

Tyne Tunnel Act, 1956

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CHAPTER lxvi

An Act to authorise a variation of certain works authorised by the Tyne Tunnel Act 1946 and to extend the time for the construction of certain other works authorised by that Act to confer further borrowing and other powers on the Durham County Council and on the Northumberland County Council to empower the Councils to discontinue and abandon the ferry across the river Tyne commonly known as the Jarrow-Howdon Ferry and for other purposes. [5th July 1956.]

WHEREAS—

(1) By the Tyne Tunnel Act 1946 the county council of the administrative county of Durham and the county council of the administrative county of Northumberland (hereinafter called "the Councils") were authorised to construct tunnels and approaches thereto for vehicular cyclist and pedestrian traffic under the river Tyne between the borough of Wallsend in the county of Northumberland and the borough of Jarrow in the county of Durham:

(2) It would be of public and local advantage that the said tunnels for vehicular traffic should be constructed of greater dimensions that is permissible under the powers conferred by the said Act of 1946 and it is accordingly expedient that the Councils should be empowered to construct the works authorised by this Act in substitution for Works Nos. 2 and 2A authorised by the said Act of 1946:

(3) Only the tunnels for cyclist and pedestrian traffic (Works Nos. 3 and 4 authorised by the said Act of 1946) have been

completed and opened for use and it is expedient to extend the time for the completion of Works Nos. 1 1A 5 and 5A authorised by that Act:

(4) By the Jarrow Improvement Act 1878 and the Jarrow Improvement Act 1884 the mayor aldermen and burgesses of the borough of Jarrow were authorised to establish and work a ferry from the said borough of Jarrow to the opposite bank of the river Tyne commonly known as the Jarrow-Howdon Ferry which ferry has been transferred to and is now worked and maintained by the Councils in pursuance of the provisions of the Ferries (Acquisition by Local Authorities) Act 1919:

(5) It is expedient that the Councils should be empowered to discontinue and abandon the said ferry after the opening for traffic of the said tunnels:

(6) It is expedient that the other provisions contained in this Act be enacted:

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

(8) Estimates have been prepared by the Councils for and in connection with the following purposes:—

The construction of the works authorised by this Act	£10,120,000
The additional cost of the construction of the following works authorised by the said Act of 1946:—	
(a) approach roads and streets (except the approach roads forming part of Works Nos. 2 and 2A) ...	£1,070,000
(b) the diversion of the river Don ...	£30,000

(9) The several works included in such estimates are permanent works and it is expedient that the Councils be empowered to borrow money for those purposes as provided by this Act:

(10) Plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed 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 deposited in the month of March nineteen hundred and fifty-six with the clerk of the county council of the administrative county of Northumberland with the clerk of the county council of the administrative county of Durham and with the town clerk of the county borough of Tynemouth which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

(11) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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

1.—(1) This Act may be cited as the Tyne Tunnel Act 1956. Short and collective titles.

(2) The Tyne Tunnel Act 1946 and this Act may be cited jointly as the Tyne Tunnel Acts 1946 and 1956.

2.—(1) In this Act unless the subject or context otherwise requires the following expressions have the following meanings:— Interpretation.

“ the Act of 1933 ” means the Local Government Act 1933 ;

“ the Act of 1946 ” means the Tyne Tunnel Act 1946 ;

“ the Councils ” means the county council of the administrative county of Northumberland and the county council of the administrative county of Durham and includes either of the said Councils ;

“ the ferry ” means the ferry across the river Tyne from the borough of Jarrow in the county of Durham to the borough of Wallsend in the county of Northumberland commonly known as the Jarrow-Howdon Ferry ;

“ the Minister ” means the Minister of Transport and Civil Aviation ;

“ the piers works and lands ” means—

(a) all piers jetties quays pontoons landing and shipping places and other works and conveniences ;

(b) all roads approaches sewers drains mooring-posts toll-gates sheds pavilions waiting refreshment and other rooms buildings works and conveniences ; and

(c) all lands ;

held by the Councils in connection with or for the purposes of the ferry ;

“ the tunnel ” means Works Nos. 1 1A 3 4 5 and 5A authorised by the Act of 1946 and substituted Works Nos. 2 and 2A authorised by this Act.

(2) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

3. Subject to the provisions of this Act the Councils may make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in Power to construct works.

the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say):—

Substituted Work No. 2 A tunnel for vehicular traffic under the river Tyne with approach roads at each end commencing in the borough of Wallsend at the termination of Work No. 1 authorised by the Act of 1946 passing through the borough of Tynemouth and terminating in the borough of Jarrow by a junction with Dee Street near St. Pauls Road ;

Substituted Work No. 2A An approach road and tunnel for vehicular traffic commencing in the borough of Wallsend at the termination of the said Work No. 1 authorised by the Act of 1946 and terminating in the borough of Tynemouth by a junction with the said substituted Work No. 2 at a point 290 yards or thereabouts north of the commencement of that work ;

together with all such approaches roundabouts tunnels lifts stairs subways passages means of ingress or egress shafts stagings buildings apparatus plant machinery and subsidiary and incidental works as may be necessary or convenient:

Provided that before constructing any ventilating shafts in the borough of Tynemouth in connection with the said works the Councils shall give to the mayor aldermen and burgesses of the borough of Tynemouth notice of the intended construction accompanied by plans and sections.

Abandonment
of Works 2
and 2A
authorised by
Act of 1946.

4. The Councils shall abandon the construction of Works Nos. 2 and 2A authorised by the Act of 1946.

Application of
Act of 1946.

5. The provisions of the Act of 1946 and of the enactments incorporated therewith (so far as they are not inconsistent with the provisions of this Act) shall apply to the works authorised by this Act as if they had been authorised by the Act of 1946 and shall have effect as if—

(1) for references to Works Nos. 2 and 2A authorised by the Act of 1946 there were references to substituted Works Nos. 2 and 2A respectively authorised by this Act ;

(2) the deposited plans sections and book of reference had been included in the plans sections and book of reference deposited in respect of the Act of 1946 :

Provided that for the purposes of this Act—

(a) section 26 (No mains or pipes to be laid in tunnel) of the Act of 1946 shall have effect in

relation to the works authorised by this Act notwithstanding the provisions of section 15 of the Public Utilities Street Works Act 1950 ;

(b) section 35 (Owners may be required to grant easements only) of the Act of 1946 shall have effect in relation to the works authorised by this Act as if the schedule to this Act were therein referred to instead of the schedule to that Act ;

(c) section 36 (Period for compulsory purchase of lands) of the Act of 1946 shall have effect in relation to the lands authorised by this Act to be acquired as if the thirty-first day of December nineteen hundred and fifty-nine were therein referred to instead of the thirty-first day of December nineteen hundred and forty-nine ;

(d) section 38 (Compensation in case of recently acquired interest) of the Act of 1946 shall have effect as if the twenty-second day of March nineteen hundred and fifty-six were therein referred to instead of the twentieth day of November nineteen hundred and forty-five ;

(e) section 57 (For protection of Newcastle and Gateshead Water Company) and section 58 (For protection of Sunderland and South Shields Water Company) of the Act of 1946 shall have effect in relation to any apparatus rendered derelict or unnecessary by reason or in consequence of the exercise of the powers of this Act which would not have been rendered derelict or unnecessary by reason or in consequence of the exercise of the powers of the Act of 1946 as if the twenty-second day of March nineteen hundred and fifty-six were therein referred to instead of the twenty-seventh day of November nineteen hundred and forty-five.

6. The Councils may with the approval of the Minister after they have acquired the necessary lands or sufficient rights therein and subject to the provisions of this Act construct so much of substituted Works Nos. 2 and 2A authorised by this Act as is to be constructed in tunnel of dimensions other than the dimensions shown on the deposited plans and sections. As to construction of vehicular tunnels.

7. Section 11 (Power to prevent access to or from certain works) of the Act of 1946 shall have effect as if the word " up " were omitted therefrom. Amendment of section 11 of Act of 1946.

Period for completion of works.

8.—(1) If Works Nos. 1 1A 5 and 5A authorised by the Act of 1946 and substituted Works Nos. 2 and 2A authorised by this Act are not completed by the twenty-sixth day of July nineteen hundred and sixty-six then the powers granted to the Councils for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

(2) Section 9 (Period for completion of works) of the Act of 1946 is hereby repealed.

Further byelaws as to use of tunnel.

9.—(1) Section 67 (Byelaws) of the Act of 1946 shall extend to empower the Councils to make byelaws to appropriate any portion of the tunnel for the exclusive use of any particular class of vehicle or traffic and to prohibit or impose conditions or restrictions on the passage of any particular class of vehicle or traffic.

(2) The Minister shall before confirming any byelaw made in pursuance of the said section 67 as extended by this section take into consideration any objection to such byelaw submitted to him by any body representative of the users of public service vehicles.

Abandonment of ferry.

10.—(1) (a) At any time after the opening of the tunnel for traffic the Councils may by resolution discontinue and abandon the ferry.

(b) As from such date as the Councils by resolution fix for such discontinuance and abandonment the Councils shall by virtue of this Act be relieved from all or any obligations (statutory or otherwise) to maintain work or use the ferry.

(2) Part VII (Ferry) of the Jarrow Improvement Act 1878 and Part VIII (Ferries) of the Jarrow Improvement Act 1884 are hereby repealed.

Retention and disposal of piers works and lands.

11.—(1) Notwithstanding anything contained in the last foregoing section the Councils may as from the date on which they discontinue and abandon the ferry—

(a) continue to maintain the piers works and lands and retain hold adapt and use the same or any part thereof or interest therein for such time and for such purposes as they think fit;

(b) sell lease exchange or otherwise dispose of the piers works and lands or any part thereof or any interest therein in such manner and for such consideration and on such terms and conditions as they think fit (whether

in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form) and may on any such exchange pay or receive money for equality of exchange ;

- (c) appropriate the piers works and lands or any part thereof for any other purposes :

Provided that the Councils shall not without the consent of the Minister of Housing and Local Government sell lease exchange or otherwise dispose of the piers works and lands or any part thereof or interest therein at a price or rent or for a consideration of a value less than the current market value thereof but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(2) Section 166 of the Act of 1933 shall apply to capital money received by the Councils in respect of the sale leasing exchange or other disposition of the piers works and lands under this section as it applies to capital money received in respect of a transaction under section 164 or section 165 of the Act of 1933.

(3) Nothing in this section shall—

- (a) authorise the disposal of the piers works and lands by the Councils whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Councils ;
- (b) prejudice or affect the powers of the Tyne Improvement Commissioners or the obligations of the Councils under a licence granted by the said commissioners to the mayor aldermen and burgesses of the borough of Jarrow on the fifteenth day of May nineteen hundred and forty in the exercise of the powers of section 24 (Powers as to structures in the river) of the Tyne Improvement Act 1929 the conditions of which licence were agreed to by the said mayor aldermen and burgesses on the eighteenth day of June nineteen hundred and forty.

12.—(1) The Councils shall have power in addition and with- Power to
out prejudice to their powers of borrowing under the Act of borrow.
1933 from time to time to borrow without the consent of any
sanctioning authority for and in connection with the purposes
mentioned in the first column of the following table the respec-
tive sums mentioned in the second column of the said table
and they shall pay off all moneys so borrowed within such
periods as the Councils may severally determine not exceeding

those respectively mentioned in the third column of the said table:—

(1) Purpose	(2) Amount	(3) Period for repayment calculated from the date or dates of borrowing
(a) The construction of the works authorised by this Act	£10,120,000	Sixty years.
(b) The additional cost of the construction of the following works authorised by the Act of 1946— (i) approach roads and streets (except the approach roads forming part of Works Nos. 2 and 2A) (ii) the diversion of the river Don	£1,070,000 £30,000	Sixty years. Sixty years.
(c) The payment of the costs charges and expenses of this Act	The sum requisite	Five years.

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

(3) To the extent that the Minister may make a payment towards the purposes referred to in this section the powers of the Councils to borrow except under the Act of 1933 shall be reduced.

Saving for powers of Treasury.

13. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Costs of Act.

14. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be borne by the Councils in equal shares and shall be paid out of their respective county funds or out of moneys to be borrowed under this Act.

SCHEDULE

PROPERTIES UNDER WHICH EASEMENTS ONLY MAY BE TAKEN

Area	Numbers on deposited plans
Borough of Wallsend ...	64 65 66.
Borough of Jarrow ...	1 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 98 99.

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Table of Statutes referred to in this Act

Short title	Session and chapter
Jarrow Improvement Act 1878	41 & 42 Vict. c. cxx.
Jarrow Improvement Act 1884	47 & 48 Vict. c. cxxxiv.
Ferries (Acquisition by Local Authorities) Act 1919	9 & 10 Geo. 5. c. 75.
Tyne Improvement Act 1929	19 & 20 Geo. 5. c. xlix.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Tyne Tunnel Act 1946	9 & 10 Geo. 6. c. xl.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6. c. 58.
Public Utilities Street Works Act 1950	14 Geo. 6. c. 39.

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

AN ACT TO AUTHORISE THE CONSTRUCTION OF A TUNNEL UNDER THE TYNE AND TO PROVIDE FOR THE MANAGEMENT OF THE TUNNEL AND THE TRAFFIC THEREON.

Enacted by the Queen's most Excellent Majesty in Council.

IN PARLIAMENT ASSEMBLED, the following Proclamation has been read and approved:

WE HEREBY PROCLAIM that the following Bill has passed both Houses of Parliament, and that Her Majesty has assented thereto, and that it shall have effect as in and as by the said Bill and the Statute in that behalf made, notwithstanding that it contains provisions the effect of which is to amend the law.

IN WITNESS WHEREOF, we have hereunto set our hands and the Great Seal of Great Britain, at St. James's Palace, this 14th day of July, 1956.

EDWARD THE SEVENTH

By Command of Her Majesty
 JOHN GARDNER, Clerk of the Privy Council, Secretary to the Queen's Bench.

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