



CHAPTER xiv.

An Act to authorise the Tyne Improvement Commissioners to acquire further lands and to levy increased dues rates tolls and charges and for other purposes. A.D. 1920.

[20th May 1920.]

WHEREAS by the Tyne Improvement Acts 1850 to 1908 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 within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works and for those purposes to levy dues rates tolls and charges and borrow money :

And whereas it is expedient to authorise the Commissioners to acquire further lands and to confer further powers upon them as by this Act provided :

And whereas by the Tyne Improvement Act 1919 the amount of the dues rates tolls and charges (except tolls and charges in respect of the Commissioners' ferries) which the Commissioners were by the aforesaid Acts authorised to levy were increased and it is expedient that the amount of such dues rates tolls and charges be further increased temporarily and that the tolls and charges for the conveyance of passengers on the Commissioners' ferries be increased temporarily as by this Act provided :

And whereas a plan showing the lands required or which may be taken for the purposes and under the powers of this Act 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 the said lands were duly deposited with the clerk of the peace for the county of Durham which plan and

[Ch. xiv.] *Tyne Improvement Act, 1920.* [10 & 11 GEO. 5.]

A.D. 1920.

book of reference are hereinafter respectively referred to as "the plan" 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):—

Short and collective titles.

1.—(1) This Act may be cited as the Tyne Improvement Act 1920.

(2) The Tyne Improvement Acts 1850 to 1919 and this Act may be cited together as the Tyne Improvement Acts 1850 to 1920.

Incorporation of Acts.

2. The Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and the Harbours Docks and Piers Clauses Act 1847 so far as the same are applicable to the purposes of this Act and not varied by or inconsistent with this Act or the Tyne Improvement Acts 1850 to 1919 are incorporated with and form part of this Act Provided as follows:—

(A) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(B) In the application to this Act of the Lands Clauses Acts the expression "special Act" used in those Acts shall mean this Act;

(C) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Act 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;

(D) In the application to this Act of the Harbours Docks and Piers Clauses Act 1847 the expression "special Act" used in that Act shall mean this Act the expressions "packet boat" 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; and A.D. 1920.

(E) Nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

3. Expressions and words to which meanings are assigned by the Lands Clauses Acts have in this Act unless the context otherwise requires the same respective meanings. Interpretation.

4. The Commissioners may enter on take and use for any of the purposes of their undertaking the lands delineated on the plan and described in the book of reference. Power to acquire lands compulsorily.

5. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the plan or specified in the book of reference the Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Durham for the correction of the plan and the book of reference and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and shall be kept by him with the other documents to which the same relates and thereupon the plan and the book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to enter on take and use such lands. Correction of errors in plan and book of reference.

6. The powers of the Commissioners for the compulsory purchase of the lands shown on the plan and described in the book of reference shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

7. The Commissioners and their surveyor or other officers and any person duly authorised in writing under the hand of the general manager and secretary of the Commissioners may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice Power to Commissioners to enter upon property for survey and valuation.

A.D. 1920.

enter upon and into the lands shown on the plan or any part thereof for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Compensation in case of recently altered buildings.

8. In settling any question of disputed purchase money or compensation payable under this Act by the Commissioners in respect of the lands shown on the plan and described in the book of reference the official arbitrator settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the twentieth day of November nineteen hundred and nineteen if in the opinion of such arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Persons under disability may grant easements &c.

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

Additional lands.

10. In addition to any other lands which the Commissioners are by the Tyne Improvement Acts 1850 to 1919 or this Act or any Act incorporated therewith respectively authorised to take hold and use they may for any purposes of their undertaking acquire by agreement or take on lease and hold and use any further lands not exceeding in the whole fifty acres.

Power to retain lease &c. lands.

11.—(1) The Commissioners may (notwithstanding any provision in the Tyne Improvement Acts 1850 to 1919 or this Act or in the Lands Clauses Acts or in the Harbours Docks and Piers Clauses Act 1847 or in any other Act relating to the Commissioners) retain and hold or lease or otherwise dispose of any lands for the time being belonging to or vested in them which were acquired by them by agreement under the powers

of any such Act and which they may consider unnecessary for the purposes of the said Acts to such persons and for such considerations and on such terms and conditions and in cases of leases for such periods as they think fit Provided that nothing in this section contained shall apply to the lands of the Commissioners coloured red and blue on the plan referred to in section 73 of the Tyne Improvement Act 1897 or to the railway of the Commissioners referred to in the same section or the site thereof or to any other lands of the Commissioners abutting upon or adjacent to the South Pier within the county borough of South Shields nor shall anything in this section contained apply to any land acquired by the Commissioners under the Tyne Improvement Act 1867 or the Tyne Improvement Act 1872 either compulsorily or by agreement from the Most Noble George Duke of Northumberland or the Most Noble Algernon George Duke of Northumberland unless the Commissioners shall have obtained the previous consent in writing of the heirs successors or assigns of the said dukes or either of them.

(2) Section 9 of the Tyne Improvement Act 1907 is hereby repealed.

12.—(1) Subject to the provisions of this section the Commissioners may stop up and discontinue for traffic of every description so much of the footpath leading from Rock House to Frenchman's Bay and of the footpath leading from Horsley Hill Farm to the last-mentioned footpath as are shown on the plan as intended to be stopped up or any part or parts of such portions of footpaths and upon the stopping up thereof all public and private rights of way (if any) over such portions of footpaths or such part or parts thereof respectively shall be extinguished.

Power to
stop up
footpaths.

(2) Provided that before the Commissioners stop up any part of the said existing footpath leading from Rock House to Frenchman's Bay they shall (unless and until they have made a new footpath of ten feet in width in the situation shown on the plan and marked "site of new footpath" and two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use) permit all persons (if any) having rights of way over the said existing footpath to cross such part of the properties numbered 1 2 and 3 on the plan as the Commissioners may from time to time prescribe so as to give reasonable access from Rock House to

A.D. 1920.

some point on the said existing footpath beyond the part to be stopped up.

(3) Before applying to the justices for their certificate in respect of the said new footpath the Commissioners shall give to the South Shields Rural District Council and the South Shields Corporation not less than seven days' notice in writing of their intention to apply for the same.

(4) The Commissioners shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section which compensation shall be settled in manner provided by the Lands Clauses Acts (as modified by the Acquisition of Land (Assessment of Compensation) Act 1919) with reference to the taking of lands otherwise than by agreement.

Repair of
new foot-
path.

13. The new footpath shown on the plan when made under the foregoing provisions of this Act shall be repaired and maintained by the South Shields Rural District Council Provided that the Harton Parish Council may if they think fit subject to the provisions of the Local Government Act 1894 undertake the repair and maintenance of the footpath so long as it is not situate at the side of a public road.

For protec-
tion of Har-
ton Coal
Company
Limited.

14. For the protection of the Harton Coal Company Limited (in this section referred to as "the company") the following provisions shall apply and have effect (that is to say):—

Notwithstanding the construction of the new footpath referred to in the section of this Act whereof the marginal note is "Power to stop up footpaths" or the dedication thereof to the public or the liberty to cross the properties numbered 1 2 and 3 on the plan conferred by subsection (2) of the same section the company shall be entitled to run over and use with their engines whether propelled by steam electric or other mechanical power or otherwise and carriages wagons and trucks and for the purposes of traffic of every description the railway shown upon the plan and described thereon as "the South Shields Marsden & Whitburn Colliery Railway" as fully and freely as they would be entitled to do if the said footpath had never been constructed or dedicated to the public and such liberty had never been conferred.

15. During the period of five years from the passing of this Act section 2 (Increase of rates) of the Tyne Improvement Act 1919 shall be read as though one hundred per centum were inserted therein instead of fifty per centum and the Tyne Improvement Acts 1850 to 1919 shall have effect accordingly.

A.D. 1920.
Further temporary increase of rates.

16. During the period of five years from the passing of this Act the several tolls and charges which the Commissioners are by the Tyne Improvement Acts 1850 to 1908 or any other Act relating to the Commissioners or their ferries authorised to demand and take in respect of the conveyance of passengers by any of their ferries and for which any maximum amount is prescribed by those Acts or any of them shall be and are hereby increased by an amount equal to one hundred per centum of the respective maximum amounts thereof so prescribed and the Commissioners may (notwithstanding anything in the Tyne Improvement Act 1919) demand collect and levy such increased tolls and charges accordingly.

Increase of passenger tolls and charges on ferries.

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

Powers of Act cumulative.

18. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular 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 of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Crown rights.

A.D. 1920.
Expenses of
execution
and costs
of Act.

19. All money necessary for the purchase of land and otherwise for carrying this Act into effect and all the costs and 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.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR

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