall for the purpose of the charges and rates leviable by the Commissioners for the use of moorings in the river be deemed to be moorings provided by the Commissioners under the Tyne Improvement Acts 1850 to 1902 Provided that the Commissioners shall not levy such charges or rates in respect of the user of moorings by or for the purposes of the corporation or person who have laid down or may hereafter lay down the same nor in respect of the preferential user of moorings by or for the purposes of a corporation or person in pursuance of a licence granted by the Commissioners.

(3) The Commissioners may make byelaws for the purpose of regulating the placing laying down maintaining using and having existing and future moorings in the river and such purpose shall be deemed to be included among the purposes enumerated in section 53 of the Tyne Improvement Act 1865 and to be subject in all respects to the provisions of that section and of section 54 of the said Act.

25. Nothing contained in the section of this Act the marginal note of which is "Powers as to moorings" or in any byelaws to be made thereunder shall apply to any docks belonging to the North Eastern Railway Company adjacent to communicating with or adjoining the river or to such part of any basin in or on the river belonging to the same company as has been formed by the excavation of land not covered with water at high water of spring tides.

For protection  
of North Eastern  
Railway Company.

27. The builder of any ship or vessel built on the banks of or launched or floated into the river shall not less than seven days before such ship or vessel leaves the port for the first time deliver or send by post addressed to the Commissioners at their office in Newcastle upon Tyne a statement in writing signed by or on behalf of such builder of the name and address of such builder and the name and address of the person who shall have bought or agreed to buy such ship or vessel from such ship or vessel from such builder or who at the time of the delivery or posting of such statement shall be the owner of such ship or vessel and the name and address of any local agent (known to such builder) of such person and the date on which such ship or vessel is expected or intended to leave the port for the first time and for the purposes of any of the provisions of any of the Tyne Improvement Acts 1850 to 1902 or of this Act or of any of the Acts incorporated therewith respectively with respect to the enforcement collection or recovery of any due rate payable by the master thereof on or in respect of such ship or vessel leaving the port for the first time such person shall be deemed to be included in the expression "the master" as used in any of the said Acts.

Extension of  
powers of  
Commissioners to  
recover dues.

If such builder omits to deliver or post such statement as aforesaid by the time hereinbefore provided or if insufficient information or any incorrect information is contained in any such statement delivered or posted as aforesaid such builder shall thereupon be or become liable to pay to the Commissioners on demand the due or rate of twopence halfpenny per register ton payable to them under section 8 of the Tyne Improvement Act 1877 as amended by section 69 of the Tyne Improvement Act 1897 in respect of such ship or vessel leaving the port for the first time Provided always that any such due or rate so demanded and recovered by the Commissioners from such builder shall be recoverable by such builder from the master of the ship or vessel liable to pay the same and such builder shall have all such rights of recovering such due or rate from such master as the Commissioners have by distress under the Harbours Docks and Piers Clauses Act 1847 or under the section of this Act the marginal note whereof is "Recovery of dues &c. by action" Provided also that nothing herein contained shall authorise the Commissioners to demand and recover from such master any due or rate or in default of payment thereof three times the amount of such due or rate after such due or rate shall have been recovered from or paid by such builder or to demand and recover from such builder any due or rate which shall have previously been recovered from or paid by such master.

Saving rights of Duke of Northumb-land. 39. Except as is by this Act expressly provided nothing in this Act contained shall take away divest abridge lessen alter or in any manner affect or prejudice any property or royalties rights estates duties tolls payments customs powers authorities jurisdictions privileges liberties franchises emoluments or advantages whatsoever of or belonging to the Most Noble Henry George Duke of Northumberland his heirs assigns or successors in the barony of Alnwick and the manors of Tynemouth Warkworth and Alnmouth or any of them as lord or lords thereof respectively or as grantee or grantees of the Crown or otherwise or of any future lords or ladies thereof respectively or of the assigns of such grantee or grantees or of his or their officer or officers in their respective duties within the same or any estate right title or interest of the said Henry George Duke of Northumberland his heirs and assigns as such grantee or grantees as aforesaid or otherwise in or to the bed and soil banks and shores of the River Tyne or any part thereof but except as aforesaid all such property royalties rights titles estates interests duties tolls payments customs powers authorities jurisdictions privileges franchises emoluments and advantages shall be exercised received and enjoyed and shall continue and be preserved whole and unimpaired as if this Act were not passed.

Saving rights of corporation of Newcastle-upon-Tyne. 40. Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice alter or affect any of the estates lands property and effects of the lord mayor alderman and citizens of the city and county of Newcastle-upon-Tyne or any of the tolls rates dues duties issues profits or other income whatsoever of or payable to that corporation or any of the powers authorities franchises customs usages immunities rights or privileges of that corporation.

TYNE IMPROVEMENT ACT, 1908

An Act for conferring further powers on the Tyne Improvement Commissioners in reference to dredging.  
(1st August 1908.)

WHEREAS by the Tyne Improvement Acts 1850 to 1907 the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and were empowered to execute extensive works for the improvement of the river and to construct and maintain docks piers and other works and for those purposes to levy dues and borrow money:

And whereas it is expedient to extend the powers of the Commissioners for dredging and deepening the river:

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

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

2. In this Act the expression "the river" means the parts of the River Tyne within the jurisdiction of the Commissioners under any of the Tyne Improvement Acts 1850 to 1907. Interpretation.

3. (1) In addition to the powers conferred on the Commissioners by the Tyne Improvement Act 1861 the Commissioners may from time to time to such depths and in such manner as they think fit dredge deepen excavate cleanse and otherwise improve the bed and channels of the river and the bed of the sea within the limits of their jurisdiction and remove or lower any shoals or other impediments or obstructions therein and for any of those purposes may if they think fit build purchase hire or otherwise employ dredgers vessels machinery or apparatus worked or propelled by steam or otherwise Provided that the powers conferred by this subsection shall not (except when such powers are required to be exercised under the provisions of subsection (2) of this section) be exercised within one hundred feet of any lands quays or buildings above high-water mark of ordinary spring tides and not belonging to the Commissioners Provided further that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade. Dredging and other powers.

(2) The Commissioners may if they think fit enter into and carry into effect agreements with any owner lessee or occupier of any wharf or premises within or abutting upon the limits of their jurisdiction for or with respect to the execution of any dredging or other like work which such owner lessee or occupier may desire to be effected and may either themselves effect any such work or let or allow the use of any dredger vessel machinery or apparatus belonging to them to such owner lessee or occupier on such terms and conditions pecuniary or otherwise as they may think fit but nothing contained in this subsection or in any agreement entered into thereunder shall be deemed to empower any such owner lessee

The Tyne Improvement Act, 1908

or occupier as aforesaid himself to execute any dredging or other like work or to do any other act or thing which he could not lawfully have executed or done if this Act had not been passed and any dredging or other like work executed under this subsection or any such agreement as aforesaid shall be subject to the provisions of the section of this Act of which the marginal note is "For protection of riparian owners and others."

(See also Article 29 of Port of Tyne Reorganisation Scheme 1967)

As to protective works.                   4. It shall be the duty of the Commissioners to make provision for and carry out such protective works as may hereafter be necessary and practicable in order to obviate or counteract any damage likely to arise from any increased range owing to the exercise of the increased power of dredging by this Act authorised.

For protection of riparian owners and others.                   5.(1) Such of the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and and taking of lands otherwise than by agreement as relate to compensation in respect of lands injuriously affected by the execution of the undertaking or works authorised by the special Act shall apply to as well any lands forming part of the bed of the river as any lands situate near to or abutting upon the river and to any structure projecting into the river and to any bridge over the river and to any gas or water main or pipe belonging to a statutory gas or water company and to any electric line belonging to a company or local authority supplying electrical energy under statutory powers and laid on any such bridge and for such purpose such provisions are incorporated with this Act and shall apply to the dredging and other operations by this Act authorised as fully as if within the meaning of the said Lands Clauses Consolidation Act 1845 this Act were the special Act and such dredging and other operations were the works or undertaking by the special Act authorised to be executed and the Commissioners were the promoters of the undertaking And any person being the owner of or having any interest in any such lands structure bridge main or pipe or electric line as aforesaid which shall be injuriously affected by such dredging or other operations shall be entitled to compensation accordingly in respect of such injurious affection In this section the word "lands" shall have the same meaning as in the Lands Clauses Consolidation Act 1845.

(2) In estimating the compensation to which the corporation of Tynemouth may at any time become entitled under the provisions of this Act such compensation shall include any loss of profits directly sustained by them in respect of the user of their quays and wharves so injuriously affected by the execution of the works of the Commissioners under this Act.

For protection of North Eastern Railway Company.                   6. For the protection of the North Eastern Railway Company (in this section called "the railway company") the following provisions shall have effect (that is to say):-  
the Commissioners shall not in the exercise of the powers conferred upon them by this Act -

(1) carry out or permit to be carried out any dredging or other works which may damage or interfere with the high-level bridge of the railway company spanning the River Tyne;



The Tyne Improvement Act, 1908

- (2) without the consent of the railway company dredge deepen excavate cleanse or remove or lower any shoals or other impediments or obstructions in the bed and channels of the River Tyne within a distance of one hundred feet of the railway company's Hillgate Wharf Redheugh Wharf and Skinnerburn Wharf.

8. Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice alter or affect any of the estates lands property and effects of the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne or any of the tolls rates dues duties issues profits or other income whatsoever or payable to that corporation or any of the powers authorities franchises customs usages immunities rights or privileges of that corporation.

Saving rights of corporation of Newcastle-upon Tyne.

9. For the protection of the Redheugh Bridge Company and of the Newcastle-upon-Tyne and Gateshead Gas Company and the Newcastle and Gateshead Water Company respectively (which companies are in this section respectively called "the bridge company" "the gas company" and "the water company") the following provisions shall have effect (that is to say):-

For protection of Redheugh Bridge Company and others.

The Commissioners shall not exercise the powers conferred upon them by this Act or any of the Tyne Improvement Acts 1850 to 1907 so as to damage interfere with or injuriously affect the bridge company's Redheugh Bridge or any approach thereto or any fenders jetties or other works connected therewith or any gas or water mains or pipe connexion for the time being maintained on the said bridge or any approach thereto by the gas company and the water company respectively and particularly but without prejudice to the generality of this enactment the Commissioners shall not carry on any dredging operations within a distance of thirty feet measured from any part of the face of the existing fender protecting the centre river pier of the said bridge Provided that nothing in this Act contained shall prejudice or affect any right or immunity of the Commissioners under or by virtue of section 19 of the Redheugh Bridge Act 1896.

10. Except as is by this Act expressly provided nothing in this Act contained shall take away divest abridge lessen alter or in any manner affect or prejudice any property or royalties rights estates duties tolls payments customs powers authorities jurisdictions privileges liberties franchises emoluments or advantages whatsoever of or belonging to the Most Noble Henry George Duke of Northumberland his heirs assigns or successors in the barony of Alnwick and the manors of Tynemouth Warkworth and Alnmouth or any of them as lord or lords thereof respectively or as grantee or grantees of the Crown or otherwise or of any future lords or ladies thereof respectively or of the assigns

Saving rights of Duke of Northumberland.

The Tyne Improvement Act, 1908

of such grantee or grantees of his or their officer or officers in their respective duties within the same or any estate right title or interest of the said Henry George Duke of Northumberland and his heirs and assigns as such grantee or grantees as aforesaid or otherwise in or to the bed and soil banks and shores of the River Tyne or any part thereof but except as aforesaid all such property royalties rights titles estates interests duties tolls payments customs powers authorities jurisdictions privileges franchises emoluments and advantages shall be exercised received and enjoyed and shall continue and be preserved whole and unimpaired as if this Act were not passed.

TYNE IMPROVEMENT ACT, 1925

An act to confer further powers on the Tyne Improvement Commissioners to amend the Acts relating to the Commissioners to make provision as to the maintenance and repair of the Swing Bridge over the Tyne and matters incidental thereto and for other purposes.

(30th June 1925.)

WHEREAS by the Tyne Improvement Acts 1850 to 1920 the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the River Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works and to borrow money:

And whereas the Commissioners in pursuance of provisions contained in the Tyne Improvement Act 1861 and the Tyne General Ferry Act 1862 have acquired from the North and South Shields Ferry Company their undertaking rights and powers including the ferries known respectively as the Market Place Ferry the Whitehill Point Ferry and the Direct Ferry:

And whereas by the Tyne Improvement Acts 1850 to 1920 the Commissioners are authorised to levy various dues rates tolls and charges and by the Tyne Improvement Act 1920 (inter alia) the amount of the tolls and charges in respect of the conveyance of passengers on the Commissioners' ferries was temporarily increased and it is expedient to authorise the Commissioners (subject to the provisions of this Act) to continue to demand and levy such increased tolls and charges and to confer on the Commissioners further powers of demanding and levying dues rates tolls and charges as by this Act provided:

And whereas it is expedient to amend the powers of the Commissioners with respect to the fixing of rates for towage and to provide for the revision of those rates from time to time:

And whereas it is expedient to confer powers on the Commissioners with respect to the licensing of dredging operations within the limits of their jurisdiction and to enact further provisions for the prevention of obstruction or injury to the port:

And whereas it is expedient to confer powers on the Commissioners with respect to the licensing of foyboatmen:

And whereas it is expedient to empower the Commissioners to make byelaws with respect to the loading of petroleum:

Tyne Improvement Act, 1925

And whereas it is expedient to empower the Commissioners to sell lease or dispose of all or any part of their ferry undertaking as by this Act provided:

And whereas doubts have arisen as to the date for repayment of the  $4\frac{1}{4}$  per cent debenture stock issued by the Commissioners under the Tyne Improvement Act 1877 (of which the nominal amount of 100,570 l. remains outstanding) and it is expedient to remove such doubts:

And whereas the ancient bridge over the Tyne (known as the Tyne Bridge) including the bridge as rebuilt in or shortly after the year 1779 was until the enlargement of the bridge under the Act next herein recited vested in and repairable by the mayor aldermen and burgesses of the borough of Newcastle-upon-Tyne (hereinafter called "the Corporation") as to two-thirds of the bridge and by the See of Durham as to the remaining one-third thereof:

And whereas by the Act 41 Geo.III c.67 certain trustees appointed under a previous Act were authorised to widen and enlarge the bridge and in order to keep the Corporation and the Bishop of Durham indemnified against any increased charges in the repair and maintenance of the bridge due to the widening and enlargement thereof the trustees were authorised to levy certain tolls for a period of 21 years and were required to raise the sum of 1,000 l. to be invested (together with the income accruing thereon) in the names of the Corporation and the Bishop of Durham and to be and remain a fund for the future maintenance support and repair of the widened portion of the bridge:

And whereas by section 5 of the said Act of 1801 it was provided that after the expiration of the said term of twenty-one years during which the said tolls could be levied the Corporation and the Bishop of Durham or his successors should out of the said fund cause the widened portion of the bridge to be supported maintained and kept in repair in so far as such fund would enable them so to do but no farther and so as not to reduce the fund below the sum of 1,000 l.

And whereas the Ecclesiastical Commissioners for England have acquired the estates of the See of Durham and the liabilities and obligations of the said See in respect of the bridge and the rights of the See in the said fund are now vested in the Ecclesiastical Commissioners:

And whereas by the Tyne Improvement Act 1861 the Commissioners were authorised to pull down the said bridge and to re-build the same with an opening span and by sections 69 and 72 of that Act it was enacted as follows:-

"69. It shall be lawful for the said Commissioners, the Mayor Aldermen and Burgesses of the Borough of Newcastle upon Tyne and the Ecclesiastical Commissioners of England and Wales, to appropriate and apply the interest and dividends of any sum of money now standing in the names of the said Mayor Aldermen and Burgesses for the purpose of protecting them, the said Mayor Aldermen and Burgesses and the See of Durham, against the charge of the repair of a part of the ancient bridge of Newcastle upon Tyne, as they shall think fit, to the purposes of repairing and maintaining the new bridge to be erected by authority of this Act, in place of the said ancient bridge, but not to any greater extent than they were liable to contribute to the maintenance and repair of the ancient bridge"

Tyne Improvement Act, 1925

"72. The Commissioners shall from time to time maintain and repair all such machinery as shall be necessary for the due and proper working of the openings and moving platform in the said new bridge of Newcastle upon Tyne, and pay all expenses incurred in such maintenance and repair, and in the working thereof: Provided always, that, save as aforesaid, nothing herein contained shall impose or extend any liability of the Commissioners in and about the maintenance and repair of the new bridge or shall take from or diminish the liability of the Mayor Aldermen and Burgesses of Newcastle upon Tyne and the Ecclesiastical Commissioners, or either of them, in and about the maintenance and repair of the new bridge when completed, but, save as aforesaid, the new bridge and the approaches thereto, shall be maintained and repaired in the same manner and by the said parties and in the same proportions as the existing bridge";

And whereas other provisions were enacted with reference to the re-built bridge by sections 57 58 and 59 of the Tyne Improvement Act 1865 and divers agreements have been entered into between the Commissioners the Corporation and the Ecclesiastical Commissioners or some of them with reference to the bridge:

And whereas in pursuance of the said Act of 1861 the Commissioners pulled down the old bridge and built in its place a new one with a moving or opening platform and this new bridge known as and hereinafter called "the Swing Bridge" was completed in 1876.

And whereas the said sum of 1,000 l. was invested and stands in the name of the Corporation alone and the said sum with the accumulations thereon (hereinafter called "the said fund") is now represented by investments and cash of a present total value of about 9,500 l.:

And whereas the Swing Bridge connects the city and county of Newcastle upon Tyne and the county borough of Gateshead and is much used by vehicles and pedestrians:

And whereas disputes have arisen between the Commissioners the Corporation and the Ecclesiastical Commissioners as to the respective liabilities of those bodies under the aforesaid enactments and agreements with respect to the maintenance and repair of the Swing Bridge and the machinery for the working of the openings and moving platform thereof and as to the application of the said fund and it is expedient that provision be made as in this Act contained with reference to the maintenance and repair of the Swing Bridge and of the said machinery and the application of the said fund and that the Ecclesiastical Commissioners be entirely relieved from all such liabilities on the terms in this Act mentioned:

And whereas it is expedient that further powers be conferred on the Commissioners as by this Act provided and that the other provisions of this Act be enacted:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with 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):-

Tyne Improvement Act, 1925

4. (1) In this Act unless the subject or context otherwise requires: Definitions

Words and expressions to which meanings are assigned by the Harbours Docks and Piers Clauses Act 1847 have the same respective meanings except as otherwise in this Act expressly provided; and

"The Act of 1850" means the River Tyne Improvement Act 1850;

"The Act of 1861" "the Act of 1865" "the Act of 1867" "the Act of 1872" "the Act of 1875" "the Act of 1877" "the Act of 1886" "the Act of 1890" "the Act of 1897" "the Act of 1907" and "the Act of 1920" respectively mean the Tyne Improvement Acts of those respective years;

"The existing Acts" means the Tyne Improvement Acts 1850 to 1920;

"The river" and "the Tyne" respectively mean the parts of the River Tyne within the jurisdiction of the Commissioners under the existing Acts:

"The secretary" means the secretary of the Commissioners;

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

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

"Owner" where used with reference to a vessel shall be deemed to include any charterer to whom the vessel is demised:

"Daily penalty" means a penalty for each day on which an offence is continued after conviction.

(2) In the existing Acts and this Act and in the application to the Commissioners of the Harbours Docks and Piers Clauses Act 1847 -

"The port" means the port of Newcastle-upon-Tyne as defined by section 3 of the Act of 1850 and extended by the Act of 1861 the Act of 1867 the Act of 1872 and the Act of 1907;

"Vessel" means ship lighter keel hulk barge tug boat raft and craft of every kind;

"Shipped" and "unshipped" respectively mean loaded on or discharged from any vessel.

The meanings given in this subsection to the expressions and words aforesaid shall supersede any meanings given to the same expressions or words in any of the existing Acts so far as the last mentioned meanings are inconsistent therewith.

5. (1) The Commissioners may in respect of every floating dock pontoon caisson or similar structure (all of which are in this section included in the expression "floating dock") built on the banks of and launched or floated into the Tyne and in respect of machinery placed in or on and used for the working of any such floating dock demand collect and recover the like dues as they are for the time being authorised to demand collect and recover in respect of a vessel built and launched in the Tyne and propelling machinery put on board such a vessel. As to floating  
docks pontoons  
&c.

Tyne Improvement Act, 1925

(2) In respect of every floating dock built on the banks of and launched or floated into the Tyne the builder shall within seven days after such launching or floating send or deliver to the secretary a statement giving (i) the size and tonnage of the floating dock (ii) the names of the builder and of the owner of the floating dock of the manufacturer of any machinery placed in or on the floating dock and of the contractor or other person who placed it in position and (iii) the weight of such machinery Any builder neglecting or refusing to give such statement or knowingly giving or signing a false statement shall be liable to a penalty not exceeding fifty pounds:

(as amended by the Criminal Justices Act 1982, as amended)

(3) The dues on any such floating dock and on any such machinery shall be payable to the Commissioners at any time after the delivery of the statement relating thereto on demand being made for the same by the collector of rates The dues on such floating dock shall be paid by the builder thereof and the dues on the machinery shall be paid by the manufacturer or owner of the machinery or by the contractor or other person who placed it in position in or on the floating dock as the Commissioners may determine.

For the purposes of the application to any floating dock so built and launched or floated as aforesaid and to any such machinery as aforesaid of any of the provisions of any of the existing Acts or of this Act or of any Act incorporated therewith respectively with respect to the enforcement collection or recovery of any due rate toll or charge which is payable by the master of any vessel in respect of the vessel or by the owner of any goods in respect of the goods the expression "the master" shall mean the builder of the floating dock and the expression "the owner" shall include the manufacturer of the machinery and the contractor or other person who placed it in position in or on the floating dock.

(4) The Commissioners may demand collect and recover in respect of every floating dock admitted into the port all such and the like dues rates tolls and charges in every respect as they are for the time being authorised to demand collect and recover in respect of a vessel entering being in or leaving the port as though the expression "vessel" or any like expression included a floating dock and every such due rate toll or charge shall be paid by the owner broker or consignee of the floating dock as the Commissioners may in each case determine.

For the purposes of the application to any floating dock so admitted into the port of any of the provisions of any of the existing Acts or of this Act or of any Act incorporated therewith respectively with respect to the enforcement collection or recovery of any due rate toll or charge which is payable by the master of a vessel in respect of the vessel the expression "the master" shall mean the owner broker and consignee of the floating dock.

(5) Where under the provisions of this section a due rate toll or charge is payable in respect of a floating dock and the due rate toll or charge would if the floating dock were a vessel be calculated on the tonnage (whether gross or register) of the vessel the due rate toll or charge shall be calculated on what would be the register tonnage of the floating dock if it were a vessel.

Tyne Improvement Act, 1925

8. (1) The words "during the period of five years from the passing of this Act" in section 16 (Increase of passenger tolls and charges on ferries) of the Act of 1920 are hereby repealed and accordingly it shall be lawful for the Commissioners to continue to demand collect and recover in respect of the conveyance of passengers by any of their ferries the increased tolls and charges mentioned in that section.

Continuance of  
increase of  
ferry  
passenger  
tolls &c.

(2) Provided that after the passing of this Act -

- (i) The tolls and charges for the conveyance of passengers by the Market Place and Whitehill Point Ferries shall not (except as hereinafter provided) be levied in any year at higher rates than will in that year yield with the other revenue of the ferry undertaking of the Commissioners (hereinafter called "the undertaking") a sum as nearly as practicable equal to but not less than the estimated cost for that year of working the undertaking calculated on the basis of the traffic of the preceding year and as hereinafter provided.
- (ii) If the said tolls and charges and other revenue shall in any year have been less than the cost for that year of working the undertaking the Commissioners shall be entitled to increase such tolls and charges in the succeeding year to such an extent (not exceeding the maximum authorised by the Tyne Improvement Acts 1850 to 1925) that the revenue of the undertaking in that year on the basis aforesaid shall not be less than the said estimated cost for that year of working the undertaking;
- (iii) If in any year the tolls and charges and other revenue of the undertaking shall have exceeded the cost for that year of working the undertaking the Commissioners shall in the succeeding year reduce the tolls and charges of the undertaking or some or one of them to such an extent that the revenue of the undertaking in that year on the basis aforesaid shall not be more than the said estimated cost for that year of working the undertaking but not so that the revenue of the undertaking in that year on the basis aforesaid will be less than will meet the estimated cost for that year of working the undertaking;
- (iv) The Commissioners shall keep separate accounts of the undertaking and in order to ascertain the cost of working the undertaking in each year the Commissioners shall as soon as practicable after every thirty-first day of December and not later than three months from that date prepare and submit to the Tynemouth Corporation and to the South Shields Corporation (1) a capital account of the undertaking as at the first day of January of the year in which the account is submitted and (2) a statement of the revenue receipts and the revenue expenditure of the undertaking for the preceding year;

Tyne Improvement Act, 1925

- (v) In the first capital account to be prepared and submitted as aforesaid the figure for the capital of the undertaking shall be 91,655 l. (being the balance of the amount of the capital expenditure of the undertaking as at the first day of January nineteen hundred and twenty-five) plus any further capital expenditure incurred in the year nineteen hundred and twenty-five and minus any capital sums written off in that year. In subsequent capital accounts (in addition to all other sums properly included therein) credit shall be given for the sums provided for depreciation subsequent to the year nineteen hundred and twenty-five;
- (vi) In arriving at the cost whether estimated or actual of working the undertaking during each year subsequent to the year nineteen hundred and twenty-five the Commissioners shall credit or debit as the case may be any surplus or deficiency on revenue account from the preceding year and shall during each year (including the year nineteen hundred and twenty five) be entitled to include as part of such cost (in addition to all other sums usually charged as revenue expenditure) sums for interest on the capital account as aforesaid and for depreciation of the assets of the undertaking:
- (vii) In the event of any dispute between the Commissioners and the Tynemouth Corporation and the South Shields Corporation or either of them as to the sum for capital inserted in any capital account (except the first) to be prepared and submitted as hereinbefore in this section provided or as to the sums for interest or depreciation included in revenue expenditure as aforesaid such dispute shall be referred to an accountant to be agreed upon between the Commissioners and the said corporations or one of them as the case may be or failing agreement to an accountant to be nominated by the President of the Institute of Chartered Accountants and the decision of such accountant shall be final and binding upon the parties.

Prohibition  
against  
dredging  
&c. without  
licence.

14. (1) Except for the purpose of providing or maintaining access to any quay wharf jetty staith or other similar structure or to any lands or property abutting on or projecting into the port or to any highway leading to the Tyne or the outfall of any sewer no person shall at any time dredge dig or raise any sand gravel ballast shingle rock soil or other material from any part of the port without first having obtained the licence in writing of the Commissioners.

(2) Any person who dredges digs or raises (except as aforesaid) any such material from any part of the port without having obtained a licence as aforesaid or who having obtained such a licence dredges digs or raises any such material from any part of the port or in any quantity or manner other than from the part specified in the licence or in excess of the quantity or in contravention of the manner permitted by such licence shall for each such offence be liable to a penalty not exceeding fifty pounds.

(as amended by the Criminal Justices Act 1982, as amended)



Tyne Improvement Act, 1925

(3) The Commissioners shall not (except in the case of any part of the bed or foreshore of the river owned by them) be entitled to demand any payment for any such licence as aforesaid except the sum of \*ten shillings for the issue of each licence or for any transfer or renewal thereof.

(4) The Commissioners shall not (except in the case of any part of the bed or foreshore of the river owned by them) refuse to grant such a licence as aforesaid to any responsible person unless the Commissioners shall consider that the work to be done under the licence would obstruct or prejudicially affect the navigation of the river or injure riparian property.

(5) The foregoing provisions of this section shall not apply to the Admiralty.

(6) The Commissioners may if they think fit keep a register of persons licensed under this section and any person interested shall be entitled to inspect the register during usual office hours on payment of a fee not exceeding one shilling.

(\* increased from 5/- to 10/- by Section 26 of and the Third Schedule to the Tyne Improvement Act 1950 - see Article 88(3) of Port of Tyne Reorganisation Scheme 1967)

15. (1) Whenever any quay wharf jetty staith or other similar structure abutting on or projecting into the port of any part thereof is out of repair or insecure so as to be dangerous to any vessel either moored alongside of or near to or passing by the same or so that materials or debris therefrom are likely to fall or be blown or washed into the port or so as to be in any other manner injurious or likely to be injurious to the port or to free navigation therein the Commissioners (by notice in writing given to the owner of such structure or if such owner cannot be found after diligent inquiry left upon or fixed to the structure) may require the owner of the structure to execute to the satisfaction of the Commissioners such reasonable repairs within such reasonable time as may be specified in such notice.

Repair of quays & wharves &c.

(2) If any materials or debris shall fall or be blown or washed from any such structures as aforesaid into the port so as to be in any manner injurious to the port or free navigation therein the Commissioners may by a notice similar to that mentioned in sub-section (1) of this section require the owner of the structure to raise or remove from the port such materials or debris within such reasonable time as may be specified in the notice.

Tyne Improvement Act, 1925

(3) Within seven days after the service of any notice under this section upon any owner that owner may if he thinks fit serve a requisition upon the Commissioners requiring that any question -

whether the structure referred to in the notice is so out of repair or insecure as aforesaid; or  
whether the repairs required by the Commissioners to the structure are reasonable; or  
whether the materials or debris referred to in the notice are injurious to the port or free navigation therein; or  
whether the time specified by the Commissioners for complying with the notice is reasonable

shall be settled by arbitration and thereupon that question shall (unless otherwise agreed) be referred to an arbitrator to be appointed in default of agreement between the owner and the Commissioners by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to the reference.

(4) In settling any question under this section the arbitrator shall either (a) confirm with or without amendment the requirements of such notice and in his award specify the work to be done by the owner in pursuance of the provisions of this section and the time within which it shall be done or (b) declare such notice null and void.

(5) If the owner of any such structure makes a default in complying with any requirement made by the Commissioners and (in case of any reference to arbitration) confirmed (with or without amendment) by the arbitrator under this section the Commissioners may themselves carry out the requirement and the expenses reasonably incurred by them in so doing shall be a debt due to the Commissioners from the owner of the structure and be recoverable accordingly and the owner of the structure shall also be liable to a daily penalty not exceeding five pounds.

If any question arises under this subsection as to the amount of any expenses incurred by the Commissioners such question shall be determined by arbitration in the manner provided by subsection (3) of this section.

(6) In this section the word "owner" has the same meaning as in the Public Health Act 1875.

Power to  
appoint  
watchmen &c.

16. (1) If any seagoing vessel shall be left in any part of the port without a competent person as watchman or shipkeeper on board the Commissioners may employ and place on board of such vessel a competent person or persons as watchman or shipkeeper or watchmen or shipkeepers and recover from the owners or master of the vessel all expenses incurred by them in so doing.

(2) The Commissioners shall give notice in writing to the owners or master of any vessel on board of which they place any watchman or shipkeeper under the powers of this section and such notice shall be given as soon as practicable after the watchman or shipkeeper has been so placed on board.

(3) In this section the expression "seagoing vessel" shall mean any vessel which has been is or is intended to be used for sea voyages.

Tyne Improvement Act, 1925

17. (1) On and after the first day of January nineteen hundred and twenty-six no person shall ply for hire as a foyboatman in the port (except as mentioned in subsection (6) hereof) unless licensed by the Commissioners for that purpose. Every such licence (unless cancelled under the provisions hereinafter mentioned) shall continue in force for such period (not exceeding one year from the date thereof) as the Commissioners may determine and specify in the licence but each such licence may be renewed from time to time for any period not exceeding one year as the Commissioners may determine.

Power to license foyboatmen.

(2) The Commissioners shall keep a register of all persons so licensed and shall be entitled to charge for the issue of such licence and for each renewal thereof such sum as they may consider reasonable not exceeding \*forty shillings.

(3) Any person not being licensed in pursuance of this section who shall at any time after the date aforesaid act as a foyboatman in the port shall be liable to a penalty not exceeding forty shillings.

(4) If any foyboatman to whom a licence is granted in pursuance of this section is guilty of such misconduct or act of incompetency while working as a foyboatman as in the opinion of the Commissioners to disqualify him from holding such licence the Commissioners may after hearing what he has to urge in his defence endorse suspend or cancel any licence held by him.

(5) Any person aggrieved by the refusal of the Commissioners to grant any licence which they are empowered by the provisions of this section to grant or by the endorsement suspension or cancellation of any such licence may appeal to a petty sessional court who shall have the power to hear and determine such appeal and to make such order as they may think fit.

(6) Notwithstanding anything in this Act any person may ply for hire as a foyboatman at Dunston Staiths if he is licensed so to do by the London and North Eastern Railway Company notwithstanding that he is not licensed by the Commissioners under this section.

(Subsection (6) is as amended by Article 88 and Schedule 2 of Port of Tyne Reorganisation Scheme 1967)

(\* increased from 20/- to 40/- by Section 26 of and the Third Schedule to the Tyne Improvement Act 1950 - see Article 88(3) of Port of Tyne Reorganisation Scheme 1967)

Tyne Improvement Act, 1925

Power to  
sell &c.  
ferries.

19. Notwithstanding anything in the existing Acts the Commissioners may at any time and from time to time sell lease or otherwise dispose of to the Tynemouth Corporation and the South Shields Corporation or either of them on such terms and for such considerations as the Commissioners shall think fit their ferries or any of them or the whole or any part or parts of their ferry undertaking or the right to establish and work a service of ferry boats on any such ferries.

As to rights  
of way over  
works roads  
and footpaths.

20. From and after the passing of this Act no right of way against the Commissioners shall be acquired by prescription or user over the North Pier or the South Pier of the Commissioners or over any road or footpath now or hereafter the property of the Commissioners and forming an access or approach to any dock or harbour premises of the Commissioners nor shall a dedication to the public of either such pier or any such road or footpath be presumed by reason of any user thereof by the public if and so long as the Commissioners maintain in some conspicuous position on such pier road or footpath a notice stating that the same is a private pier road or footpath:

Provided that no such notice shall be effective for the purposes of this section with respect to any road or footpath unless at least one month before it is first exhibited the Commissioners give notice in writing (accompanied by a copy of this section) to the town clerk of the borough or clerk to the urban or rural district in which the road or footpath to which the notice relates is situate and in addition where it is situate in a rural district to the parish council or chairman of the parish meeting of the parish in which such road or footpath is situate:

Provided also that nothing in this section shall prejudice or affect any public right of way in existence prior to the first exhibition of any such notice as first aforesaid.

Commis-  
sioners  
may retain  
transfers  
of mortgages  
and stock.

24. Any transfer by deed of any mortgage redeemable stock or debenture stock granted or issued by the Commissioners which shall at any time be submitted to the Commissioners for registration may be retained by the Commissioners if they think fit.

Place for  
repayment  
of borrowed  
moneys and  
payment of  
interest.

25. Any moneys borrowed by the Commissioners before or after the passing of this Act shall be repaid and the interest on any such moneys shall be paid at the chief office for the time being of the Commissioners.

As to Swing  
Bridge.

35. (1) In this section the following expressions have the several meanings thereby assigned to them (that is to say):-

"The Ecclesiastical Commissioners" means the Ecclesiastical Commissioners for England;

"The corporation" means the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne;

Tyne Improvement Act, 1925

"The bridge" means the bridge over the Tyne (known as "the Swing Bridge") extending from the city and county of Newcastle-upon-Tyne to the county borough of Gateshead and includes the approaches thereto and the roadway and pavements thereon;

"The bridge fund" means the fund of one thousand pounds referred to in the Act 41. Geo.III c.67. and the accumulations thereof and the investments and cash from time to time representing the said fund and accumulations.

(2) From and after the passing of this Act the Corporation shall be exclusively responsible for and shall bear and pay the cost of the maintenance and repair of the bridge (except the machinery for the working of the openings and moving platform thereof) and in consideration of the payments to be made to the corporation as hereinafter provided the Commissioners and the Ecclesiastical Commissioners shall be and are hereby released and discharged from all liability (if any) with respect to the costs and expenses of and in connection with such maintenance and repair prior to the passing of this Act and (except as mentioned in subsection (3) hereof) from all liability to maintain and repair the bridge.

(3) The machinery for the working of the openings and moving platform of the bridge shall continue to be maintained and repaired by the Commissioners.

(4) The Ecclesiastical Commissioners and the Commissioners shall within six weeks from the passing of this Act each pay to the corporation the sum of three thousand five hundred pounds.

(5) The Ecclesiastical Commissioners and the Commissioners shall respectively abandon all claims to the bridge fund which fund shall be applied by the corporation as hereinafter provided.

(6) The corporation shall apply the sum of three thousand six hundred and eighteen pounds out of the sums to be paid to them pursuant to subsection (4) of this section together with the sum of six thousand five hundred and ninety pounds (part of the bridge fund) in or towards the discharge of the costs and expenses of and in connection with the maintenance and repair of the bridge (except the machinery for the working of the openings and moving platform thereof) incurred prior to the passing of this Act.

\* (7) The balance of the bridge fund as existing on the first day of April nineteen hundred and twenty-five after deducting the sum of six thousand five hundred and ninety pounds shall be divided into two portions as follows:-

- (i) one-third part of such balance the income of which and of the sum of three thousand three hundred and eighty-two pounds part of the said sums to be paid to the corporation pursuant to subsection (4) of this section (which sum of three thousand three hundred and eighty-two pounds shall be carried to the credit of and form part of the bridge fund) shall be and shall be deemed always to have been applicable in or towards discharging one-third part of the costs and expenses incurred or to be incurred from time to time in connection with the maintenance and repair of the bridge pursuant to subsection (2) of this section;

Tyne Improvement Act, 1925

- (ii) two-third parts of such balance the income of which shall be and shall be deemed always to have been applicable in or towards discharging two-thirds of such last-mentioned costs and expenses.

\* (8) All costs and expenses to be incurred by the corporation in connection with the maintenance and repair of the bridge pursuant to subsection (2) of this section which cannot be paid out of the income of the portions of the bridge fund referred to in subsection (7) of this section and in the proportions mentioned in that subsection and so much of the costs and expenses referred to in subsection (6) of this section as is not discharged in the manner provided by that subsection shall be charged on and be payable out of the city fund and city rate of the city and county of Newcastle-upon-Tyne.

(9) The provisions of all Acts of Parliament and all agreements between the Commissioners the Ecclesiastical Commissioners and the corporation or any two of them relating to the bridge and the machinery for the working of the openings and moving platform thereof or the Tyne Bridge for which the bridge was substituted so far as those provisions are inconsistent with or contrary to the foregoing provisions of this section shall become and be by virtue of this Act repealed or cancelled and annulled.

\* NOTE:- Subsections (7) and (8) are amended by Section 8 of the Newcastle upon Tyne Corporation Act 1960.

Saving rights of corporation of Newcastle-upon-Tyne.      39      Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice alter or affect any of the estates lands property and effects of the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne or any of the tolls rates dues duties issues profits or other income whatsoever of or payable to that corporation or any of the powers authorities franchises customs usages immunities rights or privileges of that corporation.

For protection of Duke of Northumberland.      40.      Except as is by this Act expressly provided nothing in this Act shall take away divest abridge lessen alter or in any manner affect or prejudice any property or royalties rights titles estates interests duties tolls payments customs powers authorities jurisdictions privileges liberties franchises emoluments or advantages whatsoever of or belonging to the Most Noble Alan Ian Duke of Northumberland his heirs assigns or successors in the barony of Alnwick and the manors of Tynemouth Warkworth and Alnmouth or any of them as lord or lords thereof respectively or as grantee or grantees of the Crown or otherwise or of any future lords or ladies thereof respectively or of the assigns of such grantee or grantees or of his or their officer or officers in their respective duties within the same or any estate right title or interest of the said Alan Ian Duke of Northumberland his heirs and assigns as such grantee or grantees as aforesaid or otherwise in or to the bed and soil banks and shores of the River Tyne or any part thereof but except as aforesaid all such property royalties rights titles estates interests duties tolls payments customs powers authorities jurisdictions privileges liberties franchises emoluments and advantages shall be exercised received and enjoyed and shall continue and be preserved whole and unimpaired as if this Act were not passed.

TYNE IMPROVEMENT ACT, 1929

An Act to confer further powers on the Tyne Improvement  
Commissioners and for other purposes. (10th May 1929.)

WHEREAS by the Tyne Improvement Acts 1850 to 1927 (in this Act referred to as "the existing Acts") the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the river Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works:

And whereas the existing Acts have conferred or imposed on the Commissioners various powers duties and obligations with reference to the improvement and maintenance of the port and the conservancy improvement and maintenance of the river Tyne within the limits of the port and it is expedient for the purpose of better enabling the Commissioners to carry out and fulfil their statutory powers and duties and obligations to enlarge their powers with respect to the construction acquisition leasing and disposal of works and other property the acquisition of lands and the control of works affecting the river:

And whereas it is expedient to extend the time limited for the completion of works authorised by the existing Acts:

And whereas the Commissioners have by the existing Acts been empowered to borrow on mortgage and by the creation and issue of debenture stock and of Tyne Improvement redeemable stock on the security of the Tyne Consolidated Fund the total sum of £4,800,000 and in the exercise of that power have borrowed sums amounting on the thirty-first day of December nineteen hundred and twenty-eight to £4,790,848, leaving the sum of £9,152 remaining on the thirty-first day of December nineteen hundred and twenty-eight to be so borrowed as aforesaid:

And whereas by the Tyne Improvement Act 1898 the Commissioners are required to redeem within sixty years from the passing of that Act all money borrowed by them on mortgage or by the creation and issue of debenture stock or stock as aforesaid and in pursuance of that requirement they had as at the thirty-first day of December nineteen hundred and twenty-eight appropriated to a redemption fund the total sum of £1,109,128 but they are not empowered to re-borrow money redeemed out of the redemption fund:

And whereas it is expedient to authorise the Commissioners to borrow further money as by this Act provided:

And whereas by the existing Acts certain priorities were conferred on mortgages granted by the Commissioners before the passing of the Tyne Improvement Act 1881 but none of these mortgages are now outstanding and all the existing mortgages granted by the Commissioners and all stock (other than debenture stock) created and issued by them rank pari passu and their power to create and issue further debenture stock was repealed by the Tyne Improvement Act 1886:

And whereas it is expedient to authorise the Commissioners to levy tolls on passengers embarking or disembarking on or from vessels at the docks quays and other works of the Commissioners:

Tyne Improvement Act, 1929

And whereas by two deeds of transfer each dated the eleventh day of October eighteen hundred and eighty-three and made between the Commissioners of the one part and the Corporation of the Trinity House of Newcastle-upon-Tyne of the other part (one of which said deeds is scheduled to and confirmed by the Tyne Improvement Act 1886) the said Trinity House transferred to the Commissioners as from the thirty-first day of December eighteen hundred and eighty-two certain lighthouses buoys and beacons (including two lighthouses at North Shields known as the High and Low Lighthouses) and all lightage rates and duties and all buoys and beacons rates and duties which the said Trinity House were entitled to levy or recover under the local Act 41 Geo.III cap 86 intituled "An Act for extending and enlarging the powers and increasing the rates and duties of the Corporation of the Trinity House of Newcastle-upon-Tyne and for better regulating the Port of Newcastle":

And whereas since the year 1882 the Commissioners have been the lighting authority of the port and have provided additional lighthouses lights buoys and beacons but the lightage rates and duties so transferred to the Commissioners as aforesaid are leviable only in respect of the expense of supporting maintaining and keeping in repair the said High and Low Lighthouses at North Shields and it is expedient to authorise the levying by the Commissioners of consolidated harbour lights buoys and beacons dues in respect of the provision and maintenance of all or any lighthouses lights buoys and beacons for the time being maintained by them:

And whereas by section 12 of the Tyne Improvement Act 1920 the Commissioners are empowered to stop up and discontinue two footpaths near Trow Quarry in the parish of Harton in the county of Durham but the stopping up of one of those footpaths viz. the footpath leading from Rock House to Frenchman's Bay is conditional on the Commissioners constructing a new footpath referred to in the said section 12 and pending its completion permitting all persons (if any) having rights of way over the said existing footpath to cross certain properties of the Commissioners referred to in that section:

And whereas the construction of the said new footpath and the continuance of public rights of access across the said properties of the Commissioners have been rendered unnecessary by the construction by the South Shields Corporation and the South Shields Rural District Council of a new public road and it is expedient to repeal the said conditions in section 12 of the said Act of 1920 and to authorise the Commissioners to stop up the said existing footpath free from such conditions:

And whereas it is expedient that further powers be conferred on the Commissioners as by this Act provided and that the other provisions of this Act be enacted:

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



Tyne Improvement Act, 1929

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):-

6. In this Act unless the subject or context otherwise requires- Definitions.

Words and expressions to which meanings are assigned by the Lands Clauses Acts or by the Harbours Docks and Piers Clauses Act 1847 have the same respective meanings except as otherwise in this Act expressly provided:

"The Act of 1852" "the Act of 1857" "the Act of 1861"  
"the Act of 1866" "the Act of 1867" "the Act of 1872"  
"the Act of 1877" "the Act of 1881" "the Act of 1886"  
"the Act of 1897" "the Act of 1919" "the Act of 1920"  
and "the Act of 1925" respectively mean the Tyne Improvement Acts of those respective years;

"The existing Acts" means the Tyne Improvement Acts 1850 to 1927;

"The river" "the port" "vessel" and "owner" have the same respective meanings as in the Act of 1925;

"The Minister" means the Minister of Transport;

"High-water mark" means high-water mark of ordinary spring tides.

7. (1) The Commissioners for the purpose of fulfilling the duties and obligations and exercising and performing the rights and powers imposed or conferred on them as the harbour authority and the conservancy authority for the port and the river (by the existing Acts and this Act) may do all or any of the following things:- General Powers as harbour and conservancy authority.

- (a) construct or provide on any lands for the time being belonging to them and equip maintain and manage any quays wharves and similar works and any staiths stairs walls approaches roads entrances sewers drains culverts buildings apparatus and other works and conveniences in connection therewith or in connection with any docks jetties piers or other works which the Commissioners are by any Act or Order authorised to construct or maintain on those lands;
- (b) acquire or take on lease by agreement and maintain manage work carry on and use any dock quay wharf pier jetty staith warehouse shed or other work building or convenience or any trade or shipping facility situate within or adjoining the port and may subject to the terms conditions and reservations on which any such work building convenience or facility has been so acquired or taken on lease alter improve enlarge or remove and discontinue the work building convenience or facility;
- (c) acquire by agreement and carry on any undertaking affording or intended to afford accommodation or facilities for the loading unloading or warehousing of goods in the port.

Tyne Improvement Act, 1929

(2) Any work building convenience facility or undertaking constructed provided acquired or taken on lease by the Commissioners under the powers of this section shall while belonging or leased to the Commissioners be deemed for the purposes of any dues rates tolls and charges leviable by the Commissioners and for all other purposes whatsoever to be part of the undertaking of the Commissioners authorised by the existing Acts and this Act.

(3) Nothing in this section shall exonerate the Commissioners from any action indictment or other proceeding for nuisance if any nuisance be caused or permitted by them.

(Modified in its application to the Authority by Article 86 of Port of Tyne Reorganisation Scheme 1967)

Powers as to structures in river.

24. After the passing of this Act no quay quay-wall wharf staith jetty pier dock entrance landing place bank breast work or other structure or work not authorised by an Act of Parliament or Provisional Order confirmed by Parliament shall be constructed below high-water mark in upon over or under any part of the river except in accordance with plans and sections to be previously submitted to and approved by the Commissioners with or without modification or alteration and subject to such conditions as the Commissioners may deem necessary in the interests of navigation.

If the Commissioners shall not approve with or without modification or alteration or shall disapprove of any such plans or sections within two months from the date when the same shall have been first submitted to them or if the person who submitted the plans and sections shall be dissatisfied with any modification or alteration or disapproval by the Commissioners and shall notify his dissatisfaction and (in case of an approval with modification or alteration) the reasons therefor in writing to the Commissioners within twenty-eight days after the expiration of such period of two months a difference shall be deemed to have arisen between the Commissioners and that person and the difference shall be determined by an arbitrator to be appointed in default of agreement by the Board of Trade on the application in writing of either of the parties to the difference and the provisions of the Arbitration Act 1889 shall apply to any such arbitration;

Provided that nothing in this section shall affect any rights or powers of the Postmaster-General under the Telegraph Acts 1863 to 1926.

Prevention of fire &c.

26. (1) For the purpose of preventing danger from fire or explosion in the event of an emergency arising from the escape of petroleum or petroleum spirit on the river or in the port the Commissioners may subject to confirmation by the Minister make regulations (to come into force from time to time on the declaration of an emergency as hereinafter provided) with respect to all or any of the following matters:-

- (i) the prohibition or extinguishment of all or of such as may be ordered by the harbour master or chief officer of police of the Commissioners open fires or naked lights on any vessel or on any quay wharf staith jetty pier or slipway or in any shipyard drydock or other work or on any bank or front of the river;

Tyne Improvement Act, 1929

- (ii) the control of the movement of steam vehicles;
- (iii) the prohibition of smoking;
- (iv) the precautions to be observed for avoiding risk of fire or explosion by any person carrying on any work or operations;
- (v) the prohibition or regulation of any other act or thing involving a risk of fire or explosion;

within the area which comprises the river and any buildings works waters and other premises adjoining the river and which area is hereinafter referred to as "the protected area".

(2) Regulations made under this section shall come into force from time to time on notice being given as hereinafter provided declaring that an emergency has arisen and on any such notice being given the regulations specified in the notice shall forthwith apply within the whole or part (as the case may be) of the protected area declared to be a danger zone and shall continue in force within the whole or such part of the protected area until the withdrawal of the notice.

(3) The Commissioners or the harbour master or the chief officer of police of the Commissioners if satisfied at any time that danger from fire or explosion exists by reason of the escape of petroleum or petroleum spirit in or on any part or parts of the river or the port may by notice given in accordance with this section declare that an emergency has arisen and that the whole or any part of the protected area shall be deemed to be a danger zone to which the regulations made under this section or any of those regulations which may be specified in the notice shall for the time being apply and the protected area or such part thereof (as the case may be) shall be deemed to be a danger zone until the withdrawal of such notice by the Commissioners on the expiration of the emergency.

(4) Any such notice shall specify the danger zone and the regulations applied thereto and shall be given in such manner as shall in the opinion of the Commissioners be sufficient.

(5) Any person contravening or failing to comply with any regulation in force under this section shall be guilty of an offence and in respect of each such offence shall be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that it shall be a good defence to proceedings against any person for an offence under this section for such person to prove to the satisfaction of the court that he had no notice or knowledge of the fact that the place where the offence is alleged to have been committed was within an area declared to be a danger zone.

(6) Any officer of the Commissioners duly authorised in that behalf or any constable may for the purpose of securing observance of any regulations in force in a period of emergency enter upon any premises within a danger zone and any person neglecting or refusing to admit any such officer or constable or obstructing him in the execution of his duty shall be liable on summary conviction to a fine not exceeding fifty pounds.  
(as amended by the Criminal Justices Act 1982, as amended)

Tyne Improvement Act, 1929

(7) Copies of any regulations made under this section shall be open to inspection free of charge at the head office of the Commissioners.

(8) In this section "petroleum" and "petroleum spirit" have the same meanings as in the Petroleum (Consolidation) Act 1928.

Works below high water mark not to be constructed without consent of Board of Trade.

30. The Commissioners shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plans and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend it without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the work and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

For protect ion of Newcastle-upon-Tyne Corporation

33. Except as is by this Act expressly provided nothing in this Act shall take away lessen prejudice alter or affect any of the estates lands property and effects of the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne or any tolls rates dues duties issues profits or other income whatsoever of or payable to that corporation or any of the powers authorities franchises customs usages immunities rights or privileges of that corporation.

For protect ion of Tyne-mouth Corporation

34. Save as in this Act otherwise provided nothing in this Act shall in any manner prejudice diminish alter or take away any of the rights or privileges or any power jurisdiction or authority now vested in or enjoyed by the mayor aldermen and burgesses of the county borough of Tynemouth but all such rights and privileges and every such power jurisdiction and authority shall save as aforesaid continue and be in force as if this Act had not been passed.

For protect ion of London and North Eastern Railway Company.

35. Notwithstanding anything in the section of this Act of which the marginal note is "General powers as harbour and conservancy authority" the Commissioners shall not without the consent of the London and North Eastern Railway Company exercise any of the powers therein contained on any part of Jarrow Slake or at or near the said railway company's staiths at Dunston and West Dunston unless and until the Commissioners have obtained an Act or Order for the purpose. Provided that nothing in this section shall in any way abrogate or lessen any rights powers or privileges vested in the Commissioners under any of the existing Acts.

For protect ion of Northumberland.

36. (1) Notwithstanding anything in the section of this Act of which the marginal note is "General powers as harbour and conservancy authority" the provisions of section 11 of the Tyne Improvement Act 1867 and section 5 of the Tyne Improvement Act 1872 shall remain in full force and effect.

(2) Nothing in this Act shall affect prejudicially any estate right title claim power privilege or property of the most noble Alan Ian Duke of Northumberland K.G. or his successors in title in or to the bed and soil banks and shores of the river Tyne or any part thereof.

TYNE IMPROVEMENT ACT, 1934

An Act to alter the constitution of the Tyne Improvement Commission to consolidate with amendments the enactments relating to the appointment and election of the Tyne Improvement Commissioners and the auditors of their accounts to confer further powers on and to amend the Acts relating to the Commissioners and for other purposes.  
(25th July 1934.)

WHEREAS by the Tyne Improvement Acts 1850 to 1929 (hereinafter called the "existing Acts" and a list of which Acts is set out in the First Schedule to this Act) the Tyne Improvement Commissioners (hereinafter called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the river Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works;

And whereas the Tyne Improvement Commission (hereinafter called "the commission") is now composed of thirty-four members of whom two are appointed for life by the Minister of Transport sixteen are appointed annually by certain local municipal authorities fifteen are elected triennially by shipowners coalowners and traders and one is co-opted triennially by the elected members of the commission:

And whereas the accounts of the Commissioners are audited by five auditors of whom four are appointed annually by certain local municipal authorities and one is elected triennially by shipowners coalowners and traders:

And whereas it is expedient to make provision as in this Act contained for the addition of two members of the commission to amend the provisions of the existing Acts relating to the terms of office of members of the commission appointed by the said Minister and by local municipal authorities and of the auditors of the Commissioners' accounts appointed by local municipal authorities to alter the dates relating to the election of the elected members of the commission and the elected auditor and to consolidate with these and other alterations the provisions of the existing Acts relating to the appointment election and co-option of the members of the commission and the appointment and election of the said auditors:

And whereas certain lands at South Shields belonging to the Commissioners are held by the South Shields Corporation as lessees or tenants of the Commissioners under the provisions of and subject to the conditions stated in section 73 of the Tyne Improvement Act 1897 and it is expedient to confer further powers on the Commissioners with respect to the sale or leasing to the South Shields Corporation of these lands and certain adjacent lands or any parts thereof:

And whereas it is expedient to extend the time limited for the completion of works authorised by the existing Acts:

And whereas by section 7 of the Tyne Improvement Act 1925 the Commissioners were authorised to demand collect and recover for a period of ten years and such further period as Parliament might allow certain dues or charges in respect of coal coke culm and cinders conveyed to and unloaded at any quay wharf jetty staith or other work of the Commissioners and it is expedient that such dues and charges be continued in force until Parliament shall otherwise determine:

And whereas it is expedient to enlarge the powers of the Commissioners with respect to the removal of wrecks and the control and regulation of foyboatmen:

Tyne Improvement Act, 1934

And whereas it is expedient to authorise the Commissioners to enter into and carry into effect agreements with certain county councils and local authorities for assistance in case of fire as by this Act provided:

And whereas the Commissioners in pursuance of provisions contained in section 63 of the Tyne Improvement Act 1861 and sections 20 and 21 of the Tyne General Ferry Act 1862 acquired in 1863 from the North and South Shields Ferry Company their undertaking rights and powers including the ferries between North Shields and South Shields known respectively as the Market Place Ferry the Direct Ferry and the Whitehill Point Ferry:

And whereas it is expedient that further powers be conferred on the Commissioners and that the existing Acts and the Acts relating to the Commissioners' ferries be amended as by this Act provided and that the other provisions of this Act be enacted:

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

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

- Definitions:            2.(1) In this Act unless the subject or context otherwise require -
- Words and expressions to which meanings are assigned by the Harbours Docks and Piers Clauses Act 1847 have the same respective meanings except as otherwise in this Act expressly provided;
  - "the Commissioners" means the Tyne Improvement Commissioners;
  - "the existing Acts" means the Tyne Improvement Acts 1850 to 1929 (being the Acts mentioned in the First Schedule to this Act) and each of which Acts except the Tyne Coal Dues Act 1872 is referred to in this Act as the Act of the year in which it was passed into law;
  - "the Ferry Act 1829" means the local and personal Act 10 Geo.4 cap. xcviintituled "An Act for establishing a Ferry across the River Tyne between North Shields in the County of Northumberland and South Shields in the County of Durham and for opening and making proper Roads Avenues Ways and Passages to communicate therewith";
  - "the Ferry Act 1848" means the Tyne Direct Ferry Company Act 1848;
  - "the river" and "the Tyne" respectively mean the parts of the river Tyne from time to time within the jurisdiction of the Commissioners;
  - "the secretary" means the secretary of the Commissioners;
  - "the Minister" means the Minister of Transport;
  - "the Newcastle Corporation" means the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne;
  - "the South Shields Corporation" means the mayor aldermen and burgesses of the county borough of South Shields.

Tyne Improvement Act, 1934

(2) In the Tyne Improvement Acts 1850 to 1934 the following words and expressions shall unless the subject or context otherwise requires have the following respective meanings:-

the expression "the port" shall mean the port of Newcastle-upon-Tyne as defined by section 3 of the Act of 1850 and extended by the Act of 1861 the Act of 1867 the Act of 1872 and the Act of 1907; the word "goods" shall include animals wares merchandise commodities and articles of every description; the word "vessel" shall include ship lighter keel hulk barge tug boat wherry raft and craft of every class or description however navigated or propelled and also except in Part II of this Act seaplane hydroplane and similar craft; the several expressions "steam vessel" "steamship" and "steamboat" shall include every vessel navigated or propelled otherwise than by sails or oars; the word "owner" where used with reference to a vessel shall include any charterer to whom the vessel is demised; and the words "shipped" and "unshipped" shall respectively include loaded on or discharged from any vessel.

The meanings given in this subsection to the words and expressions aforesaid shall respectively supersede any meanings given to the same word or expression in any of the existing Acts so far as the last-mentioned meanings are inconsistent therewith.

(3) The word "ship" in Schedule C to the Act of 1877 shall mean "vessel" as defined in subsection (2) of this section.

(4) In the existing Acts the word "clerk" where it refers to the clerk to the Commissioners shall mean the secretary.

3. (1) The Harbours Docks and Piers Clauses Act 1847 (in this section referred to as "the Act of 1847") except sections 31 47 and 85 to 90 thereof shall (subject to the provisions of subsection (3) of this section) be deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1934 so far as applicable to the provisions of those respective Acts and not varied by or inconsistent with those Acts or any of them.	Incorporation and application of Harbours Docks and Piers Clauses Act 1847
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(2) The provisions of the Act of 1847 with respect to -  
the appointment of harbour masters dock masters and pier masters and their duties;  
the protection of the harbour dock and pier and the vessels therein from fire or other injury;  
and  
the recovery of damages not specially provided for and of penalties and the determination of any other matter referred to justices or the sheriff;

shall (subject to the provisions of subsection (3) of this section) be deemed to be incorporated with the Ferry Act 1829 and the Ferry Act 1848 so far as applicable to the provisions of and not inconsistent with those respective Acts.

Tyne Improvement Act, 1934

(3)(a) For the purposes of the incorporation of any provisions of the Act of 1847 with the Tyne Improvement Acts 1850 to 1934 and with the Ferry Act 1829 and the Ferry Act 1848 and in the application of any provisions of the Act of 1847 to the Commissioners the following words and expressions in the Act of 1847 shall have the following respective meanings:-

(i) The expression "special Act" shall mean and include each and every Act with which the Act of 1847 or any part thereof is incorporated by this section;

(ii) The expression "the prescribed limits" shall mean the port;

(iii) The expression "harbour dock or pier" shall mean (as the circumstances require) the port or the harbour dock or pier authorised by any Act with which the Act of 1847 or any part thereof is so incorporated;

(iv) The expression "the undertakers" shall mean the Commissioners;

(v) The words "goods" "vessel" "shipped" and "unshipped" and the word "owner" where used with reference to a vessel shall have the respective meanings given to these words by section 2 (Definitions) of this Act;

(vi) The expression "packetboat" and "Post Office packet" shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" shall mean a mail bag as defined by the same Act.

(b) Nothing in the Act of 1847 or in any of the Tyne Improvement Acts 1850 to 1934 shall extend to exempt from rates or duties any vessel mentioned in subparagraph (vi) of the foregoing paragraph (a) if the vessel also conveys passengers or goods for hire.

(c) Sections 16 to 19 of the Act of 1847 shall not be incorporated with any of the Tyne Improvement Acts 1850 to 1934 or apply to the Commissioners unless and except only so far as the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and tide and weather gauge.



Tyne Improvement Act, 1934

(d) Sections 23 50 and 83 of the Act of 1847 shall in their application to the Commissioners have effect as follows:-

- (i) Section 23 shall have effect as if the proviso thereto were omitted;
- (ii) Section 50 shall have effect as if the words "three months" were substituted for the words "one month";
- (iii) Section 83 shall have effect as if the words "as herein provided" at the end of the section meant as provided by Part V of this Act.

(4) The provisions of subsections (1) and (3) of this section shall supersede any provision of any of the existing Acts which incorporates or implies the incorporation therewith of the Act of 1847 or any part or provisions of that Act and the provisions of the existing Acts mentioned in Part I of the Second Schedule to this Act (which provisions relate to the incorporation with those Acts of the Act of 1847 or some parts or provisions of that Act) are hereby repealed.

(5) Nothing in this section shall affect the application to the Newcastle Corporation of so much of the Act of 1847 as is applied to the corporation by sections 6 and 8 of the Act of 1850.

70. (1) The Commissioners for the purpose of improving the navigation of the river or the flow of water therein may with the consent in writing of the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade shorten any bend or remove any point or projection in the banks of the river.

Power to improve  
course of river.

(2) The Commissioners may enter into agreements with the owners of and other persons interested in any land adjoining or in or near to the river for the purchase of land or otherwise to enable them to effect the purpose mentioned in subsection (1) of this section.

(3) The Commissioners shall not in carrying out any such operations as are referred to in subsection (1) of this section do anything by or in consequence of which -

- (a) any damage injury or interference shall be caused or result to or with-
  - (i) any land or building abutting upon or situate near to the river; or
  - (ii) any dock staith quay wharf bridge jetty pier abutment or other structure lawfully constructed or placed under statutory powers on or over any bank or the bed of the river or any tributary of the river or any land adjacent to the river or any such tributary; or

Tyne Improvement Act, 1934

- (iii) any main pipe wire electric telegraphic or telephonic line or other apparatus lawfully laid under statutory powers on in over or under any bank or the bed of the river or any tributary of the river or any land adjacent to the river or any such tributary by any local authority company or body carrying on any gas water or electricity undertaking or by the London and North Eastern Railway Company; except with the consent of the owner of such land building structure or apparatus; or
  - (b) any interruption in the supply of gas water or electricity or interference with telegraphic or telephonic communication through any such main pipe wire electric line or apparatus as aforesaid shall except with the consent of the owner thereof be caused or result.
- (4)(a) If notwithstanding subsection (3) of this section any such damage injury or interference as is referred to in that sub-section shall be caused or result the Commissioners shall pay compensation in respect thereof to the owners of and other persons having any estate or interest in the land building structure or apparatus so damaged injured or interfered with and the amount of such compensation shall in case of difference be ascertained and determined in accordance with the provisions of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase and taking of lands otherwise than by agreement for which purpose-
- (i) the Lands Clauses Acts as so modified shall be deemed to be incorporated with this Act;
  - (ii) this Act shall be deemed to be the special Act within the meaning of the said Acts;
  - (iii) the operations of the Commissioners under subsection (1) of this section shall be deemed to be the works by the special Act authorised to be executed; and
  - (iv) the Commissioners shall be deemed to be the promoters of the undertaking;
- Provided that any claim for compensation under this subsection may be made from time to time as any such damage injury or interference is caused or results but no owner or other person shall be entitled to claim compensation more than once in respect of the same damage injury or interference.
- (b) The Commissioners shall also indemnify every such owner or other person as aforesaid against all claims demands damages costs charges and expenses which may be made against or recovered from or incurred by such owner or person by reason or in consequence of any such damage injury or interference as aforesaid.
- (c) If notwithstanding subsection (3) of this section any interruption in the supply of gas water or electricity by any such local authority company or body as is referred to in that subsection shall be caused by the Commissioners in carrying out any such operations as aforesaid they shall indemnify such local authority company or body against any loss damages or penalties which they may suffer or incur by reason or in consequence of such interruption.
- (d) Nothing in this subsection shall prejudice or affect any right or immunity of the Commissioners under or by virtue of any statutory provision for their protection in force at the date of the passing of this Act.

Tyne Improvement Act, 1934

(5) Nothing in this section shall impose on the Commissioners any liability to pay compensation in respect of any damage injury or loss caused to or suffered by any such owners or other person as aforesaid by or in consequence of the user of the river as altered under the powers conferred on the Commissioners by subsection (1) of this section.

(6) Notwithstanding anything in this section the Commissioners shall not except with the previous consent in writing of the North Eastern Electric Supply Company Limited execute any work under this section-

- (a) on the north side of the river within four hundred yards of the eastern boundary or of the western boundary of the lands at the passing of this Act belonging to the company and forming the site of their Carville power station at Wallsend or used in connection therewith; or
- (b) on the south side of the river within four hundred yards of the eastern boundary or of the western boundary of the lands at the passing of this Act belonging to the company and forming the site of their Dunston power station or used in connection therewith.

(7) Nothing in this section shall prejudice or affect the powers and rights of the Postmaster-General under the Telegraph Acts 1863 to 1926 and in particular any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General shall be subject to the provisions of section 7 of the Telegraph Act 1878.

73. Section 42 (Further power to deal with wrecks &c. and recover expenses) of the Act of 1890 shall have effect as if the words "or in or near any approach thereto" were inserted therein after the words "within the port".

Extension of powers to remove wrecks.

74. (1) The Commissioners may by byelaws made under this section -

Provisions as to foyboatmen.

- (a) limit the number of foyboatmen to be licensed by the Commissioners under section 17 (Power to license foyboatmen) of the Act of 1925 as the circumstances of the port may from time to time require;
- (b) provide generally for the good government of foyboatmen so licensed by the Commissioners and in particular for ensuring their good conduct in and constant attendance to and effectual performance of their duties;
- (c) determine the system to be adopted with respect to the supply of foyboatmen so licensed by the Commissioners to meet the requirements of the port;

Tyne Improvement Act, 1934

(d) provide for the punishment of any breach of any byelaws made by the Commissioners for the good government of foyboatmen so licensed by them by the infliction of fines without prejudice to the powers of the Commissioners under the Act of 1925 to endorse suspend or cancel the licence if there be any such breach of byelaw; and

(e) fix a schedule of maximum charges for services rendered by foyboatmen so licensed by the Commissioners.

(2) All byelaws under this section shall be made under the common seal of the Commissioners.

(3) The grant or renewal of a licence to a foyboatman by the Commissioners under the powers of the Act of 1925 and this Act shall not impose any liability on the Commissioners for any loss occasioned by any act or default of the foyboatman.

(4)(a) A foyboatman licensed by the Commissioners shall when required by the Commissioners produce his licence to the Commissioners and if his licence be suspended or cancelled shall deliver up the licence to the Commissioners.

(b) If any foyboatman licensed by the Commissioners fail to comply with the requirements of this subsection he shall be liable on conviction in respect of each offence to a fine not exceeding forty shillings.

Agreements  
for assist-  
ance in cases  
of fire.

78. The Commissioners may enter into and carry into effect agreements with any one or more of the councils for the administrative county of Northumberland or Durham or for any county borough county district or parish situate within the geographical county of Northumberland or Durham (if the council is for the time being maintaining a fire brigade) in anticipation of and for dealing with any outbreak or fire or explosion in the port or at any property abutting on the river or in the administrative county or county borough county district or parish of any party to the agreement (other than the Commissioners) providing for assistance to the Commissioners by any other party or parties to the agreement or assistance to any such other party or parties by the Commissioners in case of such fire or explosion as aforesaid by means of members of their respective fire brigades and their respective fire-fighting appliances.

TYNE IMPROVEMENT ACT, 1950

An Act to increase the borrowing powers of and to enact further financial provisions with respect to the Tyne Improvement Commissioners to amend the enactments relating to the period of office nomination appointment election and co-option of those Commissioners and the auditors of their accounts to make further provision with respect to the rates and charges leviable by the Commissioners and for other purposes.

(12th July 1950.)

WHEREAS by the Tyne Improvement Acts 1850 to 1949 (hereinafter called "the existing Acts" and a list of which Acts other than the Tyne Improvement Acts of 1934 and 1949 is set out in the First Schedule to that Act of 1934) the Tyne Improvement Commissioners (hereinafter called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the river Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works:

And whereas the Tyne Improvement Act 1934 has been modified by the Coal Industry Nationalisation (Harbour Commissioners) Order 1947:

And whereas the Commissioners were by the Tyne Improvement Act 1872 and subsequent Acts up to and including the Tyne Improvement (Constitution and Works) Act 1898 (which last-mentioned Act is hereinafter called "the Act of 1898") empowered to borrow on mortgage and by the creation and issue of debenture stock and of Tyne Improvement redeemable stock on the security of the Tyne Consolidated Fund the total sum of £4,800,000 and those borrowing powers have been fully exercised:

And whereas the Commissioners were by the Tyne Improvement Act 1929 (hereinafter called "the Act of 1929") empowered to borrow on mortgage and by the creation and issue of Tyne Improvement redeemable stock on the security of the Tyne Consolidated Fund the total sum of £2,200,000 and in exercise of that power have borrowed sums amounting on the thirty-first day of December nineteen hundred and forty-nine to £1,285,235. 2s. 11d. leaving the sum of £914,764 17s. 1d. remaining on that day to be borrowed:

And whereas by the Act of 1898 the Commissioners were required to redeem within sixty years from the passing of that Act all money borrowed by them on mortgage or by the creation and issue of debenture stock under the powers of the said Acts of 1872 to 1898 and in pursuance of that requirement they had at the thirty-first day of December nineteen hundred and forty-nine appropriated to a redemption fund the total sum of £3,277,967 13s. 2d. but they are not empowered to re-borrow money redeemed out of the redemption fund:

And whereas by the Act of 1929 the Commissioners were required to redeem within sixty years from the passing of that Act all money borrowed by them on mortgage or by the creation and issue of stock under the powers of that Act and in pursuance of that requirement they had at the thirty-first day of December nineteen hundred and forty-nine appropriated to a redemption fund the total sum of £109,950 18s. 3d. but they are not empowered to re-borrow money redeemed out of the redemption fund:

And whereas it is expedient to amend the hereinbefore-recited requirements of the Act of 1898 and the Act of 1929 as to the redemption of borrowed money in manner provided by this Act:

And whereas it is expedient to authorise the Commissioners to borrow further money:

TYNE IMPROVEMENT ACT, 1950

And whereas the Tyne Improvement Commission (hereinafter called "the commission") is now composed of thirty-six members of whom two are nominated triennially by the Minister of Transport seventeen are appointed annually or triennially by certain local municipal authorities five are appointed triennially by the National Coal Board ten are elected triennially by shipowners and traders and two are co-opted triennially by elected members of the commission:

And whereas the accounts of the Commissioners are audited by five auditors of whom four are appointed annually or triennially by certain local municipal authorities and one is elected triennially by shipowners traders and the National Coal Board:

And whereas it is expedient to amend the provisions of the existing Acts relating to the terms of office of members of the commission and of the auditors of the Commissioners' accounts to alter the dates for the nomination appointment election and co-option of the members of the commission and the auditors and to make other provision as in this Act contained with respect to those matters and matters connected therewith:

And whereas it is expedient that the rates tolls dues and charges which may be taken and demanded by the Commissioners should be increased and that further or new provision as in this Act contained should be made with respect thereto:

And whereas it is expedient that further powers be conferred on the Commissioners as by this Act provided and that the other provisions of this Act be enacted:

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

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

Interpretation.

4. In this Act unless there is something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by Part II (Constitution of Commissioners) or Part III (Auditors) of the Act of 1934 or by the Acts incorporated herewith have the same respective meanings And-

"the Act of 1852" "the Act of 1861" "the Act of 1872"  
"the Act of 1877" "the Act of 1897" "the Act of 1925"  
"the Act of 1929" and "the Act of 1934" respectively  
mean the Tyne Improvement Acts of those respective  
years;

"the Commissioners" means the Tyne Improvement  
Commissioners;

"the existing Acts" means the Tyne Improvement Acts  
1850 to 1949;

"master" where used with reference to a vessel includes  
the owner of and agent or broker for the vessel and  
any charterer to whom the vessel is demised;

"the Minister" means the Minister of Transport;

Tyne Improvement Act, 1950

"owner" where used with reference to goods includes the consignor consignee importer shipper exporter receiver broker or agent for sale or custody of the goods;

"the South Shields Corporation" means the mayor aldermen and burgesses of the borough of South Shields;

"statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rent charges or securities transferable by delivery;

"the Tynemouth Corporation" means the mayor aldermen and burgesses of of the borough of Tynemouth.

29. (1) As from the passing of this Act the maximum amounts of the tolls and charges which the Commissioners may demand collect and recover in respect of the conveyance of passengers by their ferries shall be-	Increase of passenger tolls on ferries.
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In respect of their Whitehill Point ferry. Fourpence per passenger.

In respect of their Market Place ferry. Threepence per passenger.

In respect of their direct ferry. Twopence per passenger.

And the Tyne Improvement Acts 1850 to 1950 shall be read and construed accordingly.

(2) The reference in paragraph (ii) of sub-section (2) of section 8 (Continuance of increase of ferry passenger tolls etc.) of the Act of 1925 to the Tyne Improvement Acts 1850 to 1925 shall be construed as a reference to the Tyne Improvement Acts 1850 to 1950.

34. Where the payment of more than one sum by any person is due under the provisions of any enactment from time to time relating to the Commissioners any summons or warrant issued for the purposes of any one or more of such enactments in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.	Several sums in one summons.
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TYNE IMPROVEMENT ACT, 1952

An Act to empower the Tyne Improvement Commissioners to discontinue and remove the gates and pier at the entrances to their Northumberland Dock to authorise those Commissioners to abandon their Whitehill Point ferry and to borrow further money and for other purposes  
(22nd May 1952.)

WHEREAS by the Tyne Improvement Acts of 1850 to 1950 (a list of which Acts other than the Tyne Improvement Acts of 1934 1949 and 1950 is set out in the First Schedule to that Act of 1934) the Tyne Improvement Commissioners (hereinafter called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the river Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works:

And whereas the Tyne Improvement Act 1934 has been modified by the Coal Industry Nationalisation (Harbour Commissioners) Order 1947:

Tyne Improvement Act, 1952

And whereas by the Tyne Improvement Act 1852 the Commissioners were authorised to construct a certain dock (known as Northumberland Dock) and that dock was duly constructed and is a present maintained by the Commissioners:

And whereas the gates at the entrances to Northumberland Dock will shortly become unfit for further use and it is expedient that the Commissioners should be empowered to discontinue the use of the said gates and to remove them and also to remove the pier between the said entrances:

And whereas by the Tyne Direct Ferry Company Act 1848 the Tyne Direct Ferry Company were authorised to establish a ferry (hereinafter called "the Whitehill Point ferry") across the river Tyne between Whitehill Point and Penny Pie Stairs:

And whereas the Whitehill Point ferry was duly established and was in the year eighteen hundred and sixty-three purchased from the then owners by the Commissioners who continued to operate it but altered its route pursuant to powers in that behalf conferred on them by the Tyne Improvement Act 1865:

And whereas in the year nineteen hundred and forty-one the buildings and works in connection with the Whitehill Point ferry were severely damaged by enemy action and the Commissioners ceased to operate the ferry:

And whereas the Commissioners in April nineteen hundred and fifty-one recommenced to operate the Whitehill Point ferry but pursuant to powers in that behalf conferred on them by the Tyne Improvement Act 1902 varied the route of the ferry and are now operating it between Albert Edward Dock entrance jetty and the south landing of the Market Place ferry at South Shields:

And whereas for several years up to nineteen hundred and forty-one the Commissioners were unable to operate the Whitehill Point ferry otherwise than at a loss and they have also incurred a loss in operating the ferry since they recommenced to do so:

And whereas it is expedient that the Commissioners should be authorised to abandon the Whitehill Point ferry:

And whereas it is expedient to authorise the Commissioners to borrow further money:

And whereas it is expedient that further powers be conferred on the Commissioners as by this Act provided and that the other provisions of this Act be enacted:

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

And whereas a plan and sections showing the alterations of works by this Act authorised and showing also the limits within which those alterations may be carried out together with a book of reference to the lands on which those alterations may be carried out containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the town clerk of the county borough of Tynemouth:



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:-

3. In this Act -

Interpretation

"the Act of 1852" "the Act of 1925" and "the Act of 1934" respectively mean the Tyne Improvement Acts of those respective years; "the Commissioners" means the Tyne Improvement Commissioners; "the deposited plan" means the plan deposited with the town clerk of the county borough of Tynemouth as recited in the preamble to this Act.

4. (1) The Commissioners may within the limits of deviation of alterations of works shown on the deposited plan abandon and cease to use the gates of the lock and of the basin at the eastern end of Northumberland Dock and the centre pier between that lock and basin and may remove those gates and that pier.

As to Northumberland Dock.

(2) On and from the date when the Commissioners cease to use the said gates -

- (a) all obligations imposed upon the Commissioners to maintain Northumberland Dock as a dock the water in which is capable of enclosure against the ebb and flow of the tide shall cease;
- (b) REPEALED BY SECTION 21 OF TYNE IMPROVEMENT ACT 1957
- (c) Northumberland Dock shall for all purposes form part of the river Tyne within the jurisdiction of the Commissioners and of the port of Newcastle upon Tyne.

(3) Nothing in paragraph (b) of subsection (2) of this section shall prejudice or affect any of the powers of the Commissioners with respect to the demanding collection and recovery of any rates duties tolls and charges which they are authorised -

- (a) by virtue of the said section LXVI of the Act of 1852 as applied (whether expressly or by implication) by any subsequent enactment; or
- (b) by any other enactment;

to demand collect and recover and the Commissioners may continue to exercise those powers as if that paragraph had not been enacted.

TYNE IMPROVEMENT ACT, 1954

An Act to empower the Tyne Improvement Commissioners to abandon the Direct Ferry and to borrow further money and for other purposes. (4th June 1954).

WHEREAS by the Tyne Improvement Acts 1850 to 1952 the Tyne Improvement Commissioners (hereinafter called "the Commissioners") were constituted and incorporated as the dock harbour and conservancy authority for the river Tyne and various powers and obligations were conferred upon them:

And whereas by the Tyne Direct Ferry Company Act 1848 the Tyne Direct Ferry Company were authorised to establish certain ferries across the river Tyne including a ferry known as the Direct or Halfpenny Ferry (hereinafter called "the Direct Ferry")

And whereas the Direct Ferry was duly established and was in the year eighteen hundred and sixty-three purchased from the then owners by the Commissioners who continued to operate it:

And whereas for a number of years prior to the present time the Commissioners have been unable to operate the Direct Ferry except at a loss:

And whereas it is expedient that the Commissioners should be authorised to abandon the Direct Ferry:

And whereas it is expedient to authorise the Commissioners to borrow further money:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:-

Interpretation

2. In this Act -

"the Act of 1925" "the Act of 1950" and "the Act of 1952" respectively mean the Tyne Improvement Acts of those respective years;

"the Commissioners" means the Tyne Improvement Commissioners;

"the Direct Ferry" means the Direct or Halfpenny Ferry which the Commissioners acquired in the year eighteen hundred and sixty-three from the North and South Shields Ferry Company under the powers contained in the Tyne Improvement Act 1861 and the Tyne General Ferry Act 1862;

"the Market Place Ferry" means the Market Place or Penny Ferry which the Commissioners acquired in the year eighteen hundred and sixty-three from the North and South Shields Ferry Company under the powers contained in the Tyne Improvement Act 1861 and the Tyne General Ferry Act 1862.

Tyne Improvement Act, 1954

3. (1) The Commissioners may discontinue and abandon the Direct Ferry and as from the date which the Commissioners by resolution determine to be the date of such discontinuance and abandonment the Commissioners shall by virtue of this Act be relieved from all or any obligations (statutory or otherwise) to maintain the said ferry:

Abandonment of Direct Ferry.

Provided that on every occasion when the running of the Market Place Ferry is suspended the Commissioners shall take all reasonably practical measures to maintain an alternative ferry service (for pedestrians only) and the Commissioners may so long as it is necessary for this purpose maintain a landing place at the South Direct Ferry landing.

(2) Without prejudice to the generality of the foregoing provisions of this section section 55 (Compensation for injury to certain ferries) of the Tyne Tunnel Act 1946 shall as from the date on which the Commissioners discontinue and abandon the Direct Ferry have effect as if the reference to that ferry were omitted.

(Note:- Section 55 of the Tyne Tunnel Act 1946 was repealed by Section 59 of the Tyne Tunnel Act 1960)

TYNE IMPROVEMENT ACT, 1957

An Act to empower the Tyne Improvement Commissioners to execute works and to fill in their Northumberland Dock and for other purposes. (17th July 1957.)

WHEREAS by the Tyne Improvement Acts 1850 to 1954 the Tyne Improvement Commissioners (hereinafter called "the Commissioners") were constituted and incorporated as the dock harbour and conservancy authority for the river Tyne and various powers and obligations were conferred and imposed upon them:

And whereas by the Tyne Improvement Act 1852 the Commissioners were authorised to construct a certain dock known as Northumberland Dock and that dock was duly constructed and maintained by the Commissioners:

And whereas by the Tyne Improvement Act 1952 the Commissioners were authorised to abandon and to cease to use the gates of the lock and of the basin at the eastern end of Northumberland Dock and the centre pier between that lock and basin and to remove the said gates and pier:

And whereas under and by virtue of the Tyne Improvement Act 1952 all the obligations of the Commissioners to maintain Northumberland Dock as a dock the water in which was capable of enclosure against the ebb and flow of the tide have ceased and Northumberland Dock is for all purposes part of the river Tyne within the jurisdiction of the Commissioners and of the port of Newcastle upon Tyne:

Tyne Improvement Act, 1957

And whereas it is expedient that the Commissioners should be empowered to extend the river wall of Northumberland Dock and to remove and reconstruct a part thereof and to fill in Northumberland Dock preserving only a means of access by water to the wharf of Associated Lead Manufacturers Limited in Northumberland Dock from the river Tyne:

And whereas it is expedient that further powers be conferred on the Commissioners as by this Act provided and that the other provisions of this Act be enacted:

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

And whereas a plan and sections showing the situations lines and levels of the works by this Act authorised and the lands which may be used for the purposes thereof and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the town clerk of the county borough of Tynemouth and are in this Act respectively referred to as the deposited plan sections and book of reference:

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:-

Short and collective titles.

1. (1) This Act may be cited as the Tyne Improvement Act 1957.

(2) The Tyne Improvement Acts 1850 to 1954 and this Act may be cited together as the Tyne Improvement Acts 1850 to 1957.

Incorporation of Acts.

2. The provisions of the Harbours Docks and Piers Clauses Act 1847 which are by section 3 (Incorporation and application of Harbours Docks and Piers Clauses Act 1847) of the Tyne Improvement Act 1934 deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1934 are (subject to the provisions of the Tyne Improvement Acts 1850 to 1957 and so far as not varied by or inconsistent with those Acts or any of them) hereby incorporated with this Act so far as applicable to the purposes of this Act.

Interpretation.

3.(1) In this Act the following words and expressions have the several meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):-

"the authorised works" means the works authorised by section 4 (Filling in of Northumberland Dock) and section 5 (Power to execute works) of this Act;

"the Commissioners" means the Tyne Improvement Commissioners;

"the Minister" means the Minister of Transport and Civil Aviation;

Tyne Improvement Act, 1957

"telegraphic line" has the same meaning as in the  
Telegraph Act 1878;

"the Trinity House" means the Corporation of Trinity  
House of Deptford Strond.

(2) This Act is to be read as if the words "or thereabouts"  
were inserted after each distance mentioned in section 5  
(Power to execute works) of this Act.

4. Subject to the provisions of this Act the  
Commissioners may within the limits of deviation shown on the  
deposited plan fill in Northumberland Dock authorised by the  
Tyne Improvement Act 1852 and thereupon all powers and  
obligations conferred or imposed upon the Commissioners with  
respect to or in connection with the continuance of the said  
dock shall cease and so much of section XLIII (Works to be made  
according to deposited plans) of the said Act of 1852 as empowers  
the Commissioners to maintain the said dock or any landing places  
basins quays wharfs staiths warehouses entrances approaches and  
other works and conveniences in connection therewith is hereby  
repealed.

Filling in  
of North-  
berland  
Dock.

5. Subject to the provisions of this Act the  
Commissioners may execute in the county borough of Tynemouth  
in the lines and situations and upon the lands delineated on  
the deposited plan and described in the deposited book of  
reference and according to the levels shown on the deposited  
sections the works hereinafter described (that is to say):-

Power to  
execute  
works.

Work No.1 A river wall commencing at a point on the  
north bank of the river Tyne ninety yards east of the  
southernmost point of the centre pier at the entrance  
to Northumberland Dock extending for one hundred and  
forty yards in a westerly direction and terminating  
at the eastern end of the triangular dock head to  
Northumberland Dock;

Work No.2 A river wall commencing at a point on the  
existing river wall of Northumberland Dock three  
hundred and seventy-five yards west of the southern-  
most point of the centre pier at the entrance to  
Northumberland Dock extending in a north-westerly  
direction for a distance of fifty yards and thence  
in a westerly direction and terminating five hundred  
and fifty yards from the point of commencement;

Work No.3 A berthing and turning area in Northumberland  
Dock to the south of and adjoining the property of  
Associated Lead Manufacturers Limited with a channel  
extending southwards from the said berthing and  
turning area to the existing river wall of  
Northumberland Dock the whole work to be formed by -

(a) an eastern river wall commencing at the  
termination of Work No.2 extending in a northerly  
direction for a distance of eighty yards thence  
in an easterly direction for a distance of eighty  
yards and thence in a northerly direction for a  
distance of one hundred yards and terminating at  
the east side of the Hayhole Lead Works of  
Associated Lead Manufacturers Limited;

Tyne Improvement Act, 1957

- (b) a western river wall commencing at a point on the existing river wall of Northumberland Dock ninety yards west of the termination of Work No.2 extending in a northerly direction for a distance of eighty yards thence in a westerly direction for a distance of ninety yards thence in a northerly direction for a distance of one hundred and fifty yards and terminating at a point on the north bank of Northumberland Dock one hundred yards west of the said lead works;

Work No.4 The removal of the existing river wall of Northumberland Dock between the commencement of Work No.2 and the commencement of the western river wall part of Work No. 3.

Work No.3 to form part of River Tyne. 6. The berthing and turning area and channel being Work No.3 authorised by section 5 (Power to execute works) of this Act shall for all purposes form part of the river Tyne within the jurisdiction of the Commissioners and of the port of Newcastle upon Tyne.

Certain works to form part of under-taking. 7. When the Commissioners under the powers of section 4 (Filling in of Northumberland Dock) of this Act fill in Northumberland Dock (other than the site of Work No.3 authorised by section 5 (Power to execute works) of this Act) or any part thereof it or such part thereof as shall be so filled in from time to time and any works executed by the Commissioners under the powers of this Act (other than the said Work No.3) shall while belonging to the Commissioners for the purposes of any dues rates tolls and charges leviable by the Commissioners and for all other purposes whatsoever form part of the undertaking of the Commissioners authorised by the Tyne Improvement Acts 1850 to 1957.

Period for completion of works. 8. If the works authorised by section 5 (Power to execute works) of this Act are not completed within ten years from the passing of this Act or such extended time as the Minister may on the application of the Commissioners allow them on the expiration of that period or such extended time (as the case may be) the powers granted by the said section 5 for the execution thereof shall cease except as to so much thereof as is then completed.

(Note:- time subsequently extended to 17th July, 1977)

(Note:- " " " " 17th July, 1987)

Subsidiary works. 9. Subject to the provisions of this Act the Commissioners may make provide and maintain on or in connection with the authorised works within the limits of deviation prescribed by this Act all such signalling equipment approaches roads rails sidings junctions gates sheds buildings tanks yards walls embankments protection works pipes wires mains cables conduits sewers drains culverts sluices shipping places landing places stairs stages gantries cranes dolphins moorings buoys beacons lights and other works buildings machinery and appliances as may be necessary or convenient for the purposes of or in connection with or subsidiary to the authorised works or any of them:

Provided that any electric signalling equipment wires mains cables or other works made provided or maintained under the provisions of this section shall be so constructed used and maintained as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Tyne Improvement Act, 1957

10. The Commissioners may from time to time maintain renew alter or extend temporarily or permanently the works executed by them under the powers of this Act or any part thereof:

Alteration and improvement of works.

Provided that nothing in this section shall authorise the Commissioners to deviate laterally or vertically beyond the limits of deviation prescribed by this Act.

11. Subject to the provisions of this Act the Commissioners may construct place and maintain in the river Tyne and the bed banks shores and channels thereof such of the works authorised by this Act to be constructed as the Commissioners may deem expedient or necessary.

Works affecting river Tyne.

12. The Commissioners may in executing the authorised works deviate from the lines thereof to the extent of the limits of deviation shown on the deposited plan and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding ten feet upwards or downwards:

Power to deviate.

Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister.

13.(1) Subject to the provisions of this Act the works authorised by this Act shall be executed so far as the same shall be on under or over tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such works are begun.

Works below high-water mark to be subject to approval of Minister.

(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 Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

14. If at any time the Minister deems it expedient for the purpose of this Act to order a survey and examination of any work executed by the Commissioners 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 of or upon which it is proposed to execute any such work the Commissioners shall defray the expenses of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Survey of works by Minister.

Lights on works during execution and alterations.

15. (1) The Commissioners shall on or near the works executed by them under the powers of this Act below high-water mark of ordinary spring tides during the whole time of execution alteration or extension of the works 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 Minister may from time to time require or approve.

(2) If the Commissioners 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.

Permanent lights on works.

16. (1) The Commissioners shall after completion of the works executed by them under the powers of this Act at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and shall take such other steps for the prevention of danger to navigation as the Trinity House may from time to time direct.

(2) If the Commissioners 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 they so fail.

Abatement of work abandoned or decayed.

17. (1) Where any work executed by the Commissioners under the powers of this Act situate wholly or partially on under or over the shore or bed of the river Tyne below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Commissioners 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 Minister 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 Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Commissioners they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.



Tyne Improvement Act, 1957

18. Subsection (2) of section 5 (Power to borrow) of the Tyne Improvement Act 1950 shall be read and have effect as if the reference to "the existing Acts or this Act" included a reference to this Act.

Amendment of section 5 of Tyne Improvement Act 1950.

19. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description 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 on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

20. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.

21. Paragraph (b) of subsection (2) of section 4 (As to Northumberland Dock) of the Tyne Improvement Act 1952 is hereby repealed.

Repeal.

22. All moneys necessary for carrying this Act into effect and payable by the Commissioners and all the costs charges and expenses of and preliminary and incidental to the preparing obtaining and passing of this Act shall be provided and paid by the Commissioners out of the Tyne Consolidated Fund.

Expenses of execution and costs of Act.

THE NEWCASTLE UPON TYNE IMPROVEMENT ACT, 1855

An Act to authorize Improvements in the Borough  
of Newcastle-upon-Tyne. (26th June 1855.)

WHEREAS the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne have the Control and Management of the Streets and Thoroughfares within such Borough: And whereas, in the Month of October One thousand eight hundred and fifty-four, numerous Houses and Buildings within the said Borough, situate in certain narrow Streets and Lanes adjoining and near to the public Quay, were destroyed by Fire, and it would be of public and local Advantage if the said Mayor, Aldermen, and Burgesses were authorized, upon the Sites of the said Houses and Buildings, and elsewhere in the said Borough, to form certain new Streets, and to alter, widen, extend, divert, and improve certain of the existing Streets and Thoroughfares, including such public Quay, and were enabled to exercise the other

The Newcastle-upon-Tyne Improvement Act, 1855

Powers herein-after contained: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: 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: (that is to say,)

Plans of  
Works af-  
fecting  
tidal  
Waters to  
be  
approved  
by  
Admiralty.

34. That previously to commencing the River or Quay Wall, of the Works connected therewith, or any Work below High-water Mark at ordinary Spring Tides, hereby authorized, the Corporation shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said River or Quay, Wall or Works, for the Approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such River or Quay Wall and Works shall be constructed only in accordance with such Approval; and when any such River or Quay Wall or Work shall have been commenced or constructed, it shall not be lawful for the Mayor, Aldermen, and Burgesses at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if such River or Quay Wall or any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Mayor, Aldermen, and Burgesses, and the Amount thereof shall be a Debt due from them to the Crown, and be recoverable accordingly, with Costs of Suit.

NEWCASTLE UPON TYNE CORPORATION ACT, 1904

An Act to enable the mayor, aldermen and citizens of the city and county of Newcastle-upon-Tyne to construct and work additional tramways in and adjacent to the city to widen existing streets to construct new streets across and works in the Ouseburn Valley to make a new quay to acquire lands to establish a superannuation fund to raise further money and to confer various further powers upon the Corporation in respect of their existing quays and for other purposes (15th August 1904.)

\* \* \* \* \*

And whereas the Corporation are the owners of quays on the northern bank of the River Tyne in the city and such quays are carried on and managed by the Corporation and it is expedient that the Corporation should be empowered to construct the additional quay works by this Act authorised and to improve the existing quays and that the limits of the quays of the Corporation should be defined:

And whereas it would be to the advantage of merchants and others using the quays of the Corporation if powers were granted to the Corporation of issuing transferable or negotiable certificates and warrants for the delivery of goods:

And whereas it is expedient that the Corporation should be empowered to acquire lands as in this Act provided:

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):-

31. Subject to the provisions of this Act the Corporation may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the works herein-after described together with approaches roads sidings rails warehouses sheds buildings machinery (including cranes and elevators) works and plant connected therewith or convenient therefor (that is to say):-

Power to make new quay and works.

Work No.1. A new quay consisting of a quay wall commencing on the eastern side of the Ouseburn at or near the eastern end of Glasshouse Bridge and terminating at a point on the foreshore on the northern side of the River Tyne near the south-easternmost corner of the premises known as the Tyne manure works and comprising the area included within a line drawn parallel to or nearly parallel to and at a distance of 200 feet or thereabouts northward from the existing river wall:

Work No.2. A high-level bridge with approaches across the Ouseburn immediately to the southward of the existing New Glasshouse Bridge:

Work No.3 A low-level bridge with approaches over the Ouseburn immediately to the southward of the bridge herein-before described as Work No.2.

38. Any work constructed by the Corporation under the powers of this Act on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows shall be constructed according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like approval If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be commenced without consent of Board of Trade.

Accommodation  
for Customs  
officers.

42. The Corporation shall without making any charge therefor either continue to provide at the existing quay the boathouse and office accommodation at present occupied by the Commissioners of His Majesty's Customs or provide in lieu of such office and boathouse accommodation such other suitable accommodation as may be required by the said commissioners and at all times maintain such office and boathouse accommodation in proper repair and condition and also if and when required by the said commissioners provide and maintain at the new quay and at any future extension or extensions of the existing quays suitable office and boathouse accommodation and all such accommodation provided under this section shall be in accordance with the requirements of and subject to the approval of the said commissioners.

For protection  
of Tyne Improvement  
Commissioners.

74. The following provisions for the protection of the Tyne Improvement Commissioners (in this section referred to as "the commissioners") shall unless otherwise agreed in writing between the Corporation and the commissioners have effect in relation to works authorised by the section of this Act the marginal note whereof is "Power to make new quay and works":-

- (1) If and when the commissioners so desire they may at their own expense convert the low-level bridge by this Act authorised into an opening bridge which is to be opened and shut by and at the expense of such commissioners:
- (2) If and when the commissioners so require the Corporation shall at their own expense convert the high-level bridge by this Act authorised into an opening bridge which is to be opened and shut by and at the expense of the Corporation at times to be settled in the event of dispute by the Board of Trade:
- (3) The foundations wingwalls and piers of the said bridges shall be constructed of such strength and at such depth as to allow without damage to such foundations wingwalls or piers of dredging the Ouseburn to a depth of five feet below the level of low water at ordinary spring tides:
- (4) The foundations piers and wingwalls of the low-level bridge shall be so constructed that they can afterwards be added to in a way to make them suitable for an opening bridge any question as to such construction being settled in the event of difference of opinion between the Corporation and the commissioners by the Board of Trade:
- (5) The clear span of the proposed bridges shall be not less than fifty-five feet measured on the square:

- (6) The new quay shall be so constructed as to admit of the ground or bed of the river for fifty feet in front of such quay being removed from time to time by dredging or otherwise to a depth at such quay of not less than twelve feet below low water at ordinary spring tides and of not less than twenty feet below low water as aforesaid at a distance of fifty feet from such quay:
- (7) The Corporation shall before commencing any work or works temporary or permanent affecting any part of the tidal area of the River Tyne or of the Ouseburn submit to the commissioners for their approval and deliver to the commissioners for their use plans and sections thereof in duplicate and unless the commissioners fail to signify in writing their approval or disapproval of such plans and sections within two months after the receipt thereof the said works shall not be commenced until the commissioners shall have expressed in writing their approval of such plans and sections or the same shall have been approved by a single arbitrator to be appointed in case of difference by the Board of Trade:
- (8) All the aforesaid works shall be carried out by the Corporation to the reasonable satisfaction of the commissioners and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe navigation of the River Tyne or of the Ouseburn.
- (9) All material excavated from the bed or foreshore of the river in the construction of the works shall be carefully removed by and at the expense of the Corporation and shall not be allowed to fall or to be washed into the river:
- (10) If any difference shall arise between the Corporation and the commissioners touching anything herein before contained in this section or anything to be done or not to be done under the preceding part of this section such difference shall be settled by a single arbitrator to be appointed (unless otherwise agreed on) by the Board of Trade on the application of either party:
- (11) The Corporation shall allow the commissioners' engineer or his authorised representatives to inspect or survey all or any of the aforesaid works while in course of construction and shall give all reasonable facilities for so doing:

Newcastle-upon-Tyne Corporation Act, 1904

(12) All responsibility in connexion with the aforesaid works whether of construction or maintenance (including dredging both temporary or permanent) and for the damage occasioned thereby shall as between the commissioners and the Corporation be and remain with the Corporation:

(13) If the commissioners shall think it desirable in consequence of the making or the use of Work No.1 to take up and shall take up the existing moorings of the commissioners in front of or near to the site of the said work the Corporation shall on demand pay to the commissioners the cost incurred by them in taking up such moorings and in the event of the commissioners afterwards relaying the same moorings or laying down similar moorings in lieu thereof elsewhere in the river the Corporation shall also pay to the commissioners on demand the cost incurred by them in such relaying or laying down of moorings.

NEWCASTLE UPON TYNE CORPORATION ACT, 1911

An Act to enable the lord mayor aldermen and citizens of the city and county of Newcastle upon Tyne to construct and work additional tramways in and adjacent to the city to make new streets and to acquire lands to alter the style and title of the Corporation to make further provisions with reference to the Corporation superannuation fund to make provisions as to the Town Moor and the quays of the Corporation to enable the Corporation to raise further money and to confer various further powers upon the Corporation in relation to the health and good government of the city and for other purposes. (18th August 1911.)

\* \* \* \* \*

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

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

\* \* \* \* \*

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

Newcastle upon Tyne Corporation Act, 1911

35. For the protection of the Newcastle and Gateshead Water Company and the Newcastle-upon-Tyne and Gateshead Gas Company (in this section called "the two companies") the following provisions shall have effect unless otherwise agreed between the Corporation and the company affected (that is to say):-

For protection of Newcastle and Gateshead Water Company and Newcastle-upon-Tyne and Gateshead Gas Company.

- (1) Notwithstanding anything shown on the deposited plans and sections the Corporation shall in executing Street Work No.1 by this Act authorised make and maintain the same in the manner and according to the plan and section signed in reference thereto by William Jones Steele on behalf of the Corporation and by Thomas Waddom and George Smith on behalf of the two companies and in no other manner and under the superintendence and to the reasonable satisfaction of the engineers of the two companies:
- (2) In this section "apparatus" means and includes all or any mains pipes valves hydrants syphons plugs and other appliances belonging to the two companies respectively and "authorised work" means and includes any work authorised by this Act except tramways and works in connection therewith:
- (3) The Corporation shall from time to time repay to the two companies respectively any additional expense imposed upon them in executing any work of laying down repairing altering or removing any apparatus by reason of the existence of any tramway in any road or place where such apparatus shall have been laid before the construction of such tramway:
- (4) The Corporation may from time to time where and as far as it is necessary in the execution of any authorised work alter the position of any apparatus:
- (5) Before commencing to execute any authorised work in any road in which any apparatus is laid the Corporation shall whether they contemplate altering the position of any such apparatus or not give fourteen days' notice to the company to whom such apparatus belongs of their intention to execute such work and shall at the same time deliver a plan and section of the proposed work If it should appear to such company that the execution of such work as proposed would endanger any such apparatus or interfere with the access thereto or impede the supply of water or gas such company may give notice to the Corporation to

alter the position of such apparatus in such manner as may be considered necessary and any difference as to the necessity of any such alteration or the manner of carrying out the alteration shall be settled by arbitration in manner in this section provided for the settlement of differences between the Corporation and the two companies and all alterations to be made under this section shall be made by and at the expense of the Corporation with as little detriment and inconvenience to the company to whom such apparatus belongs or to the inhabitants of the district as the circumstances will admit and under the superintendence of the engineer of such company if he think fit to attend after receiving not less than three days' notice for that purpose which notice the Corporation are hereby required to give:

- (6) The Corporation in executing any authorised work shall not remove or displace any apparatus or do anything to endanger such apparatus or impede the passage of water or gas into or through any apparatus or interfere with the access thereto without the consent of the company to whom it belongs or in any other manner than such company shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of water or gas as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and ready for use and to the satisfaction of the engineer of such company or in case of disagreement between such engineer and the Corporation as an engineer appointed by the Board of Trade shall direct:
- (7) Wherever by virtue of this Act any public rights of way over any existing road or footway in which any apparatus of either of the two companies shall be placed shall be extinguished the Corporation shall if required by the company to whom such apparatus shall belong and so far as such apparatus shall be requisite for the supply of gas or water to property not acquired by the Corporation under the powers of this Act remove such apparatus to and relay the same in the road or footway (if any) intended to be substituted for such existing road or footway or in such other position as may be reasonably required by the company to whom such apparatus may belong or shall provide in such substituted road or other position similar apparatus equally suitable in lieu thereof under the superintendence and to the reasonable satisfaction of the engineer of the company to whom such apparatus may belong and in such a manner as not to cause without the consent in writing of the company (which consent shall not be unreasonably withheld) any interruption in the continuous supply of water or gas as the case may be through or by means of such apparatus:



Newcastle-upon-Tyne Corporation Act, 1911

- (8) Wherever the Corporation shall in reducing the width of the footway of any street or road under the powers of this Act add to the roadway any portion of any footway in which there shall be placed any apparatus belonging to either of the two companies the company to whom such apparatus shall belong may at the reasonable cost of the Corporation alter the position of such apparatus to such a depth below the surface of the roadway not exceeding two feet six inches measured from the upper side of the apparatus as the company may deem necessary:
- (9) The Corporation shall not lay down any such apparatus contrary to the provisions of any Act of Parliament relating to the two companies or either of them:
- (10) The Corporation in executing any authorised work shall make good all damage done by them to any apparatus belonging to either of the two companies and shall make full compensation to each of the two companies for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service pipes of any person supplied by such company with water or gas:
- (11) If by any authorised work the Corporation shall for a longer period than is reasonably necessary interrupt the supply of water or gas in or through any apparatus or interfere with the access thereto they shall be liable to a penalty not exceeding fifty pounds for every day upon which such supply shall be so interrupted or such access shall be so interfered with:  
(as amended by the Criminal Justices Act 1982, as amended)
- (12) If either of the two companies shall desire to execute the works connected with any alteration of position removal or displacement of any apparatus under this section and shall give notice in writing thereof to the Corporation before they commence the works such company 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 and be recoverable summarily as a civil debt:
- (13) If any difference arise between the Corporation and either of the two companies with respect to any interference or control exercised or claimed to be exercised by them in relation to the execution of any authorised work by the Corporation or in relation to anything to be done or not to be done or any money to be paid under this section such difference shall be determined by arbitration under and according to the provisions of the Arbitration Act 1889 by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference after notice thereof in writing to the other of them.

(See section 34, Newcastle-upon-Tyne Corporation (Quay Extension &c.) Act 1930 and section 38, Newcastle upon Tyne Corporation (Quay Extension) Act 1935).

Newcastle-upon-Tyne Corporation Act, 1911

For protection of  
Tyne Improvement  
Commissioners.

50. (1) Nothing contained in this Act or any of the former Acts or in any by-laws or regulations at any time made by the Corporation in respect of the quays of the Corporation or any powers conferred on the quay master of the Corporation by any of such Acts by-laws or regulations shall interfere with the powers of the harbour master of the Tyne Improvement Commissioners and such powers may be exercised over all vessels in the River Tyne in the same manner and to the same extent as if such Acts by-laws and regulations had not been passed or made.

(2) The Corporation shall indemnify the Tyne Improvement Commissioners against the consequences of any act order or direction of the quay master of the Corporation whilst acting as a harbour master under this Act of the former Acts and of any other person acting under any by-laws or regulations made by the Corporation in respect of the quays of the Corporation.

NEWCASTLE-UPON-TYNE CORPORATION (QUAY EXTENSION &C.) ACT, 1930

An act to empower the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne to construct a new quay and other works to confer further borrowing powers upon the Corporation and for other purposes. (1st August 1930.)

WHEREAS the city and county of Newcastle-upon-Tyne (hereinafter referred to as "the city") is a municipal and county borough under the government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council:

And whereas the Corporation are the owners of quays on the northern bank of the river Tyne in the city and such quays are carried on and managed by the Corporation and it is expedient that the Corporation should be empowered to construct the new quay and other works in connection therewith by this Act authorised and that the powers and provisions relating thereto which are contained in this Act should be conferred and enacted:

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

And whereas it is expedient that the other provisions in this Act contained 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:-

	£
For the purchase of lands &c.	- 2,750
For and in connection with the construction of the new quay by this Act authorised and the works and conveniences in connection therewith	- 161,370
For machinery and plant in connection with the said new quay	- 22,000
For the construction of sidings	- 5,110
For the construction of roads	- 14,770

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 or situations and levels of the new quay by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace of the county of Northumberland:

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):-

9. (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.

10. (1) The Corporation shall at or near such part of the works 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 and the commissioners or (failing agreement between the Board of Trade and the commissioners) the Board of Trade shall from time to time require or approve.

Lights on works during construction.

(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 fifty pounds and to a daily penalty not exceeding two pounds. (As amended by the Criminal Justices Act 1982, as amended)

Extending certain agreements to new lines of rail.

32. (1) The provisions of the agreement scheduled to the North Eastern Railway Company's (Newcastle &c. Branches) Act 1863 and of the agreement dated the tenth day of June one thousand eight hundred and ninety-two and made between the North Eastern Railway Company of the one part and the Corporation of the other part shall extend and apply to all or any lines of rail laid down by the Corporation on the new quay under the powers of this Act.

(2) Save as aforesaid nothing in this Act shall alter or affect either of the said agreements but the said agreements or either of them may be varied by agreement between the Corporation and the London and North Eastern Railway Company.

For protection of Langdale's Chemical Manure Company Limited.

35. For the protection of Langdale's Chemical Manure Company Limited and their successors and assigns or other the owners for the time being of the works on the northern bank of the river Tyne in the city known as Langdale's Chemical Manure Works (all of whom are in this section included in the expression "the owners") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections have effect unless otherwise agreed in writing between the Corporation and the owners (that is to say):-

(1) In this section -

the expression "Langdale's Works" means the said works known as Langdale Chemical Manure Works as existing at the passing of this Act: and the expression "the signed plan" means the plan signed in duplicate by Herbert Dunnico the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Committee and Private Bill Office of the House of Commons and the other copy in the Parliament Office in the House of Lords:

(2) The Corporation shall purchase and the owners shall sell the whole of the property numbered on the deposited plans 24 in the city within the limit of land to be acquired and deviation of works shown on the deposited plans and the Corporation shall within a period of six months from the passing of this Act serve upon the owners notice to treat with respect to the said property pursuant to the provisions of section 18 of the Lands Clauses Consolidation Act 1845;

(3) The Corporation shall not under the powers of the section of this Act of which the marginal note is "Power to dredge" carry out any dredging in or other work interfering with the bed banks shores or channels of the river Tyne except as follows:-

(a) Dredging to a depth not exceeding thirty feet below low water of ordinary spring tides for a berth seventy-five feet wide from the face of the new quay Provided that the dredging referred to in this paragraph shall not be carried out at any point less than one hundred and nine feet from the point marked "A" on the signed plan; and

(b) Dredging between the riverward side of the berth mentioned in paragraph (a) of this subsection and the northern boundary line of the navigable channel prescribed by the commissioners and shown upon the signed plan Provided that the dredging referred to in this paragraph -

- (i) shall not extend to a depth exceeding thirty feet below low water of ordinary spring tides at the said riverward side or to a depth exceeding twenty-five feet below low water of ordinary spring tides at the said boundary line; and
  - (ii) between the said riverward side and the said boundary line shall extend to such depths as to make the dredged portion of the bed of the river slope uniformly between the said riverward side and the said boundary line;
  - (iii) shall not be carried out any point less than one hundred and nine feet from the said point marked "A"; and
- (c) Dredging riverwards from the face of the new quay to a depth not exceeding thirty feet below low water of ordinary spring tides within any area less than one hundred and nine feet from the said point marked "A" carried out so as to make the bed of the river within the area so dredged slope uniformly at an inclination not steeper than one vertical to three horizontal Provided that the dredging referred to in this paragraph shall not be carried out at any point less than ten feet from the said point marked "A"; and
- (d) Dredging between the face of the new quay and the line marked "FG" on the signed plan to the slopes and levels shown on the signed plan; and
- (e) Dredging to the north-westward of the line marked "GH" on the signed plan to a depth not exceeding thirty feet below low water of ordinary spring tides:

Provided always that -

- (i) any dredging under either paragraph (a) paragraph (b) or paragraph (c) of this subsection shall not be carried out at any point on the down stream side of an imaginary straight line drawn riverwards at right angles to the frontage of Langdale's Works to the river Tyne from the said point marked "A"; and
- (ii) nothing in this subsection shall extend to prejudice or affect the powers of the commissioners with respect to dredging:

- (4) Before the Corporation shall within one hundred and nine feet from any part of Langdale's Works carry out any dredging under the powers of this Act or construct or execute any works by this Act authorised (except such works as are for the protection of the property of the owners) they shall for the protection of the property of the owners -
- (a) drive steel sheet piling at the back of the new quay on the line between the points marked "F" and "G" on the signed plan to a set to be agreed between the respective engineers of the Corporation and the owners or in default of agreement determined by arbitration and to a depth not less than thirty-three feet below low water of ordinary spring tides and provide and fix such temporary anchorages for the said piling as will allow the dredging and pile driving for the south-eastern end of the new quay to be carried out without detriment to the stability of Langdale's Works;
  - (b) drive steel sheet piling along the existing foundations on the north-western side of the nitre house forming part of Langdale's Works to a set to be agreed between the respective engineers of the Corporation and the owners or in default of agreement determined by arbitration from a level of thirteen feet above low water of ordinary spring tides to a depth not less than thirty-three feet below low water of ordinary spring tides and provide and fix such temporary anchorages for the said piling as will allow the dredging and pile driving for the south-eastern end of the new quay to be carried out without detriment to the stability of Langdale's Works;
  - (c) drive steel sheet piling along the river frontage of Langdale's Works between the western corner of the foundations of the said nitre house and the point marked "S" on the signed plan and provide and fix within the area of the property of the owners suitable and sufficient anchorages for such piling and connect the said piling by efficient tie rods to such anchorages and take down the existing fendering and provide and fix suitable and sufficient new fendering along the said river frontage between the said points:
- (5) The whole of the works and operations specified in paragraphs (a) (b) and (c) of subsection (4) of this section shall be carried out and completed by the Corporation within such period not exceeding six months from the commencement thereof as may be agreed between the Corporation and the owners:

- (6) The owners shall grant to the Corporation such reasonable rights and facilities in respect of the property of the owners as may be necessary for enabling the Corporation to execute the works which they are by this section required to execute and any other works which may be agreed upon between the respective engineers of the Corporation and the owners for the purpose of preventing damage to the land and buildings of the owners through the exercise by the Corporation of any of the powers conferred upon them by this Act The Corporation shall pay compensation to the owners for any interference and damage suffered by them consequent upon the exercise of such rights and facilities and the amount of such compensation shall failing agreement be determined by arbitration:
- (7) Along the south-eastern end of the new quay adjoining Langdale's Works the Corporation shall incorporate in the design of the new quay and construct a reinforced concrete curtain wall from the level of thirteen feet above low water or ordinary spring tides to the level of the surface of the new quay and fill in any space between this wall and the north-western end or side of the property of the owners with concrete in mass of an approved mixture The said wall shall be designed and constructed so as to afford permanent support for the said sheet piling and for the property of the owners:
- (8) If the works and operations carried out by the Corporation in pursuance of the provisions of subsections (4) and (7) of this section prove inadequate for the protection of the said nitre house and the property of the owners immediately adjoining the said nitre house from damage through the exercise by the Corporation of any of the powers conferred upon them by this Act the Corporation shall pay to the owners compensation to be ascertained (failing agreement) in manner provided by the Lands Clauses Acts for the damage sustained by the owners Provided that the Corporation shall not be bound to entertain any claim for compensation under this subsection unless such claim is made by the owners within twelve months from the discovery of the damage to which the same relates and provided also that the making of any such claim for compensation in respect of damage arising from one operation shall not prevent or prejudice the making of a subsequent claim for compensation for damage arising from another or a different operation:
- (9) The Corporation shall provide and maintain a suitable and sufficient drain for removing any water that may collect at the point marked "O" on the signed plan:
- (10) The Corporation shall at the levels of the existing highway on the north-west side of Langdale's Works in substitution for the said highway construct pave and for ever maintain as a public highway a new roadway seventeen feet in width along the north-west side of the said works between the points marked "K" and "N" on the signed plan:

- (11) The Corporation shall make good any damage that may be done to the property of the owners in or through the carrying out of the works to be executed by the Corporation in pursuance of the provisions of the subsections (9) and (10) of this section:
- (12) In executing the works by this Act authorised the Corporation shall not interfere with or make any alteration of any existing sewers drains gas mains water mains or electric lines or cables serving Langdale's Works unless and until satisfactory diversions of such sewers drains gas mains water mains or electric lines or cables have been duly executed and completed by the Corporation and brought into use:
- (13) The whole of the works and operations to be carried out by the Corporation in pursuance of the provisions contained in subsections (3) (4) (7) (9) and (10) of this section shall be executed by and at the expense of the Corporation to the reasonable satisfaction of the engineer of the owners and in the event of any difference arising between the engineer of the owners and the Corporation or their engineer with reference to any such works or operations such difference shall be determined by arbitration:
- (14) If by reason or in consequence of any dredging deepening or improving of the channels of the river Tyne carried out by the Corporation or by the commissioners or any other contractors as agents on behalf of the Corporation or by reason or in consequence of any other work or operation of the Corporation or the failure of any work of the Corporation under this Act the owners shall be obliged to incur expenditure in the repair or maintenance of the river walls buildings jetties quays or berths of Langdale's Works in excess of the expenditure which they would otherwise have been obliged to incur the amount of such excess expenditure shall be repaid to the owners by the Corporation and shall be determined failing agreement by arbitration:
- (15) In order to prevent as far as practicable future disputes with respect to damage arising as a result of the powers conferred upon the Corporation by this Act surveys of the river walls jetties quays berths and the buildings adjacent thereto forming part of Langdale's Works shall be made jointly by the respective engineers of the Corporation and the owners before the commencement of any works or operations in exercise of the said powers and any disagreement between the said engineers as to the said survey shall be determined by arbitration:



Newcastle-upon-Tyne Corporation (Quay Extension &c.) Act, 1930

- (16) Any matter by this section required to be determined by arbitration and any dispute or difference arising between the Corporation and the owners or their respective engineers with respect to anything contained in or arising out of this section or anything to be done or not to be done under this section shall unless otherwise by this section expressly provided be referred to and determined by arbitration by a single arbitrator 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 subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

36. (1) Any electric apparatus provided erected fitted up or equipped by the Corporation under the provisions of this Act shall be so constructed worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

For protection of  
Postmaster General.

(2) Notwithstanding the stopping up of the unnamed road No.21 on the deposited plans leading from St. Lawrence Road to Mushroom Quay the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said road any telegraphic line of the Postmaster-General which is in under upon along over or across the same and the Corporation shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of the telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

(3) The expression "telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

NEWCASTLE-UPON-TYNE CORPORATION (QUAY EXTENSION &c.) ACT, 1935

An Act to empower the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne to extend their existing quays and for other purposes.  
(6th June 1935.)

WHEREAS the city and county of Newcastle-upon-Tyne (hereinafter referred to as "the city") is a municipal and county borough under the government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council:

Newcastle-upon-Tyne Corporation (Quay Extension &c.) Act, 1935

And whereas the Corporation are the owners of quays on the northern bank of the river Tyne in the city and such quays are carried on and managed by the Corporation:

And whereas the Corporation have entered into provisional arrangements with a company registered under the name of Spillers Limited (hereinafter referred to as "the company") who carry on business as millers at certain works in the city for -

- (a) the leasing to the company of a site abutting upon the said river for the erection of new mills and works;
- (b) the construction of a quay along the river frontage of the said site in extension of and so as to form part of the existing quays of the Corporation; and
- (c) the acquisition (upon terms to be agreed) by the Corporation of the existing works of the company and the site thereof; and
- (d) other matters incidental to the matters aforesaid:

And whereas the carrying into effect of the said arrangements would be of advantage to the inhabitants and ratepayers of the city and it is expedient that the Corporation should be empowered to construct the quay extension and other works in connection therewith by this Act authorised and that the powers and provisions relating thereto which are contained in this Act should be conferred and enacted:

And whereas it is expedient that the other provisions in this Act contained 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:-

	£
For the purchase of lands - - -	28,500
For and in connection with the construction of the quay extension by this Act authorised and the works and conveniences in connection therewith - - -	190,350
For the construction of sidings -	9,650
For the construction of roads -	11,100

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:

Newcastle-upon-Tyne Corporation (Quay Extension &c.) Act, 1935

And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed:

And whereas a plan and section showing the lines or situations and levels of the quay extension by this Act authorised such plan also showing the land which may be acquired under the powers of this Act and a book of reference to that plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the town clerk of the city:

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):-

9. (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 under 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.

Newcastle-upon-Tyne Corporation (Quay Extension &c.) Act, 1935

Extending certain agreements to new lines of rail.

30. (1) The provisions of the agreement scheduled to the North Eastern Railway Company's (Newcastle &c. Branches) Act 1863 and of the agreement dated the tenth day of June one thousand eight hundred and ninety-two and made between the North Eastern Railway Company of the one part and the Corporation of the other part shall extend and apply to all or any lines of rail laid down by the Corporation on the quay extension under the powers of this Act.

(2) Save as aforesaid nothing in this Act shall alter or affect either of the said agreements but the said agreements or either of them may be varied by agreement between the Corporation and the London and North Eastern Railway Company.

32. Any electric apparatus provided erected fitted up or equipped by the Corporation under the provisions of this Act and of section 44 (Subsidiary works and conveniences in connection with quays) of the Act of 1904 shall be so constructed worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

NEWCASTLE-UPON-TYNE CORPORATION ACT, 1952

An Act to empower the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne to construct a new quay in the city to authorise the running by the Corporation of trolley vehicles on additional routes to confer further powers upon and to enact further provisions in connection with the quays and road transport undertaking of the Corporation the finances and good government of the city and the superannuation and pensions of employees to confer further powers upon the Corporation and the stewards committee in relation to the Town Moor and for other purposes. (1st August 1952.)

WHEREAS the city and county of Newcastle-upon-Tyne (hereinafter referred to as "the city") is a county borough under the government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas the Corporation are the owners of quays on the northern bank of the river Tyne in the city and such quays are carried on and managed by the Corporation:

And whereas it is expedient that the Corporation should be empowered to construct the new quay and other works in connection therewith by this Act authorised:

And whereas it is expedient that the maximum dues tolls rates and charges which the Corporation are authorised to charge in respect of their quays by virtue of the Newcastle-upon-Tyne Tramways and Improvement Act 1877 and subsequent Acts should be increased as by this Act provided and that such further or new provisions as are contained in this Act should be made with respect thereto:

And whereas it is expedient that the other provisions and powers contained in this Act with respect to the quays of the Corporation should be enacted and conferred upon the Corporation:

\* \* \* \* \*

And whereas by the Newcastle upon Tyne Corporation (Quay Extension) Act 1935 the Corporation were authorised to construct an extension of the then existing quay of the Corporation on the northern side of the river Tyne and such quay extension has been in part constructed but has not yet been fully completed:

Newcastle-upon-Tyne Corporation Act, 1952

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

	£
For and in connection with the construction of the new Quay by this Act authorised and works and conveniences in connection therewith .. .. .	237,000
For the provision of plant and machinery in connection with the said new quay .. .. .	24,000
For the construction of sidings in connection with the said new quay .. .. .	22,000
For the construction of roads in connection with the said new quay .. .. .	13,000
For and in connection with the completion of the construction of the said quay extension .. .. .	209,000
For the provision of machinery and plant in connection with the completion of the said quay extension .. .. .	24,000
For the construction of sidings in connection with the completion of the said quay extension .. .. .	20,000
For the construction of roads in connection with the completion of the said quay extension .. .. .	11,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow for those purposes as provided by this Act:

And whereas it is estimated that the total cost of constructing the said quay extension will exceed the total estimate therefor recited in the preamble to the said Act of 1935 by one hundred and ninety-two thousand pounds and such excess is due to the increase in cost of labour and materials since the making of such last-mentioned estimate:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed:

And whereas a plan and section showing the line or situation and levels of the new quay by this Act authorised such plan also showing the lands which may be acquired under the powers of this Act and a book of reference to that plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the town clerk of the city:

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 (that is to say):

10. (1) Subject to the provisions of this Part of this Act any work authorised by this Part of 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 Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

Works below high-water mark to be subject to approval of Minister.

(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 Minister 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 recoverable from the Corporation by the Minister either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

17. The Corporation may provide erect construct lay fit up equip and maintain on the new quay or on any lands within the limits of deviation marked on the deposited plan and for the time being belonging to the Corporation - warehouses depots cranes elevators conveyors buildings sheds roads ways sidings rails (including sidings or rails along or across streets and roads whether public or private) machinery electric and other apparatus and other works erections conveniences appliances and facilities for the reception security accommodation transit passage and interchange of goods merchandise and other traffic and for the more convenient use of the quays of the Corporation and may hold work and use and let or otherwise dispose of and make and recover such reasonable charges for the use of any such works erections conveniences appliances and facilities so provided as the Corporation may from time to time determine and the Corporation may enter into and fulfil contracts and agreements for or in relation to the exercise of any of such powers.

Subsidiary works and conveniences in connection with the new quay.

18. Any electrical works or apparatus erected constructed laid and maintained under section 17 (Subsidiary works and conveniences in connection with new quay) of this Act or section 16 of the Railways Clauses Consolidation Act 1845 (as incorporated with this Act) shall be so erected constructed or laid and so maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection of Postmaster-General.

THE NORTH SHIELDS QUAY ACT, 1851

An Act for constructing and maintaining a Quay  
and other Works at North Shields in the County  
of Northumberland, and for other Purposes.  
(3rd July 1851.)

WHEREAS the Town of North Shields is situate within the Parliamentary and Municipal Borough of Tynemouth, on the North Bank and closely adjoining to the Mouth of the River Tyne, and the said Town, with the Town of South Shields, situate on the South Bank of the said River immediately opposite to the Town of North Shields, have become Places of great Trade and Resort for Shipping, and the said Towns, with other Places adjacent thereto, have been constituted for Customs Purposes a separate and independent Port called the Port of Shields: And whereas the Number of Vessels trading and resorting to and loading and discharging within the said Port of Shields is very large, and it is considered that the same would be greatly increased if additional Accommodation and other Advantages and Conveniences were afforded: And whereas such Vessels for the most part are compelled to load and discharge in the Stream of the River Tyne, by reason of the Want of suitable Quays, Piers, Landing Places, and other Conveniences within the said Port of Shields for loading and discharging the same: And whereas it would be a great Benefit to the Trade of the said Port of Shields if suitable Accommodation were afforded for such Vessels, by the Construction of a Quay, with suitable Approaches and other Works and Conveniences connected therewith, at North Shields within the said Borough of Tynemouth: And whereas an Act was passed in the last Session of Parliament, intituled An Act for the Improvement and Regulation of the River Tyne and the Navigation thereof, and for other Purposes, and it was thereby, amongst other things, enacted, that when the Mayor, Aldermen, and Burgesses of Tynemouth, or the Mayor, Aldermen, and Burgesses of Gateshead, or the South Shields Improvement Commissioners, or the Mayor, Aldermen, and Burgesses of South Shields (if South Shields be constituted a Municipal Corporation), should have opened within their respective Boroughs a Quay of not less than One hundred Yards in Length for the Use of the Public, subject to the Payment of Quay Dues thereat to the Parties erecting such Quay, the Goods, Wares, and Merchandise landed thereat should thenceforth be exempted from the Payment of One Half of the Dues which were described in the said Act as the Import Dues; and further, that it should be lawful for the said Mayor, Aldermen, and Burgesses of Gateshead, Tynemouth, or South Shields, or for the Improvement Commissioners, to receive and take from any Vessel within the Port any Ballast to be employed in the Construction of the said last-mentioned Quays, or in any Repairs thereof, without any Licence from the Commissioners for executing the now-reciting Act, who should, out of the Ballast Dues payable in respect of such Ballast, allow for receiving, conveying, and depositing the same after the Rate of One Shilling per Ton; and further, that the Corporation of Newcastle upon Tyne should not be entitled to Compensation for any Right or Interest which they might have or claim to have in that Part of the Bed and Soil of the River Tyne or Foreshore thereof upon which such respective Quays might be constructed: And whereas an Act was passed in the Ninth Year of the Reign of His late



The North Shields Quay Act, 1851

Majesty King George the Fourth, intituled An Act for paving lighting, watching, cleansing, regulating, and improving the Town of North Shields in the County of Northumberland, and by the said Act certain Commissioners were constituted and appointed for putting the several Powers and Purposes of the same Act into execution: And whereas under or by virtue of the Act of Parliament in that Behalf, and of a certain Indenture bearing Date the Twenty-ninth Day of December One thousand eight hundred and forty-nine, the Powers and Authorities of the said recited Act of the Ninth Year of the Reign of His said late Majesty King George the Fourth were transferred to and became vested in the said Mayor, Aldermen, and Burgesses of the Borough of Tynemouth: And whereas it is expedient that the said Mayor, Aldermen, and Burgesses of the Borough of Tynemouth should be authorized, with and out of the Monies and Funds to be raised under this Act, to construct, maintain, and regulate, in the Manner herein-after mentioned, a Quay, Works, and other Conveniences, and that all necessary Powers should be granted to them accordingly, and that they should be authorised and empowered to levy Rates and Dues on Vessels resorting to and using such Quay, Works, and other Conveniences and on Goods, Wares, Merchandise, Cattle, Articles, and Things loaded or discharged thereat, with all necessary and usual Powers for the Purposes last aforesaid; but such Purposes cannot be effected without the Authority of Parliament: 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.

15. That the Commissioners shall construct, and for ever after keep in repair, sufficient Landing Places along the Front of the said Quay, at Distances not exceeding One hundred Yards apart from each other, with Steps down to Low Water, for the free Use, Passage, and Convenience of the Public, and shall place, and for ever after keep in repair, good and sufficient Mooring Posts and Rings for the Safety of and Cranes for the loading and unloading of Vessels frequenting the said Quay.

Landing Places, Mooring Posts, Rings and Cranes to be provided by the Commissioners.

16. That the Commissioners shall provide, fix and place good and sufficient Mooring Posts and Mooring Rings on and in front of the Quay at the said several public Landing Places, and shall at all Times repair and maintain the same in good and sufficient Repair, and shall permit the same to be used by small Boats of a less Burden than Five Tons, and by Keels, Wherries, and Lighters, without any Charge for the Use thereof: Provided always, that in cases of Gales of Wind, Floods, or other Cases of Emergency, it shall be lawful for the Harbour Master to authorize or direct that any Vessel may use any Mooring Post or Ring upon the said Quay; and no Payment to the Commissioners shall be made in respect of such Use so authorized or directed by such Harbour Master.

Commissioners to place Mooring Posts and Rings, &c. in front of Quay.

The North Shields Quay Act, 1851

As to Entrances of Young's Graving Dock and Building Yard; and as to Construction of Gates.

17. That an Entrance of at the least Forty Feet in Width shall be left to the Graving Dock, and a like Entrance to the Building Yard, respectively, belonging to Messrs. Thomas Young and Son; and such Entrances shall be crossed by well-constructed Opening Bridges, such Bridges, together with the lateral Walls of the Entrances, to be constructed by and at the Expense of the Commissioners; and in the Case of the Dock, the Entrance shall be closed by substantial and well-constructed Gates, which shall be constructed by and at the joint Expense of the said Messrs. Thomas Young and Son and the Commissioners.

Works below High-water Mark not to be executed without Consent of the Admiralty.

19. That it shall not be lawful for the Commissioners to construct below High-water Mark at ordinary Spring Tides any Work hereby authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Commissioners at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed, or altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Cost of Suit.

(NOTE:- "the Commissioners" means the Mayor, Aldermen and Burgesses of the Borough of Tynemouth acting by the Council of the Borough).

Saving Rights of the Duke of Northumberland.

43. That, except as is by this Act expressly provided for the Purpose of carrying this Act into execution, this Act, or anything therein contained, shall not take away, divest, abridge, lessen, alter, or in any Manner affect or prejudice any Property, or Royalties, Rights, Estates, Titles, Interests, Duties, Tolls, Payments, Customs, Powers, Authorities, Jurisdictions, Privileges, Liberties, Franchises, Emoluments or Advantages whatsoever of or belonging to the Most Noble Algernon Duke of Northumberland, his Heirs, Assigns, or Successors.

TYNEMOUTH CORPORATION ACT, 1910

An Act to empower the Mayor Aldermen and Burgesses of the borough of Tynemouth to provide additional accommodation for the trade at their fish quays and to acquire lands for the purpose to confer further powers upon them in relation to their fish quay undertaking and for other purposes. (26th July 1910.)

WHEREAS the Mayor Aldermen and Burgesses of the county borough of Tynemouth in the county of Northumberland (hereinafter called "the Corporation") are the owners of certain quays on the River Tyne at Tynemouth known as the Fish Quay Fish Landing Place and Union Quay and of other works and properties used in connection therewith at which an important fish and general trade is carried on:

And whereas the said trade and in particular the fish trade is rapidly increasing and the accommodation for the sale storing packing and curing of and other dealing with fish and for dealing with other goods landed or shipped at or near to the said quays and landing place is insufficient for the requirements of the trade and it is expedient that the Corporation be authorised to purchase and acquire additional lands for providing additional accommodation for the said trade and to enter into agreements in that behalf as by this Act provided:

And whereas it is expedient that the Corporation be empowered to provide warehouses buildings appliances apparatus and conveniences for meeting the requirements of the said fish and other trade:

And whereas it is expedient that better provision should be made for the regulation and control of the said quays and landing place and the traffic thereat and the vessels resorting thereto and for regulating the dues rates and charges which may be levied and taken by the Corporation in respect of the use of the said quays and landing place:

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

And whereas estimates have been prepared by the Corporation for the acquisition of lands and providing additional accommodation for the said trade as by this Act authorised and such estimates amount to twenty thousand pounds:

\* \* \* \* \*

Tynemouth Corporation Act, 1910

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):-

Interpretation.

2. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act the following words and expressions shall have the meanings respectively assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):-

"The borough" means the county borough of Tynemouth;

"The borough fund" "the borough rate" mean respectively the borough fund and borough rate of the borough;

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

"The fish quay undertaking" means the fish quay and extension jetty fish landing place and union quay of the Corporation and all other works buildings and properties from time to time held and used in connexion therewith;

"The fish quay revenue" means the revenue received by the Corporation from the fish quay undertaking;

"The fish quays" means the fish quay and extension jetty fish landing place and union quay and includes the landing steps and beach and foreshore for the time being belonging to the Corporation;

"The quay master" means the quay master appointed by the Corporation and shall include the assistants of such quay master.

Tolls for selling fish.

10. From and after the passing of this Act the Corporation may demand and take from any person who shall carry on the business of a fish salesman or auctioneer at the fish quays or the lands works and conveniences of the Corporation used in connexion therewith a toll of four pounds for every year or part of a year during which he shall carry on such business and an additional toll of one pound for every assistant fish salesman or auctioneer after the first employed by him during such period.

Return of any fish landed &c. but not sold by auction.

11. Every person landing shipping or transhipping fish at the fish quays from any vessel lying thereat such fish not being for sale by auction shall immediately thereupon deliver a correct account or return in a form to be prescribed by the Corporation to the quay master of the fish so landed shipped or transhipped and if such person shall fail to deliver any such account or return or shall deliver a false account or return he shall for every such offence be liable to a penalty not exceeding fifty pounds.

(as amended by the Criminal Justices Act 1982, as amended)

Tynemouth Corporation Act, 1910

12. Notwithstanding anything in this Act contained the rates and charges payable to the Corporation in respect of fish sold by auction at the fish quays or any lands works and conveniences used in connexion therewith shall be paid by the fish salesman or auctioneer who shall for the purposes of this Act be deemed to be the owner of the fish and shall pay the said rates and charges to the Corporation or to the collector of rates out of the proceeds of the sale forthwith after the sale and before handing over the balance to any person or persons on whose account the sale is made.

Rates on fish sold by auction to be paid by auctioneer or salesman.

13. The collector of rates may from time to time inspect the books and papers of every such fish salesman or auctioneer relating to the sale of fish in respect of which rates and charges are payable to the Corporation and any such fish salesman or auctioneer who shall refuse to allow such inspection shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding forty shillings for every day such offence shall continue after conviction thereof and any such fish salesman or auctioneer who shall make any false entry or return of the proceeds of sale shall for every such offence be liable to a penalty not exceeding fifty pounds. (as amended by the Criminal Justices Act 1982, as amended)

Collector of rates to have access to books.

14. If default be made in payment to the Corporation of any rate rent or charge with respect to any goods at or on the fish quays or any lands works and conveniences used in connexion therewith the Corporation (first paying the customs duties and excise duties if any due and payable thereon) may detain and sell the goods or any part thereof and after detaining the amount so paid may retain for themselves the rates rents or charges so due and payable to them and the expenses of detention and sale rendering on demand the surplus (if any) of the proceeds of sale and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto:

Power for Corporation to recover rates rents and charges by sale of goods.

Provided that the Corporation if they do not sell the goods or if the proceeds of the sale thereof be insufficient may recover the amount of the rates rents charges and expenses due and payable to them or the balance thereof in any court of competent jurisdiction:

Provided also that (except with respect to goods of a perishable nature which in the judgement of the Corporation would be materially lessened in value by being retained by them) the Corporation shall not so sell any goods until ten days' previous notice in writing containing particulars of the amount of rents and charges due and of the intention to sell such goods for satisfaction thereof shall have been given to the owner thereof and such notice shall be served either personally or by sending the same in a registered letter by post addressed to the residence or place of business of such owner:

Tynemouth Corporation Act, 1910

Provided further that with respect to goods of a perishable nature deposited and lodged with them the Corporation (first paying the customs duties and excise duties if any due and payable thereon) may if they think fit sell the same at any time when in their judgment the goods would be materially lessened in value by being retained by them and whether or not they have notice of the non-payment of freight or other charges claimed on the goods or notice to retain the same.

TYNEMOUTH CORPORATION ACT, 1924

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Tynemouth with respect to their water fish quay and electricity undertakings to make further provision for the health local government and improvement of the borough and for other purposes. (7th August 1924.)

\* \* \* \* \*

And whereas the Corporation are the owners of a fish quay undertaking at North Shields and in order to meet the increased cost which has been caused by the war and otherwise of carrying on the same it is expedient that the tolls dues and charges to be taken by the Corporation at the fish quays be increased:

And whereas the trade at the fish quays is carried on in a manner which renders the catches of fish peculiarly liable to serious loss by pilfering and in the interest of the trade it is expedient that the Corporation be empowered to enclose portions of the fish quays and adjoining premises where the fish are spread out and to license the persons to be employed as fish porters as in this Act provided;

And whereas it is expedient that such other provisions be made and that such other powers be granted to the Corporation with respect to their water fish quay and electricity undertakings and with respect to police and sanitary matters and for the health local government and improvement of the borough as in this Act contained:

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):-

Power to enclose fish quays.

34. The Corporation may enclose the land (in this Part of this Act referred to as "the fish quay enclosure") at North Shields comprising the fish market the fish quay the jetty at the eastern end of the fish quay (except the portion thereof which is used as an approach to Lloyd's hailing station and the sea water pumping station of the Corporation) the portion (opposite the north-western side of the fish market) of the quay at the northern side of the fish quay and the extension or protection jetty on the west side of the fish quay and may prohibit and prevent the user of the fish quay enclosure by any person not resorting thereto for bona fide business purposes or not landing at or embarking from any vessel lying at any of the quays or jetties aforesaid.

Tynemouth Corporation Act, 1924

The fish quay enclosure is coloured pink on a map signed in triplicate by Sir Thomas Robinson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred whereof there have been deposited one copy in the Parliament Office of the House of Lords another copy in the Private Bill Office of the House of Commons and the third copy with the town clerk.

35. In addition to the byelaws which may be made by the Corporation under the provisions with respect to byelaws to be made by the Corporation contained in the Harbours Docks and Piers Clauses Act 1847 incorporated with the Act of 1910 the Corporation may from time to time make alter and repeal all such byelaws as they think fit with reference to all or any of the following purposes (that is to say):-

Power to license fish porters.

For prohibiting persons acting as fish porters at the fish quays or in the fish quay enclosure without a licence from the Corporation and for regulating the grant suspension and revocation of and the charge to be made for such licences and generally for regulating their conduct and employment;

For preventing trespassing at the fish quay enclosure;

which byelaws may be enforced in the same manner as byelaws made by the Corporation under the Harbours Docks and Piers Clauses Act 1847.

Any person deeming himself aggrieved by the withholding suspension or revocation of any licence by the Corporation under this section may appeal to a court of summary jurisdiction held after the expiration of at least two clear days after such withholding suspension or revocation. Provided that the person so aggrieved shall give twenty-four hours' written notice of such appeal and the ground thereof to the town clerk and the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just and the cost of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Any byelaws made by the Corporation under the Harbours Docks and Piers Clauses Act 1847 the Act of 1910 or this Act shall be subject to confirmation by the Minister of Transport instead of by a judge of the High Court or the Board of Trade and shall have no force or effect until so confirmed and such confirmation shall be sufficient for all purposes.

Tynemouth Corporation Act, 1924

For Protection  
of Tyne  
Improvement  
Commissioners.

75. (3) Notwithstanding anything in this Act contained the Corporation shall not construct any works or do any act or thing under the powers of this Act which will in any way obstruct lessen or interfere with the visibility to mariners of the commissioners' high and low lighthouses at North Shields or of any light therefrom or with the access to or egress from the said low lighthouse or the commissioners' groynes at the northern wave trap.

(4) Save as in this Act provided nothing in this Act contained shall in any manner prejudice diminish alter or take away any of the rights or privileges or any power jurisdiction or authority now vested in or enjoyed by the commissioners but all such rights and privileges and every such power jurisdiction or authority shall save as aforesaid continue and be in force as if this Act had not been passed.

TYNEMOUTH CORPORATION ACT, 1953

An Act to empower the mayor aldermen and burgesses of the county borough of Tynemouth to construct a quay extension to make further provision with reference to the local government of the borough and for other purposes. (14th July 1953.)

And whereas the Corporation are the owners of a fish quay undertaking including quays on the north bank of the river Tyne in the borough together with works and conveniences on the said quays and are authorised to levy and make dues rates and charges in respect thereof:

And whereas it is expedient that the Corporation should be empowered to make and maintain the works authorised by this Act for the purpose of widening and improving the eastern quay and extension jetty (part of their fish quay undertaking) and that the powers contained in this Act should be conferred on the Corporation:

\* \* \* \* \*

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say):-



Tynemouth Corporation Act, 1953

PART III

QUAY EXTENSION ETC.

18. (1) The works authorised by this Part of this Act shall for all purposes be deemed to form part of the fish quay undertaking of the Corporation. Works to form part of fish quay undertaking
- (2) The Corporation may and shall be deemed always to have had the power to maintain the quays and other works buildings and properties forming part of the fish quay undertaking as from time to time existing of the Corporation.
- (3) Nothing in this Act or in any byelaws at any time made by the Corporation under the powers conferred upon them by this Part of this Act or any Act incorporated for the purposes of such Part shall in any way affect or lessen or interfere with the powers of the harbour-master for the time being of the commissioners and such powers may be exercised in the same manner and to the same extent as if this Act and the said byelaws had not been passed or made.
- (4) The Corporation shall indemnify the commissioners against the consequence of any act or omission order or direction of any quay-master under any Act applicable to the fish quay undertaking and of any other person acting under the said byelaws.

GATESHEAD QUAY ACT, 1855

An Act for constructing and maintaining a Quay and other Works in the Borough of Gateshead in the County of Durham, and for other Purposes. (16th July 1855.)

WHEREAS certain Streets, Roads, Passages, or Places called Church Walk and Hillgate in the Municipal Borough of Gateshead (in this Act called "the Borough") are ill-constructed and inconvenient, and the Dwelling Houses and other Buildings situate therein are unhealthy, whereby Disease has been engendered, and Annoyance and unnecessary Expenditure occasioned to the Ratepayers and other Inhabitants of the Borough: And whereas an Explosion and Conflagration lately occurred in a Street called Hillgate, extending to Church Walk in the Borough, and a large Number of Houses, Warehouses, Manufactories, and other Buildings were destroyed, and many of them are now in Ruins: And whereas the Street called Hillgate, situate on the South Bank of the River Tyne, offers eligible Sites for the Erection of a Quay, Landing Places, and Dwelling Houses, and of Shops, Warehouses, and other Buildings suitable for the Purposes of Trade, and such Quay, Landing Places, Dwelling Houses, Shops, Warehouses, and other Buildings are required for the Commerce of the Borough, and the Convenience of the Ratepayers and other Inhabitants thereof, and the other Persons resorting thereto: And whereas by an Act passed in the Fifty-fourth Year of George the Third, intituled An Act for cleansing, lighting, and otherwise improving certain Streets and Places within and near the Town and Borough of Gateshead in the County of Durham, Commissioners were appointed for putting that Act into execution: And whereas under any by virtue of the Act for the Regulation of Municipal Corporations in England and



Gateshead Quay Act, 1855

20. It shall be lawful for the Commissioners to make and maintain the Gateshead Quay or any Part thereof in, over, and upon the Bed, Soil, and Foreshore of the River Tyne, without making any pecuniary or other Compensation for the Portion of the said Bed, Soil, and Foreshore which may be taken or used for the Purposes thereof, to the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne, and the River Tyne Improvement Commissioners, or either of them, for any Right or Interest which they respectively may have or claim to have in such Bed, Soil or Foreshore.

No Compensation to be made for the Use of the Bed, Soil, and Foreshore.

22. The Commissioners shall construct and for ever after keep in repair sufficient public Landing Places along the Front of the Gateshead Quay at Distances not exceeding One hundred Yards apart from each other, with Steps down to Low Water, and other Conveniences connected therewith, for the free Use, Passage, and Convenience of the Public, and shall place and for ever after keep in repair good and sufficient Mooring Posts and Rings for the Safety of and Cranes for the loading and unloading of Vessels frequenting that Quay.

Landing Places, Mooring Posts, Rings and Cranes to be provided by the Commissioners.

23. The Commissioners shall provide, fix and place good and sufficient Mooring Posts and Mooring Rings on and in the Gateshead Quay, at the said several public Landing Places, and shall at all Times repair and maintain the same in good and sufficient Repair, and shall permit the same to be used by small Boats of a less Burden than Three Tons, and by Keels, Wherries, and Lighters, without any Charge for the Use thereof: Provided always, that in Cases of Gales of Wind, Floods, or other Cases of Emergency, it shall be lawful for the Quay-master to authorize or direct that any Vessel may use any Mooring Post or ring upon that Quay, and no Payment to the Commissioners shall be made in respect of such Use so authorized or directed by such Quay-master.

Commissioners to place Mooring Posts and Rings, &c. on the Quay.

39. Previously to commencing any Work hereby or otherwise authorized which may abut on the River or to Admiralty before be visited by the Tides, the Commissioners shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Work, for the Approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval; and when any such Works shall have been commenced or constructed, it shall not be lawful for the Commissioners at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Lord High Admiral or the Lords of the Admiralty to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

Plans to be submitted to Admiralty before commencing Works.

Saving Rights of  
Owners of Land.

52. Provided always, That, except as is by this Act expressly enacted, any Power created or given by this Act shall not be exercised so as in any Manner to defeat, lessen, or interfere with any Right, Jurisdiction, Usage, or Property of the Owner of any Land adjoining the River, without the Consent of such Owner in Writing under his Hand for that Purpose first had and obtained, and, except as aforesaid, this Act or anything herein contained shall not affect any Right, Jurisdiction, Usage, or Privilege belonging to such Owner.

Saving Rights of  
Trinity House of  
Newcastle-upon  
Tyne.

54. This Act, or anything therein contained, shall not prejudice or affect the Right or Title of the Corporation of the Master, Pilots, and Seamen of the Trinity House of Newcastle-upon-Tyne, or the Members thereof, to any Rights, Powers, Privileges, Immunities, Authorities, Tolls, Dues, Duties, or Sums of Money to which that Corporation, or any Member or Members thereof, are now entitled.

Saving Rights of  
the Crown.

55. Nothing contained in this Act, or in the Acts herein referred to, shall extend to authorize the said Commissioners to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioner or Commissioners is and are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Certain buildings  
not to be erected  
without Consent.

58. It shall not be lawful for the said Commissioners, or for any Person claiming through or under them to erect any Buildings on any Land now belonging to the North-eastern Railway Company adjoining or near to the High Level Bridge in Pipewellgate in Gateshead aforesaid, without the written Consent in each Case of such Company first had and obtained, and then only to the Extent of and in accordance with such Consent.

Not to use Lands  
of North-eastern  
Railway Company,  
without Consent.

59. It shall not be lawful for the said Commissioners, or for any Person acting in execution of this Act, in any Manner, either temporarily or permanently, to enter upon, take, or use any Part of the Lands numbered 81 on the said Plans and Book of Reference, except only with the written Consent of the said Company first obtained.

Not to use Lands of  
Messrs. Haggie,  
without Consent.

60. It shall not be lawful for the Commissioners or any Person acting in the Execution of this Act, in any Manner, either temporarily or permanently, to enter upon, take, or use any Part of the Lands numbered 80 on the said Plans and Book of Reference, except only with the written Consent of Messrs. David Haggie and Peter Haggie, or other the Lessees for the Time being of the said last-mentioned Lands, first obtained.

GATESHEAD QUAY (SECOND) ACT, 1859

An Act for the Completion of the Gateshead Quay in the Borough of Gateshead, and for authorizing Arrangements with the North-eastern Railway Company with respect to the User of Parts thereof; and for other Purposes.

(21st July 1859.)

WHEREAS the following Acts have been passed with respect to the Borough of Gateshead (in this Act called the Borough), that is to say, the Act of the Fifty-fourth Year of George the Third, Chapter One hundred and nine, Local, entitled An Act for cleansing, lighting, and otherwise improving certain Streets and Places within and near the Town and Borough of Gateshead in the County of Durham, and the "Public Health (Supplemental) Act, 1851, No.2.," whereby a Provisional Order of the General Board of Health, dated the First Day of February One thousand eight hundred and fifty-one, applying Parts of the "Public Health Act, 1848" to the Borough, was confirmed: And whereas the "River Tyne Improvement Act, 1852," and the "Tyne Improvement Act, 1857," also relate to the Borough: And whereas the following Acts relate to the North-eastern Railway Company (in this Act called the Railway Company), that is to say, the "North-eastern Railway Company's Act, 1854": and Acts therein recited or referred to, and the "North-eastern Railway (Capital) Act, 1857," and the "North-eastern Railway Company's (Lanchester Valley Branch) Act, 1857," and the "North-eastern Railway Company's (Hartlepool Dock and Railway Amalgamation) Act, 1857:" And whereas by the "Gateshead Quay Act, 1855," the Mayor, Aldermen, and Burgesses of the Borough, acting by the Council of the Borough, were appointed the Commissioners for executing that Act (and in that Act and in this Act they are called the Commissioners), and by that Act they were authorized to make a Quay (in this Act called the Gateshead Quay), on or near to the Right Bank of the River Tyne, with Approaches, Wharves, Shipping and Landing Places, Stairs, Slips, Sheds, Cranes, Warehouses, Sluices, and other Works and Conveniences adjoining thereto or connected therewith to be made within the Borough and Parish of Gateshead, and the Parish of Saint Nicholas, in the Borough and County of Newcastle-upon-Tyne, or One of them; and also to make new Streets within the Borough, and to execute other Works, and to purchase, take, and use Lands for the Purpose, but the Exercise of the Powers of that Act for the compulsory Purchase of Lands was limited to Three Years after the passing of that Act: And whereas by the "Gateshead Quay Act, 1855," the Commissioners were authorized to borrow on Mortgage of the several Rates, Rents, and Charges by that Act authorized in respect of the Gateshead Quay, or any of them, any Sums not exceeding in the whole Thirty-five thousand Pounds, and to borrow on the Security of the Borough Fund of the Borough and the Borough Rate of the Borough, or either of them, any Sums not exceeding in the whole Twenty thousand Pounds, and to levy a Rate within the Borough, to be deemed a Borough Rate, and to be applicable only to the Payment of any Sums borrowed on the Security of the Borough Fund of the Borough and the Borough Rate of the Borough, or either of them, and the Interest thereof: And whereas by that Act it was provided that there should be One Sinking Fund for paying off the several Sums borrowed under that Act, and the Sum to be set apart as to the Sinking Fund should in every Year be not less than One Fortieth Part of the aggregate Amount of the Moneys from Time to Time so borrowed: And whereas the Commissioners have proceeded to put that Act into execution, and have purchased or taken Parts of the Lands required for the Purposes thereof, but they have not exercised their Powers of compulsory Purchase with respect to the whole of the Lands required for the Purposes of that Act, and the Period within which those Powers were exerciseable has expired: And whereas it is expedient that the Commissioners be authorized to purchase Lands still required for the Purposes of the Gateshead Quay and Works: And whereas the Commissioners have borrowed on the Security of the Borough Fund and the Borough Rate of the Borough the whole of the Twenty thousand Pounds which by the "Gateshead Quay Act, 1855," they were authorized so to borrow, but they have not borrowed any other Money under the Authority of that Act: And

Gateshead Quay (Second) Act, 1859

whereas it is expedient that the Commissioners be authorized to borrow, either on the Security of the Rates, Rents, and Charges granted to them in respect of the Gateshead Quay, or on the Security of the Borough Fund and the Borough Rate, or either of them, any Sums not exceeding in the whole Twenty thousand Pounds, Part of the Sum of Thirty-five thousand Pounds which by the "Gateshead Quay Act, 1855," they are authorized to borrow on Mortgage of those Rates, Rents and Charges, and either with or without a collateral Security on those Rates, Rents, and Charges, or any of them, for the same, and the Interest thereon: And whereas it is expedient that the Commissioners and the Railway Company be authorized to make and carry into effect such Arrangements with respect to the User, Appropriation, and Maintenance by the Railway Company of any Lands and Works of the Commissioners under the "Gateshead Quay Act, 1855," and the Traffic thereon, and otherwise, as are by this Act provided for: And whereas it is expedient that this Act be passed by way of Amendment of "The Gateshead Quay Act, 1855:" And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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:-

Saving  
Rights  
of  
Crown.

17. Nothing in the "Gateshead Quay Act, 1855," or in this Act contained, shall authorize the Commissioners to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, and which Consent those Commissioners, or One of them, is and are by this Act authorized to give, or take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities now or hereafter vested in or enjoyed by Her Majesty, Her Heirs or Successors.

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks, and Piers. (11th May 1847.)

WHEREAS it is expedient to comprise in one Act sundry Provisions usually contained in Acts of Parliament authorizing the Construction or improving of Harbours, Docks, and Piers, and that as well for avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves: 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, That this Act shall extend only to such Harbours, Docks, or Piers as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the Clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as they are applicable to such Undertaking, and shall, with the Clauses of every other Act incorporated therewith, form Part of such Act, and be construed therewith as forming One Act.

Extent of Act.

And with respect to the Construction of this Act and any Act incorporated therewith, be it enacted as follows:

Interpretations in this Act.

2. The expression "the Special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the Construction or improving of an Harbour, Dock, or Pier, and with which this Act shall be incorporated; and the Word "prescribed" used in this Act in reference to any Matters herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the Special Act, and the Sentence in which such Word occurs shall be construed as if, instead of the Word "prescribed" the Expression "prescribed for that Purpose in the Special Act" had been used; and the Expression "the prescribed Limits," used with reference to the Harbour, Dock, or Pier, shall mean the Distance measured from the Harbour, Dock, or Pier, or other local Limits (if any) beyond the Harbour, Dock, or Pier, within the Powers of the Harbour-master, Dock-master, or Pier-master, for the Regulation of the Harbour, Dock, or Pier, shall by the Special Act be authorized to be exercised; and the Expression "the Lands" shall mean the Lands which shall by the Special Act be authorized to be taken or used for the Purposes thereof; the Expression "the Harbour, Dock, or Pier," shall mean the Harbour, Dock, or Pier, and the Works connected therewith, by the Special Act authorized to be constructed; the Expression "The Harbour-master" shall mean, with reference to any such Harbour, the Harbour-master, and with reference to any such Dock the Dock-master, and with reference to any such Pier the Pier-master, respectively appointed by virtue of this or the Special Act, and with respect to all Acts authorized or required to be done by such Harbour-master, Dock-master, or Pier-master, shall include the Assistants of every such Harbour-master, Dock-master, or Pier-master, and the Expression "the Undertakers" shall mean the Persons by the Special Act authorized to construct the Harbour, Dock, or Pier, or otherwise carry into effect the Purposes of the Special Act with reference thereto.

"Special Act."

"prescribed"

"the Lands:"

"the Harbour, Dock, or Pier:"

"the Harbour-master:"

"the Undertakers:"

Harbours, Docks and Piers Clauses Act, 1847

(With regard to the expressions "the Special Act", "the promoters of the undertaking", "the undertakers" and "the harbour, dock or pier" see article 3(1)(i) of Port of Tyne Reorganisation Scheme 1967)

- Interpreta-                    3.     The following Words and Expressions, in both this  
tions in this     and the Special Act and any Act incorporated therewith, shall  
and the             have the Meanings hereby assigned to them, unless there be  
Special             something in the Subject or Context repugnant to such  
Act.                Construction; (that is to say,)
- Number:                    Words importing the Singular Number only shall  
                             include the Plural Number, and the Words  
                             importing the Plural Number only shall include  
                             the Singular Number:
- Gender:                    Words importing the Masculine Gender only shall  
                             include Females:
- "Person:"                 The Word "Person" shall include Corporation,  
                             whether aggregate or sole:
- "Lands:"                 The Word "Lands" shall include Messuages, Lands,  
                             Tenements, and Hereditaments, or Heritages of  
                             any Tenure:
- "Vessel"                 SEE ARTICLE 3(1)(ii) OF PORT OF TYNE  
                             REORGANISATION SCHEME 1967
- "Master:"                 The Word "Master", when used in relation to  
                             any Vessel, shall be understood to mean  
                             the Person having the Command or Charge of  
                             the Vessel for the Time being:
- "Owner"                 The Word "Owner," when used in relation to  
                             Goods, shall be understood to include any  
                             Consignor, Consignee, Shipper, or Agent for  
                             Sale or Custody of such Goods, as well as  
                             the Owner thereof:
- "Goods"                 The Word "Goods" shall include Wares and  
                             Merchandise of every Description, and all  
                             Articles in respect of which Rates or Duties  
                             are payable under the Special Act:
- "Rate:"                 The Word "Rate" shall mean any Rate or Duty or  
                             other Payment in the Nature thereof payable  
                             under the Special Act:
- "the Collector  
of Rates:"                The Expression "the Collector of Rates" shall  
                             mean the Person appointed by the Undertakers  
                             to collect the Rates by the Special Act  
                             authorized to be levied by them, and shall  
                             include the Assistants of such Collector"
- "Month:"                 The Word "Month" shall mean Calendar Month:
- "Superior  
Courts:"                 The Expression "Superior Courts" where the  
                             Matter submitted to the Cognizance of the  
                             Superior Courts arises in England or Ireland,  
                             shall mean Her Majesty's Superior Courts of  
                             Record at Westminster or Dublin, as the Case  
                             may require, and where such Matter arises in  
                             Scotland, shall mean the Court of Session:



Harbours, Docks and Piers Clauses Act, 1847

- The Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of taking an Oath: "Oath:"
- The Word "County" shall include any Riding or other Division of a County having a separate Commission of the Peace, and in Scotland shall include any Division of a County having a separate Sheriff, and shall also include County of a City and County of a Town: "County:"
- The Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and where such Matter arises in respect of Lands situate not wholly in any one Jurisdiction, shall mean a Justice acting for the Place where any Part of such Lands shall be situate; and where any Matter shall be authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices met and acting together: "Justice:"
- The Word "Sheriff" shall mean the Sheriff Depute of the County in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and shall include Substitute of such Sheriff Depute and Steward Depute respectively: "Sheriff:"
- The Expression "Quarter Sessions" shall mean Quarter Sessions as defined in the Special Act; and if such Expression be not there defined, it shall mean the General or Quarter Sessions of the Peace which shall be held at the Place nearest to the Situation of the Harbour, Dock, or Pier for the County or Place in which the Harbour, Dock, or Pier, or the principal Office thereof, is situate, or for some Division of such County having a separate Commission of the Peace: "Quarter Sessions:"
- The Expression "the Lords of the Admiralty" shall mean the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the Office of Lord High Admiral. "Lords of Admiralty."
- And with respect to citing this Act, or any Part thereof, be it enacted as follows: Citing the Act.
4. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Harbours, Docks, and Piers Clauses Act, 1847." Short Title of this Act.

Form in which  
Portions of  
this Act may  
be incorp-  
orated in  
other Acts.

5. For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

Accommodation  
for Custom  
House  
Officers.

And with respect to the Construction of Works for the Accommodation of the Officers of Customs, be it enacted as follows:

Under-  
takers to  
erect Watch-  
house and  
Boat-house  
for Custom  
House  
Officers,  
and keep the  
same in  
repair.

14. The Undertakers, before they shall be entitled to take any Rates in respect of the Harbour, Dock, or Pier, if required so to do by the Commissioners of Her Majesty's Customs, or at any Time thereafter when so required, shall erect on a suitable Spot within or near the Harbour, Dock, or Pier, to be approved of by the said Commissioners, and always thereafter maintain a Watch-house and Boat-house for the Use of the Tide Surveyors of the Customs and their Crew of such Size and Materials and in such Manner as shall be approved of by the said Commissioners, and shall also, to the Satisfaction of the said Commissioners, provide from Time to Time a sufficient Number of Huts for the Use of the Officers of Revenue, with all fit and necessary weighing Materials; and shall at all Times keep such Watch-house, Boat-house, Huts and weighing Materials in good and sufficient Repair.

Penalty on  
Undertakers  
neglecting  
to repair  
Watch-house,  
&c.

15. If at any Time such Watch-house or Boat-house or such Huts or weighing Materials shall be out of repair, or not provided as required by the said Commissioners, and Notice thereof be given to the Undertakers, they shall repair or provide the same to the Satisfaction of the said Commissioners within three Months after such Notice, or in default thereof shall be liable on summary conviction to a fine not exceeding £400.

(AS AMENDED IN ACCORDANCE WITH ARTICLE 3(1)(iii) OF SCHEME)  
(as amended by the Criminal Justices Act 1982, as amended)

Warehouses  
and Cranes

And with respect to the Construction of Warehouses, Wharfs, and other Conveniences, be it enacted as follows:

Power to  
construct  
Warehouses  
and other  
Works.

21. The Undertakers may, as well upon the said Lands as upon any other Lands acquired by them under the Provisions of this and the Special Act, construct such Warehouses, Storehouses, Sheds, and other Buildings and Works as they may deem necessary for the Accommodation of Goods shipped or unshipped within the Harbour, Dock, or Pier, and may erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures as they think necessary for loading, unloading, measuring, and weighing such Goods.

Undertakers  
to hire  
Persons to  
work Cranes.

22. The Undertakers or their Lessees shall provide proper Servants and Labourers for working such Cranes at all reasonable Times for the Use of the Public.

24. And with respect to the Quays, be it enacted, That the Quays of the Harbour, Dock, or Pier shall not be deemed to be legal Quays for the shipping and unshipping of Goods until the same have been approved of by the Commissioners of Her Majesty's Customs for that Purpose: and such Quays, and the Use thereof, shall be subject to all the same Rules, Regulations, and Restrictions to which legal or lawful Quays are or may be by Law subject.

Legal Quays to be approved by the Treasury, &c.

27. For the Purpose of ascertaining the Tonnage Rates payable upon Vessels under this or the Special Act, the Tonnage of British Vessels duly registered according to Law shall be ascertained according to the certified Tonnage in the Register of such Vessels, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement for the Time being established by Law for regulating the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom.

Tonnage of British Registered Vessels to be ascertained according to Law: of other Vessels according to established Rules.

28. Nothing in this or the Special Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Customs or Excise, or of the Corporation of Trinity House of Deptford Strond, or the Commissioners of Northern Lights using the Harbour, Dock, or Pier, and not conveying Goods for Hire, or any of the Officers or Persons employed in the Service of the Admiralty, Ordnance, Customs, Excise, or their Baggage or any Vessel or Goods being under Seizure by the Officers of Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon or delivered or disembarked from any of the Quays of the Harbour, Dock, or Pier, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Harbour, Dock, or Pier without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Four Hundred Pounds.

Exemption of Vessels in Her Majesty's Service, &c. from Rates.

(AS AMENDED BY SECTION 31(2) OF THE POST OFFICE ACT 1953 - SEE ARTICLE 3(1)(iv) OF PORT OF TYNE REORGANIZATION SCHEME 1967 and the Criminal Justices Act 1982, as amended)

29. If any Vessel for which the Rate have been paid be obliged from Stress of Weather or other sufficient Cause, after leaving the Harbour, Dock, or Pier, to return with the same Cargo, the Rates so paid shall not again be payable in respect of such Vessel.

Vessels returning from Stress of Weather not to pay Rates again.

31. Provided always, That the Rates chargeable by this or the Special Act upon Vessels not entitled to the Privileges of a British Ship, or upon Goods imported or exported in such Vessel, or upon Persons not being British Subjects, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity shall have been concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, nor to the Subjects of such Countries, but during such Period the same Rates shall be levied upon the Vessels of such Countries, and upon the Goods imported or exported therein and upon the Subjects of such Countries, as may be from Time to Time payable under this or the Special Act upon Vessels entitled to the Privileges of British Ships, or upon Goods imported or exported in such Vessels, or upon the Subjects of such Countries.

As to the Rates on Foreign Vessels where Treaties of Reciprocity exist.

Power to compound for Tolls payable in respect of Passenger or Pleasure Vessels.

32. The Undertakers may from Time to Time agree with the Proprietors or Masters of Vessels engaged in transporting Passengers, or with any other Persons using the Dock, Harbour, or Pier, either for Purposes of Business or Pleasure, for the Payment of a fixed Sum, payable in advance, as a Composition, by the Year, or other shorter Period, for the Rates payable by or in respect of such Passengers or their Luggage, or by such other Persons as aforesaid: Provided always, that if the Undertakers at any Time make any such Agreement by way of Composition as aforesaid, the Proprietors or Masters of all other Vessels engaged in like Manner, and all other Persons using or frequenting the Harbour, Dock, or Pier as aforesaid, may compound for the Rates payable by them respectively upon the like Terms as shall be contained in such Agreement, and the Undertakers shall accept such Composition accordingly, to the Intent that such Rates may not be compounded for partially or in favour of any particular Person or Party whatsoever.

Harbour, Dock and Pier free to the Public on payment of Rate.

33. Upon Payment of the Rates made payable by this and the Special Act, and subject to the other Provisions thereof, the Harbour, Dock, and Pier shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers.

Collection of Rates.

And with respect to the Collection and Recovery of Rates, be it enacted as follows:

Collector may enter Vessels to ascertain Rates payable.

34. The Collector of Rates may, either alone or with any other Persons, enter into any Vessel within the Limits of the Harbour, Dock, or Pier, in order to ascertain the Rates payable in respect of such Vessel, or of any Goods therein.

Master to report Arrival of Vessel, Penalty for neglect.

35. Within Twenty-four Hours after the Arrival within the Limits of the Harbour, Dock, or Pier, of any Vessel liable to Rates the Master of such Vessel shall report such Arrival to the Harbour-master, and if he fails to make such Report within the Time aforesaid he shall be liable to a Penalty not exceeding Fifty Pounds.  
(as amended by the Criminal Justices Act 1982, as amended)

Master of Vessel to produce Certificate of Registry

36. The Master of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to the Collector of Rates, and if any such Master refuse or neglect to make such Production, on Demand, he shall be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)

Masters of Vessels to give Accounts of Goods intended to be unshipped within the Limits, &c.

37. When any Goods are intended to be unshipped within the Limits of the Harbour, Dock, or Pier, the Master of the Vessel containing such Goods shall within Twelve Hours after the Arrival of such Vessel within the Limits of the Harbour, Dock, or Pier, deliver to the Collector of Rates the Name of the Consignee of the Goods intended to be unshipped, or other Person to whom the same are to be delivered, and if the whole Cargo be intended to be unshipped, a Copy of the Bill of Lading or Manifest of the Cargo, or, if Part only of the Cargo be intended to be unshipped, the best Account in Writing in his Power of the Kinds, Weights, and Quantities of the several Goods intended to be unshipped; and every such Master shall, if required so to do by the Collector of Rates, give to him Twelve Hours Notice of the Time at which the Cargo of such Vessel, or any Part of the same, is intended to be unshipped.

38. Every Master of a Vessel of which the Cargo or Part of the Cargo shall be unshipped within the Limits of the Harbour, Dock, or Pier, who shall have failed to deliver or to give any of the Particulars in regard to the Cargo or the Notice in regard to the Unshipment thereof hereinbefore required to be delivered or given by such Master, or who shall deliver or give any false Particulars or Notice, shall for every such Offence be liable to a Penalty not exceeding Four Hundred Pounds. (as amended by the Criminal Justices Act 1982, as amended)

Penalty on Masters giving no Account or a false Account, of Goods to be unshipped.

39. Before any Person shall ship any Goods on board of any Vessel lying within the Limits of the Harbour, Dock, or Pier he shall give to the Collector of Rates a true Account, signed by him, of the Kinds, Quantities and Weights of such Goods; and every Person who shall ship any Goods in any such Vessel without having given such Accounts, or who shall give or sign a false Account of such Goods, shall for every such Offence be liable to a Penalty not exceeding Four Hundred Pounds. (as amended by the Criminal Justices Act 1982, as amended)

Shippers to give an Account of Goods intended to be shipped.

40. If any Difference arise between the Collector of the Rates and the Master of any Vessel or the Owner of any Goods, concerning the Weight or Quantities of the Goods in respect of which any Rates are payable, such Collector may cause all such Goods to be weighed or measured, and if necessary, may detain the Vessel containing such Goods until they have been weighed or measured.

In case of Dispute between Collector and Master, &c. Goods to be weighed or measured.

41. If the Weight or Quantity of such Goods be greater than that shown by the Manifest, Bill of Lading, Account, or Statement delivered by the Master of the Vessel or by the Owner of the Goods the Expenses of such weighing or measuring shall be paid to the Undertakers, and shall be recoverable by the same Means as are herein or in the Special Act provided for the Recovery of Rates; but if the Weight or Quantity of such Goods be the same or less than shown by the Manifest, Bill of Lading, Account, or Statement so delivered, the Undertakers shall pay all the Expenses of such weighing or measuring and shall also pay to the Master of the Vessel or to the Owner of the Goods all the Expenses occasioned by such weighing or measuring, or by the Detention of the Vessel for that Purpose.

As to the Expenses of weighing or measuring Goods.

44. If the Master of any Vessel in respect of which any Rate is payable to the Undertakers refuse or neglect to pay the same, or any Part thereof, the Collector of Rates may, with such Assistance as he may deem necessary, go on board of such Vessel and demand such Rates, and on Nonpayment thereof, or of any Part thereof, take, distrain, or arrest, of his own Authority, such Vessel, and the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and detain the Matters so distrained or arrested until the Rates are paid; and in case any of the said Rates shall remain unpaid for the Space of Seven Days next after any Distress or Arrestment so made, the said Collector may cause the Matters so distrained or arrested to be appraised by Two or more sworn Appraisers, and afterwards cause the Matters distrained or arrested, or any Part thereof, to be sold, and with the Proceeds of such Sale may satisfy the Rates so unpaid, and the Expenses of taking, keeping, appraising, and selling the Matters so distrained or arrested, rendering the Overplus (if any) to the Master of such Vessel upon Demand.

Recovery of Tonnage Rates by Distraint of Ship and Tackle.

Recovery of Rates on Goods.

45. If Default be made in the Payment of the Rates payable in respect of any such Goods, the Collector of Rates may distrain or arrest, of his own Authority, such Goods, and for that Purpose may enter any Vessel within the Limits of the Harbour, Dock, or Pier, in which the Goods may be, with such Assistance as he shall deem necessary, or if the said Goods have been removed without Payment of such Rates he may distrain or arrest any other Goods within the Limits of the Harbour, Dock, or Pier, or the Premises of the Undertakers, belonging to the Person Liable to pay such Rates and may sell the Goods so distrained or arrested, and out of the Proceeds of such Sale pay the Rates due to the Undertakers, rendering the Overplus, if any, to the Owner of such Goods, on Demand; or the Undertakers may recover such Rates by Action in any Court having competent Jurisdiction: Provided always, that the Collector of Rates shall, before making any such Distress or Arrestment as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods so distrained or arrested, and he may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Goods.

Disputes concerning Rates or Charges occasioned by Distress to be settled by a Justice in England or Ireland and in Scotland by the Sheriff.

46. If any Dispute arise concerning the amount of any Rates due, or the Charges occasioned by any Distress or Arrestment, by virtue of this or the Special Act, the Person making such Distress or using such Arrestment may detain the Goods distrained or arrested until the Amount of the Rates due or the Charges of such Distress or Arrestment be ascertained by a Justice, if in England or Ireland, and by the Sheriff if in Scotland, who, upon Application made to him for that Purpose, shall determine the same, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable, and such Costs, if not paid on Demand, shall be levied by Distress or Pounding and Sale, and such Justice or Sheriff shall issue his Warrant accordingly.

Collector of Customs may withhold a Clearance to any Vessel until the Rates paid.

48. The Collector or other proper Officer of her Majesty's Customs for the District within which the Harbour, Dock, or Pier is situate may, with the Consent of the Commissioners of Her Majesty's Customs, refuse to receive any Entry or give any Cocquet, Discharge, or Clearance, or to take any Report inwards or outwards of any Vessel liable to the Payment of any of the Rates imposed by the Special Act, until the Master of such Vessel produces to such Collector or Officer a Certificate, under the Hand of the Collector of Rates, that the Rates payable in respect of such Vessel, and any Goods imported or exported by such Vessel, have been paid, or, if there be any Dispute as to the Rates payable, until such Collector or Officer shall be satisfied that sufficient Security has been given for the Payment of such Rates when ascertained, together with the Expenses arising from the Nonpayment thereof.

Harbour, Dock, and Pier Master.

And with respect to the appointment of Harbour-masters, Dock-masters, and Pier-masters, and their Duties be it enacted as follows:

Appointment of Harbour, Dock, or Pier Master.

51. The Undertakers may appoint such Harbour-masters as they think necessary (including in such Expression Dock-masters and Pier-masters, as herein-before defined) and from Time to Time, as often as they think fit, may remove any such Harbour-master.

Harbours, Docks and Piers Clauses Act, 1847

52. The Harbour-master may give Directions for all or any Powers of Harbour,  
of the following Purposes; (that is to say,) Dock, or Pier  
Master.

For regulating the Time at which and the Manner in which  
any Vessel shall enter into, go out of, or lie in or  
at the Harbour, Dock, or Pier, and within the  
prescribed Limits, if any, and its Position, mooring  
or unmooring, placing and removing, whilst therein:

For regulating the Position in which any Vessel shall take  
in or discharge its Cargo or any Part thereof, or  
shall take in or land its Passengers, or shall take in  
or deliver Ballast within or on the Harbour, Dock, or  
Pier:

For regulating the Manner in which any Vessel entering the  
Harbour or Dock or coming to the Pier shall be dismantled,  
as well as for the Safety of such Vessel as for preventing  
Injury to other Vessels and to the Harbour, Dock, or Pier,  
and the Moorings thereof:

For removing unserviceable Vessels, and other Obstructions from  
the Harbour, Dock, or Pier, and keeping the same clear:

For regulating the Quantity of Ballast or dead Weight in the Hold  
which each Vessel in or at the Harbour, Dock, or Pier shall  
have during the Delivery of her Cargo, or after having  
discharged the same:

Provided always, that nothing in this or the Special Act  
contained shall authorize the Harbour-master to do or cause to be  
done any Act in any way repugnant to or inconsistent with any Law  
relating to the Customs, or any Regulation of the Commissioners  
of Her Majesty's Customs.

53. The Master of every Vessel within the Harbour  
or Dock, or at or near the Pier, or within the prescribed  
Limits, if any, shall regulate such Vessel according to  
the Directions of the Harbour-master, made in conformity with  
this and the Special Act; and any Master of a Vessel, who  
after Notice of any such Direction by the Harbour-master  
served upon him, shall not forthwith regulate such Vessel  
according to such Direction, shall be liable to a Penalty  
not exceeding Fifty Pounds. (as amended by the Criminal  
Justices Act 1982, as amended)

Penalty on  
Shipmasters  
complying with  
Directions of  
the Harbour-  
master.

54. If any Harbour-master or any of his Assistants,  
without reasonable Cause, or in an unreasonable or unfair  
Manner, exercise any of the Powers or Authorities vested  
in the Harbour-master by this or the Special Act, the  
Person so offending shall for every such Offence be  
liable to a Penalty not exceeding Fifty Pounds. (as amended  
by the Criminal Justices Act 1982, as amended)

Penalty on  
Harbour-master  
for Misbehaviour.

Harbours, Docks and Piers Clauses Act, 1847

Penalty on offering Bribes to Dock Officers, and on Officers taking Bribes.

55. If any Person give or offer any Sum of Money, or any thing whatsoever by way of Reward or Bribe to any Harbour-master or any Officer employed in or about the Harbour, Dock, or Pier, for the Purpose of gaining an undue Preference in the Execution of his Office, or for the Purpose of inducing such Harbour-master or other Officer to do or omit to do anything relating to his Office, or if such Harbour-master or other Officer receive any such Reward or Bribe as aforesaid, every Person so offending shall be liable for every such Offence to a Penalty of Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)

Harbour-master may remove Wrecks, &c.

56. The Harbour-master may remove any Wreck or other Obstruction to the Harbour, Dock, or Pier, or the Approaches to the same, and also any floating Timber which impedes the Navigation thereof, and the Expense of removing any such Wreck, Obstruction, or floating Timber shall be repaid by the Owner of the same, and the Harbour-master may detain such Wreck or floating Timber for securing the Expenses, and on Nonpayment of such Expenses, on Demand, may sell such Wreck or floating Timber, and out of the Proceeds of such Sale pay such Expenses, rendering the Overplus, if any, to the Owner on Demand.

Unserviceable Vessels to be altogether removed from Harbour.

57. No Vessel which shall be laid by or neglected as unfit for Sea Service shall be permitted to lie within the Limits of the Harbour, Dock, or Pier, but the Harbour-master may cause every such at the Expense of the Owner thereof, removed from the Harbour, Dock, or Pier, and laid on any Part of the Strand or Sea Shore, or other Place where the same may, without Injury to any Person, be placed; and the Charges of removing or placing such Vessel may be recovered from the Owner of such Vessel by summary Complaint, in England or Ireland, before any Justice of the Peace, and in Scotland before the Sheriff; and in case of Refusal or Neglect of Payment of such Charges for the Space of Seven Days after having been awarded by such Justice or Sheriffs, the Harbour-master may levy such Charges by Distress and Sale of Pounding and Sale of such Vessel, or of the Tackle, Apparel, or Furniture thereof, or any Part thereof, and the Justice or Sheriff shall issue his Warrant accordingly.

Harbour-master may remove Vessels within Dock, &c.

58. If the Master of any Vessel in or at the Harbour, Dock, Pier, or within the prescribed Limits, if any, shall not moor, unmoor, place, or remove the same according to the Directions of the Harbour-master, or if there be no Person on Board of any such Vessel to attend to such Directions, the Harbour-master may cause such Vessel to be moored, unmoored, placed, or removed as he shall think fit, within or at the Harbour, Dock, or Pier, or within the prescribed Limits, and for that Purpose the Harbour-master may cast off, unloose, or cut the Rope, or unshackle or break the Chain by which any such Vessel is moored or fastened; and all Expenses attending the mooring, unmooring, placing, or removing of such Vessel shall be paid to the Undertakers by the Master of such Vessel: Provided always, that before the Harbour-master shall unloose or cut any Rope or unshackle or break any Chain by which any Vessel, without any Person on board to protect the same, shall be moored or fastened, he shall cause a sufficient Number of Persons to be put on board of such Vessel for the Protection of the same.



Harbours, Docks and Piers Clauses Act, 1847

59. Before any Vessel shall enter the Harbour or Dock or approach the Pier the Master thereof shall cause her to be dismantled as directed by the Harbour-master; and if any Vessel shall enter the Harbour or Dock or approach the Pier without being dismantled in the Manner required by the Harbour-master, after Notice shall have been given to the Master of such Vessel so to dismantle the same, such Master shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)
- Vessels entering Harbour or Dock to be dismantled as Harbour-master shall direct.
60. Before any Vessel shall enter into the Dock, the Master of such Vessel shall cause her Sails to be lowered or furled; and if the Master of any Vessel shall navigate the same under sail into or in the Dock he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)
- Vessels to have their Sails lowered when entering and navigating Dock.
61. Every Vessel in the Harbour or Dock or at or near the Pier shall have substantial Hawsers, Tow-lines, and Fastings fixed to the Dolphins, Booms, buoys, or mooring Posts, when required by the Harbour-master; and if any Vessel shall be in the Harbour or Dock or at or near the Pier without substantial Hawsers, tow-lines, or Fastings fixed as aforesaid, after Notice from the Harbour-master to the Master of such Vessel to furnish or fix the same, such Master shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)
- Vessels to have Hawsers, &c. fixed to moorings.
62. Every Person other than the Harbour-master who shall wilfully cut, break, or destroy the Mooring or Fastening of any Vessel lying in the Harbour or Dock or at or near the Pier shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)
- Penalty for wilfully cutting Moorings.
63. As soon as the Harbour or Dock shall be so far completed as to admit Vessels to enter therein, no Vessel, except with the Permission of the Harbour-master, shall lie or be moored in the Entrance of the Harbour or Dock, or within the prescribed Limits, and if the Master of any Vessel either place it or suffer it to remain in the Entrance of the Harbour or Dock, or within the prescribed Limits, without such Permission, and do not, on being required so to do by the Harbour-master, forthwith proceed to remove such Vessel, he shall be liable to a Penalty not exceeding Fifty Pounds. (AS AMENDED BY ARTICLE 3(1)(V) OF SCHEME) (as amended by the Criminal Justices Act 1982, as amended)
- Penalty on Vessels lying near the Entrance of Harbour or Dock without such Permission.
64. Whenever the Undertakers shall deem it necessary, for the Purpose of repairing, scouring, or cleansing the Harbour, Dock, or Pier, that any Vessel lying therein or thereat shall be removed therefrom, the Master of such Vessel shall, within Three Days after Notice in Writing signed by the Harbour-master has been given to him, remove such Vessel according to such Notice; and in case of his neglecting so to do, such Master shall be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)
- Vessels may be removed for the Purpose of repairing Harbour or Dock.

Harbours, Docks and Piers Clauses Act, 1847

Harbour-  
master may  
remove such  
Vessel if  
the Master  
thereof  
neglect  
or refuse  
so to do.

65. If the Master of such Vessels cannot be found, or if he neglect or refuse to remove the same, as required by the said Notice, the Harbour-master may remove such Vessel to such Station as he shall select, and the Expenses of such Removal shall be paid to the Undertakers by the Owner of the said Vessel or the Master thereof: Provided always, that previous to the Repair of Harbour, Dock, or Pier which shall require the Removal of the vessels therefrom, the Harbour-master shall give Three Days Notice of such Repair and of the Necessity for such Removal to the Collector and Comptroller of the Customs of the District within which the Harbour, Dock, or Pier is situate, or which shall be specified for that Purpose in the Special Act, and cause a like Notice to be affixed on some conspicuous Part of such Custom House and of the Office of the Undertakers.

Discharge of  
Cargoes and  
Removal of  
Goods.

And with respect to the discharging of Vessels and the Removal of the Goods, be it enacted as follows:

Delivery of  
Cargoes and  
placing of  
discharged  
Vessels.

66. The Master of every Vessel which shall go into the Harbour or Dock for the Purpose of being discharged of her Cargo shall cause her to be so discharged as soon as conveniently may be after entering therein, and shall cause her, after being so discharged to be removed, without loss of Time, into such Part of the Harbour or Dock as shall be set apart for light Vessels, and the Harbour-master shall cause a Part of the Harbour or Dock to be set apart for light Vessels accordingly; and if the Master of any such Vessel shall not cause it to be so removed within Twenty-four Hours, after being required so to do by Notice in Writing signed by the Harbour-master, he shall be liable to a Penalty not exceeding Fifty Pounds, and the Harbour-master may cause such Vessel to be so removed, and the Expenses of such Removal shall be paid to the Undertakers by the Master of such Vessel. (as amended by the Criminal Justices Act 1982, as amended)

Penalty on  
Wharfingers  
giving  
undue  
Preference.

67. If any Wharfinger or other Servant of the Undertakers, or any of their Lessees, or the Servants of such Lessees, shall give any undue Preference, or show any Partiality in loading or unloading any Goods on any of the Quays, Wharfs, or other Works belonging to the Undertakers, the Person so offending shall be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)

Goods may be  
removed from  
the Piers or  
Quays, &c.  
after lying  
there  
longer than  
allowed  
by  
Byelaws.

68. No Goods shall be allowed to remain upon any of the Piers or Quays or in the Approaches thereto for a longer Time than shall be allowed by the Byelaws of the Undertakers; and if any Goods shall so remain without the Consent of the Undertakers the Harbour-master, or any Person appointed by the Undertakers for that Purpose, may remove the same to any of the Premises of the Undertakers or other convenient Place, and keep the same until Payment to the Undertakers of the Expenses of such Removal, and of the keeping of the Goods; and if such Expenses be not paid within Seven Days after Demand thereof made upon the Owner, or if no such Owner can be found, the Harbour-master may sell such Goods, and out of the Proceeds of such Sale pay such Expenses, rendering the Overplus, if any, to the Owner on Demand.

Protection  
of the  
Harbour,  
Dock and  
Pier.

And with respect to the Protection of the Harbour, Dock, and Pier, and the Vessels therein, from Fire or other Injury, be it enacted as follows:

69. Every Person being the Owner of or having the Charge of any Tar, Pitch, Resin, spirituous Liquors, Turpentine, Oil, or other combustible Thing which shall be upon any Quay, Dock, or Wharf belonging to the Undertakers, or on the Deck of any Vessel within the Harbour or Dock, or at or near the Pier, shall cause the same to be removed to a Place of Safety within Two Hours after being required so to do by Notice in Writing, signed by the Harbour-master, and if he fail so to do shall forfeit a Sum not exceeding Fifty Shillings.

Combustible Matter on Quays, &c. to be removed.

(AS AMENDED BY ARTICLE 3(1)(vi) OF SCHEME) (as amended by the Criminal Justices Act 1982, as amended)

70. If any such combustible Thing as aforesaid shall remain on any Part of the Quays or Works connected with the Harbour, Dock, or Pier, or on the Deck of any Vessel within the Harbour or Dock or at or near the Pier, after Sunset, the Owner or Person having the Charge of the same, or on his Default the Harbour-master, at the Expense of such Owner, shall provide a sufficient Number of Persons to guard the same from Half an Hour before Sunset to Half an Hour after Sunrise; and such Expense, if not paid by the said Owner to the Undertakers, on Demand, shall be ascertained and recovered in the same Manner as Damages for the recovery of which no special Provision is made are by this Act directed to be ascertained and recovered.

Combustibles to be guarded during the night.

71. Every Person who shall commit any of the Acts following shall be deemed guilty of an Offence, and shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds; (that is to say,) (as amended by the Criminal Justices Act 1982, as amended)

Penalties against Offences herein named.

1. Every Person who shall boil or heat any Pitch, Tar, Resin, Turpentine, Oil, or other combustible Matter in any Vessel lying within the Harbour or Dock or near the Pier, or in any Place within the Limits of the Harbour, Dock, or Pier, except in such Place and in such Manner as shall be specially appointed by the Undertakers for that Purpose:

Boiling or heating Pitch, &c.

2. Every Person who shall have or cause to be had any Fire or lighted Candle or Lamp in any Vessel within the Harbour or Dock, or at or near the Pier, except with the Permission of the Harbour-master:

Fires in Vessels.

3. Every Person who shall have or cause to be had any Fire, Candle, or Lamp lighted within any of the Docks or the Works belonging to the same, except at such Times and in such Manner as shall be permitted by the Byelaws of the Undertaking:

Fires within Docks.

4. Every Person who shall bring any loaded Gun on the Quays or Works of the Harbour or Dock or on the Pier, or shall have or suffer to remain any loaded Gun in any Vessel in the Harbour or Dock or at or near the Pier:

Loaded Guns.

5. Every Person who shall, without the Permission of the Undertakers, bring or suffer to remain any Gunpowder on the Quays or Works of the Harbour or within the Dock, or on the Pier or in any Vessel within the Harbour or Dock or at or near the Pier.

Gunpowder.

Harbours, Docks and Piers Clauses Act, 1847

- Power to enter Ship and search for and extinguish Fires or Lights. 72. The Harbour-master may enter into any Vessel within the Harbour or Dock or at or near the Pier, to search for any Fire or Light in or suspected to be in such Vessel, contrary to the Provisions of this or the Special Act, or of any Byelaw made in pursuance thereof, and may extinguish the same; and any Person who shall obstruct the Harbour-master in the Execution of such Duty shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. (as amended by the Criminal Justices Act 1982, as amended)
- Penalty for throwing Ballast &c. into Harbour or Dock. 73. Every Person who shall throw or put any Ballast, Earth, Ashes, Stones, or other Thing into the Harbour or Dock shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that nothing in this Act contained shall prejudice or prevent any Person from adopting any Measures which but for the passing of this Act he would be lawfully entitled to adopt for recovering any Land which shall at any Time have been lost to him or severed from Land belonging to him, by reason of the Overflowing or Washing of any navigable River, or for protecting his Land from future Loss or Damage by the Overflowing or Washing of such navigable River. (as amended by the Criminal Justices Act 1982, as amended)
- Owner of Vessel answerable for Damage to Works. 74. The Owner of every Vessel or Float of Timber shall be answerable to the Undertakers for any Damage done by such Vessel or Float of Timber, or by any Person employed about the same, to the Harbour, Dock, or Pier, or the Quays or Works connected therewith, and the Master or Person having the Charge of such Vessel or Float of Timber through whose wilful Act or Negligence any such Damage is done shall also be liable to make good the same; and the Undertakers may detain any such Vessel or Float of Timber until sufficient Security has been given for the Amount of Damage done by the same: Provided always, that nothing herein contained shall extend to impose any Liability for any such Damage upon the Owner of any Vessel where such Vessel shall at the Time when such Damage is caused be in charge of a duly Licensed Pilot, whom such Owner or Master is bound by Law to employ and put his Vessel in charge of.
- As to the Recovery of Amount of Damage to Quays, &c. 75. If the amount claimed in respect of any such Damage as aforesaid do not exceed Fifty Pounds, such Damage shall be ascertained, and the Amount thereof shall, in England or Ireland, be recovered before Two Justices, and in Scotland before the Sheriff; and in addition to the Remedies hereby provided for the Recovery of the same, the Justices or Sheriff before whom the same are recovered may cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and kept until the Amount of Damages and Costs awarded by them is paid, and if the same be not paid within Seven Days after such Distress or Keeping may cause the Property so distrained or kept, or any Part thereof, to be sold, and out of the Proceeds of such Sale may pay the Amount of Damages and Costs awarded by such Justices or Sheriff, and all the Charges incurred by the Distress, keeping, and Sale of such Property.
- Owner may recover Damage from his Servants. 76. If the Owner of any Vessel or Float of Timber make Satisfaction for any such Damage as aforesaid, wilfully or negligently done by the Master or Person having charge of such Vessel or Float of Timber, or if the Owner of any Vessel or Goods in any other Case have been compelled to pay any Penalty or Costs by reason of any Act or Omission of any other Person, the Person who actually did such Damage or who committed such Offence shall repay to the Owner of such Vessel or such Goods the Amount of the Damage or Penalty and Costs, together with the Costs of the Proceedings to enforce such Repayment; and if such Damage or Penalty respectively do not exceed Fifty Pounds the Sum may, in England or Ireland, be recovered before Two or more Justices, and in Scotland before the Sheriff.

Harbours, Docks and Piers Clauses Act, 1847

And with respect to Buoys, Lighthouses, and Beacons, be it enacted as follows:

Lighthouses  
Beacons  
and Buoys.

78. The Undertakers shall not erect any Lighthouse or Beacon, or exhibit or allow to be exhibited any Light, Beacon, or Sea-mark without the Sanction in Writing of the said Corporation of Trinity House, of the said Corporation for preserving and improving the Port of Dublin, or of the said Commissioners of Northern Lights respectively, according as the Harbour, Dock, or Pier is situated in England, Ireland, or Scotland, first having been obtained in that Behalf; and if any such Light, Beacon, or Sea-mark be exhibited with such Sanction as aforesaid, the same shall not be afterwards altered without the like Sanction; and every such Light, Beacon, and Sea-mark shall be of such Power and Description, and shall be from Time to Time discontinued or altered, as the said Corporation or Commissioners respectively shall from Time to Time direct.

Lights, Beacons,  
or Seamarks not  
to be exhibited  
or altered without  
Sanction of  
Trinity House.

And with respect to the Police of the Harbour, Dock, or Pier, be it enacted as follows:

Harbour and Dock  
Police.

79. Any Two Justices may appoint such Persons as shall be nominated for that Purpose by the Undertakers to be special Constables within the Limits of the Harbour, Dock, Pier, and Premises of the Undertakers, and within One Mile of the same; and every Person so appointed shall be sworn in by any such Justices duly to execute the Office of a Constable within the Limits aforesaid, and when so sworn in shall have the same Powers, Protections, and Privileges within the Limits aforesaid, and shall be subject to the same Liabilities, as Constables have or are subject to by the Laws of the Realm.

Justices to appoint  
Special Constables  
named by the  
Undertakers.

80. Any Two Justices may dismiss any such Constable from his Office, and upon such Dismissal all Powers, Protections, and Privileges vested in such Constable shall cease.

Dismissal of  
Constables.

And with respect to the Appointment of Meters and Weighers, and their Duties, be it enacted as follows:

Meters and Weighers.

81. Where under the Special Act the Undertakers shall have the Appointment of Meters and Weighers, the Undertakers may appoint and license a sufficient Number of Persons to be Meters and Weighers within the Limits of the Harbour, Dock, and Pier, and remove any such Persons at their Pleasure, and may make Regulations for their Government, and fix reasonable Rates to be paid, or other Remuneration to be made to them for weighing and measuring Goods.

Power to appoint  
Meters and Weighers.

Harbours, Docks and Piers Clauses Act, 1847

Licensed Meters and Weighers only to be employed. 82. When a sufficient Number of Meters and Weighers have been appointed by the Undertakers, under the Powers of this and the Special Act, the Master of any Vessel, or the Owner of any Goods shipped, unshipped, or delivered within or upon the Harbour or Dock or Pier, shall not employ any Person other than a Weigher or Meter licensed by the Undertakers, or appointed by the Commissioners of Her Majesty's Customs, to weigh or measure the same; and if in such Case any Person other than a Meter or Weigher licensed by the Undertakers, or a Meter or Weigher appointed by the Commissioners of Her Majesty's Customs, shall weigh or measure any such Goods as aforesaid, such Person, as well as the Person by whom he shall be employed, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, and the weighing or measurement of any such Goods by any such Person shall be deemed illegal. (as amended by the Criminal Justices Act 1982, as amended)

Recovery of Damages and Penalties. And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices of the Sheriff, be it enacted as follows:

Railways Clauses Consolidation Acts 1845, as to Damages, &c. to be incorporated with this and the Special Act. 92. If the Harbour, Dock, or Pier be in England or Ireland, the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the Special Act; and if the Harbour, Dock, or Pier be in Scotland, the Clauses of the Railways Clauses Consolidation Act (Scotland), 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the Special Act, and such Clauses shall apply to the Harbour, Dock, or Pier, and to the Undertakers respectively, and shall be construed as if the Word "Undertakers" had been inserted therein instead of the Word "Company".

All things required to be done by Two Justices in England and Ireland may, in certain Cases, be done by One, and in Scotland by the Sheriff, &c. 94. All Things herein or in the Special Act, or any Act incorporated therewith, authorised or required to be done by Two Justices may and shall be done, in England and Ireland, by any One Magistrate, having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in Scotland by the Sheriff or Steward of any County, Stewartry, or his Substitute.

Harbours, Docks and Piers Clauses Act, 1847

95. Every Penalty or Forfeiture imposed by this or the Special Act, or any Act incorporated therewith, or by any Byelaw in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, in the same Manner as Penalties or Forfeitures other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables are directed to be recovered, enforced, accounted for, by an Act passed in the Third Year of the Reign of Her present Majesty, intituled an Act for regulating the Police Courts in the Metropolis; and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined; and such Witnesses shall be entitled to the same Allowance of Expenses as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

Penalties, &c. imposed in respect of any Offence committed within the Metropolitan Police District to be paid to the Receiver and applied under 2 & 3 Vict. c.71.

And with respect to the saving of Rights, be it enacted as follows:-

Saving of Rights.

99. Nothing in this or the Special Act, or any Act incorporated therewith contained, shall extend to alienate, defeat, vary, lessen, abrogate, or prejudice any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority, of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, nor to abridge, vary, or abrogate any of the Powers of Authorities by Law vested in the Lords of the Admiralty, or in the Commissioners of Her Majesty's Customs, or in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in relation to the Possessions and Land Revenues of Her Majesty in right of Her Crown, or otherwise howsoever

Nothing in this or the Special Act to affect the Rights of the Crown;

100. Nothing in this or the Special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's Duties of Customs or Excise, or any other Revenue of the Crown, or to extend to or affect any Claim of Her Majesty in right of Her Crown, or otherwise however, or any Proceedings at Law or in Equity by or on behalf of Her Majesty, in any Part of the United Kingdom of Great Britain and Ireland.

nor the Rights of the Crown as to Revenue &c.

102. Nothing in this or the Special Act contained shall prejudice, or derogate from any of the Rights or Privileges, Jurisdiction or Authority of the Corporation of the Trinity House of Deptford Strond, the Corporation for preserving and improving the Port of Dublin, or the Commissioners of Northern Lights, or any Lord of the Manor within the Limits of the Harbour or Dock.

nor the Rights of Trinity House, &c.

103. And be it enacted, That nothing herein or in the Special Act contained shall be deemed to exempt the Undertakers from the Provisions, Regulations, and Conditions which may be contained in any General Act relating to Harbours, Docks, or Piers, or to Ports, Harbours, or tidal Waters, which may be passed in the same Session in which the Special Act is passed, or any future Session of Parliament.

Act not to exempt the Undertakers from the Provisions of any General Act.

Removal of  
wreck by  
harbour or  
conservancy  
authority.

530. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, that authority may -

- (a) take possession of, and raise, remove or destroy the whole or any part of the vessel; and
- (b) light or buoy any such vessel or part until the raising, removal, or destruction thereof; and
- (c) sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section, and the authority shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Provided as follows:-

- (1) A sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control; and
- (2) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this section be deemed to be the proceeds of sale of that property.

Power of  
lighthouse  
authority  
to remove  
wreck.

531.(1) Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore or on or near any rock, shoal, or bank, in the British Islands, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general lighthouse authority for the place in or near which the vessel is situate shall, if in their opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service, have the same powers in relation thereto as are by this Part of this Act conferred upon a harbour or conservancy authority.



Merchant Shipping Act, 1894

(2) All expenses incurred by the general lighthouse authority under this section, and not reimbursed in manner provided by this Part of this Act, shall be paid out of the Mercantile Marine Fund, but shall be subject to the like estimate, account, and sanction as the expenses of a general lighthouse authority, other than establishment expenses.

532. The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel" and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

Powers of removal to extend to tackle cargo, etc.

533. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this Part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the (Minister of Transport) and the decision of that (Minister) shall be final.

Power for (Minister of Transport) to determine questions between authorities.

534. The powers conferred by this Part of this Act on a harbour, conservancy, or lighthouse authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.

Powers to be cumulative.

652. (1) It shall be the duty of each of the general lighthouse authorities, or of any persons authorised by that authority for the purpose, to inspect all lighthouses, buoys, and beacons situate within their area, but belonging to or under the management of any local lighthouse authority, and to make such inquiries in respect thereof and of the management thereof as they think fit.

Inspection of local lighthouses.

(2) All officers and others having the care of any such local lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as the general lighthouse authority require.

(3) All local lighthouse authorities and their officers shall at all times give to the general lighthouse authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons under their management and the management thereof, as the general lighthouse authority require.

(4) The general lighthouse authority shall communicate to each local lighthouse authority the results of the inspection of their lighthouses, buoys, and beacons, and shall also make general reports of the results of their inspection of local lighthouses, buoys, and beacons to the Board of Trade; and those reports shall be laid before Parliament.

Merchant Shipping Act, 1894

Control of  
local  
light-  
house  
author-  
ities  
lighthouse  
authorities  
by general  
lighthouse  
authorities.

653. (1) A general lighthouse authority may, within their area with the sanction of the Board of Trade, and after giving due notice of their intention, direct a local lighthouse authority to lay down buoys, or to remove or discontinue any lighthouse, buoy, or beacon, or to make any variation in the character of any lighthouse, buoy or beacon, or in the mode of exhibiting lights in any lighthouse, buoy, or beacon.

(2) A local lighthouse authority shall not erect or place any lighthouse, buoy, or beacon, or remove or discontinue any lighthouse, buoy, or beacon, or vary the character of any lighthouse, buoy, or beacon, or the mode of exhibiting lights in any lighthouse, buoy, or beacon, without the sanction of the general lighthouse authority.

(3) If a local lighthouse authority having power to erect, place, or maintain any lighthouse, buoy, or beacon, at any place within a lighthouse area, fail to do so, or fail to comply with the direction of a general lighthouse authority under this section with respect to any lighthouse, buoy, or beacon, Her Majesty may, on the application of the general lighthouse authority, by Order in Council, transfer any powers of the local lighthouse authority with respect to that lighthouse, buoy, or beacon, including the power of levying dues, to the general lighthouse authority.

(4) On the making of any Order in Council under this section, the powers transferred shall be vested in the general lighthouse authority to whom they are transferred, and the lighthouse, buoy, or beacon in respect of which the Order is made, and the dues leviable in respect thereof, shall respectively be subject to the same provisions as those to which a lighthouse, buoy, or beacon provided by that general lighthouse authority under this Part of this Act, and the light dues leviable under this Part of this Act are subject.

(5) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

Surrender  
of local  
light-  
houses.

654. (1) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy, or beacon held by them to the general lighthouse authority within whose area it is situated, and that general lighthouse authority may, with the consent of the Board of Trade, accept or purchase the same.

(2) The purchase money for any lighthouse, buoy, or beacon so sold to a general lighthouse authority shall be paid out of the Mercantile Marine Fund.

(3) On the surrender or sale of a lighthouse, buoy, or beacon under this section to a general lighthouse authority -

(a) the lighthouse, buoy, or beacon surrendered or sold shall, together with its appurtenances, become vested in the general lighthouse authority, and shall be subject to the same provisions as if it had been provided by that authority under this Part of this Act; and

Merchant Shipping Act, 1894

(b) the general lighthouse authority shall be entitled to receive either the dues which were leviabie in respect of the lighthouse, buoy, or beacon surrendered or sold at the time of the surrender or sale, or, if Her Majesty so directs by Order in Council, such dues as may be fixed by Order in Council, and those dues shall be subject to the same provisions and regulations as light dues for a lighthouse completed by a general lighthouse authority under this Act.

ARTICLE 67(3)

THE COMMISSIONERS CLAUSES ACT, 1847

76. A Register of Mortgages or Assignations in Security shall be kept by the Clerk to the Commissioners, and where by the Special Act the Commissioners are authorized or required to raise separate Sums on separate Rates or other Property, a separate Register shall be kept for each Class of Mortgages or Assignations in Security, and within Fourteen Days after the Date of any Mortgage or Assignment in Security an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in the proper Register, and every such Register may be perused at all reasonable Times by any Person interested in any such Mortgage or Assignment in Security without Fee or Reward.

Register of Mortgages to be kept and to be open to Inspection.

78. Within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made, in the same manner as in the Case of the original Mortgage or Assignment in Security, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings, and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in Security, and the Principal and Interest thereby secured; and such Transferee may in like Manner assign or transfer the same again, toties quoties; and it shall not be in the Power of any Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Register of Transfers to be kept.

LOCAL GOVERNMENT ACT, 1933

250.

\* \* \* \* \*

Procedure  
etc. for  
making  
byelaws.

(2) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish council, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.

(3) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws apply.

(4) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.

(5) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding sixpence for every hundred words contained in the copy, as the authority may determine.

(6) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the bye-law is to come into operation, and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

(7) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding one shilling for every copy, as the authority may determine.

Evidence of  
byelaws.

252. The production of a printed copy of a byelaw purporting to be made by a local authority, upon which is endorsed a certificate purporting to be signed by the clerk of the authority stating -

- (a) that the byelaw was made by the Authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be *prima facie* evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

## PILOTAGE ORDERS

CONFIRMATION (NO.2) ACT, 1922.  
THE TYNE PILOTAGE ORDER

1. The limits of The Tyne Pilotage District (hereinafter referred to as "the Pilotage District") shall be the waters of the River Tyne below Hedwin Streams including all docks connected therewith and so much of the sea as lies within a radius of  $2\frac{1}{2}$  miles from the seaward extremity of the North Pier. Pilotage District
2. Pilotage shall not be compulsory within the Pilotage District. Pilotage not to be compulsory.
3. (1) There shall be constituted for the Pilotage District a Pilotage Authority which shall be a body corporate with perpetual succession and a common seal by the name of the Tyne Pilotage Authority (hereinafter referred to as "the Authority") and shall consist of members appointed and elected as follows:-
- (a) Three members appointed from their number by the Port of Tyne Authority.
  - (b) Three members (hereinafter referred to as "shipowners representatives") appointed by the North of England Steamship Owners' Association from members of that association or if at any time that body shall in the opinion of the Board of Trade cease to be fairly representative of the shipowners using the Ports of Newcastle-upon-Tyne North Shields and South Shields (hereinafter referred to as the "Tyne Ports") then by such body or bodies representing shipowners as shall be nominated for the purpose by the Board of Trade;
  - (c) Three members appointed from their number by the Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne;
  - (d) Three members from among the five persons (hereinafter referred to as "pilots' representatives") elected in manner hereinafter provided by the pilots licensed for the Pilotage District (hereinafter referred to as "licensed pilots") from among persons who either are or have been first class licensed pilots.
- (2) The members of the Authority shall be appointed and elected respectively at the times and in the manner in the schedule hereto provided.

## PILOTAGE ORDERS

CONFIRMATION (NO.2) ACT, 1922.  
THE TYNE PILOTAGE ORDER

- Chairman of the Authority. 4. The chairman of the Authority shall be elected by the Authority from among their members and shall remain in office until the next triennial appointment and election of members has taken place.
- Proceedings of the Authority. 5. (1) The chairman if present shall preside at every meeting of the Authority. If the chairman is absent from any meeting such other member as the members then present choose shall preside.
- (2) Every question at a meeting of the Authority shall be decided by a majority of the votes of those present and voting on that question and in the case of equality of votes the person presiding at the meeting shall have a second or casting vote.
- (3) The quorum of the Authority shall be five.
- (4) No member of the Authority shall take part in any proceedings of the Authority relating to any question affecting himself personally.
- (5) Subject to the provisions of this Order the Authority may regulate their own procedure.
- (6) No act or proceeding of the Authority shall be invalid on account of any vacancy in their body or on account of the appointment election or ascertainment of any member having been defective.
- Period of office. 6. Members of the Authority shall hold office from the date of their appointment or election respectively until such time as their successors may be appointed or elected respectively but shall be eligible for re-appointment or re-election respectively provided that the appointment of any appointed member may be determined at any time by the body which appointed him.
- Existing Commissioners to continue in office temporarily. 7. Until all the members of the Authority have been appointed or elected under the provisions of this Order the existing body of Tyne Pilotage Commissioners (hereinafter referred to as "the Commissioners") constituted under the (Tyne) Pilotage Order Confirmation Act 1865 and the Tyne Pilotage Amendment Act 1867 shall be deemed to be members of the Authority as though they had been appointed or elected under the provisions of this Order.
- Vesting of property. 8. All property (real or personal) rights easements and choses in action which immediately before the commencement of this Order belonged to or were vested in or enjoyed by the Commissioners or by any person in trust for them or on their behalf shall be and the same hereby are vested in the Authority to the same extent and for the same estate and interest as the same were immediately before the commencement of this Order vested in the Commissioners or any person in trust for them or on their behalf and may be held recovered and enjoyed accordingly.

CONFIRMATION (NO.2) ACT, 1922.  
THE TYNE PILOTAGE ORDER

9. (1) If at the date of the commencement of this Order any proceeding or cause of action is pending or existing by or against the Commissioners the same shall not abate discontinue or be in any way prejudicially affected by reason of anything in this Order but the proceeding or cause of action may be continued prosecuted and enforced by or against the Authority as it might have been by or against the Commissioners if this Order had not been made but not further or otherwise.
- Pending proceedings and existing contracts.
- (2) All contracts deeds bonds agreements and other instruments subsisting immediately before the commencement of this Order and affecting the Commissioners shall be of as full force and effect against or in favour of the Authority and may be enforced as fully and effectively as if instead of the Commissioners the Authority had been a party thereto.
- (3) All pilots' licences and pilotage certificates granted by the Commissioners prior to the commencement of this Order shall have the same force and validity as if they had been granted by the Authority under the provisions of the Pilotage Act 1913.
10. The Authority may from time to time if they think fit purchase hire or build and equip maintain and work or enter into agreements or arrangements with any persons for the supply use maintenance and working of such boats or vessels as in the opinion of the Authority may be required for the efficient working of the pilotage service. If a majority of the pilots concerned object to the Authority exercising these powers or if a difference arises between the Authority and the pilots as to the conditions on which these powers should be exercised the matter shall be referred to the Board of Trade whose decision shall be final.
- Power to provide or arrange for supply of pilot boats.
11. The Authority may make byelaws providing for the grant of deep sea certificates certifying that persons to whom such certificates are granted are qualified to act as pilots of ships for any part of the sea or channels outside the district of any Pilotage Authority Provided that a pilot holding such a certificate shall not be entitled to supersede any other person as pilot of a ship.
- Deep sea certificates.
12. The (Tyne) Pilotage Order Confirmation Act 1865 and the Tyne Pilotage Amendment Act 1867 and any other enactment on Order relating to pilotage in the Pilotage District shall cease to have effect and shall for the purposes of section 59 of the Pilotage Act 1913 be deemed to be superseded.
- Repeal.
13. This Order shall come into force on the day when the Act confirming this Order is passed.
- Date of commencement of Order.
14. This Order may be cited as The Tyne Pilotage Order 1922.
- Short title.

Pilotage Orders  
Confirmation (No.2) Act, 1922

SCHEDULE

With respect to the appointment and election of the Authority the following provisions shall have effect that is to say:-

1. The persons to be appointed by the appointing bodies shall be appointed in the month of October in the year 1922 and each third year thereafter.

2. (1) The pilots' representatives shall be elected by the licensed pilots in the month of October in the year 1922 and each year thereafter.

(2) For the purpose of electing the pilots' representatives the clerk to the Authority shall send out by registered letter to all the licensed pilots a circular announcing an election and enclosing a list of persons qualified under this Order to be pilots' representatives a voting card and a stamped envelope addressed to himself in which the card when filled in is to be returned within twenty-one days of the issue of the circular.

(3) Every licensed pilot shall be entitled to vote for five persons whose names are on the said list but shall not give more than one vote for any one person.

(4) At the expiration of twenty-one days from the issue of the said circular the said clerk shall examine the voting cards returned to him and shall prepare a list in order of the five persons who have received the greatest number of votes (any uncertainty by reason of two or more persons having received an equal number of votes being decided in favour of the licensed pilot or pilots having the longest service) and such persons shall thereupon be the pilots' representatives This list shall be posted in the pilots' office.

(5) The first three pilots' representatives on the list referred to in the preceding subsection shall be members of the Authority but in the event of one or more of these being unable to attend any meeting of the Authority one or both as the case may be of the two other pilots' representatives may according to the order in which their names appear on the list attend take part in the proceedings and vote in his or their stead.

3. The costs charges and expenses of and preliminary and incidental to the election of pilots' representatives shall be paid by the Authority out of the pilot fund.

4. In the event of any vacancy among the appointed or elected members of the Authority arising otherwise than by effluxion of time the vacancy shall be filled as soon as may be thereafter in the manner prescribed for the triennial appointment or annual election but any person so appointed or elected shall hold office only until the next triennial appointment or annual election as the case may be.