

Tyne Tunnel Act, 1960

8 & 9 ELIZ. 2 Ch. xxxix

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Acts.

PART II

LANDS

5. Power to acquire lands.
6. Powers to owners and lessees to give notice as to purchase of land.
7. Continuance of proceedings under Acts of 1946 and 1956.
8. Correction of errors in deposited plans and book of reference.
9. Acquisition of part only of certain properties.
10. Power to expedite entry.
11. Power to enter for survey or valuation.
12. Disregard of recent improvements and interests.
13. Extinction of private rights of way.
14. Grant of easements by persons under disability.
15. Provision of substituted sites.
16. Power to reinstate owners or occupiers of property.
17. Acquisition of land for relocation of population.
18. Power to develop land for relocation of population.
19. Disposal of land.
20. Agreements with adjoining owners.

PART III

WORKS

21. Power to construct works.
22. Power to deviate.

Section

23. Abandonment of certain works authorised by Acts of 1946 and 1956.
24. As to construction of works.
25. Stopping up and diversion of footpath.
26. Further power to prevent access to or from Works Nos. 5 and 6.
27. Vesting of railway diversion.
28. Period for completion of works.
29. As to exercise of certain powers.

PART IV

TOLLS

30. Tolls.
31. Revision of tolls.
32. Further provisions as to prescription or revision of tolls.
33. Application of tolls.
34. Cesser of tolls.
35. Power to provide toll-houses etc.
36. List of tolls to be exhibited.
37. Regulations as to payment of tolls and charges.
38. Persons may be prevented from using tunnel on refusal to pay tolls.
39. Power to compound for payment of tolls.
40. Tickets.
41. Exemption from tolls.

PART V

FINANCE

42. Confirming conditions of grant and loan advances by Minister.
43. Power to borrow.
44. Payment of interest on moneys borrowed in certain events.
45. Suspension of payments into sinking fund.
46. Accounts.

PART VI

MISCELLANEOUS

47. As to functions of maintenance of certain works.
48. Amendment of section 66 of Act of 1946.
49. Amendment of section 9 of Act of 1956.
50. Definition of "tunnel" for certain purposes.
51. Further powers of joint committee.
52. Application of certain provisions of Act of 1946.
53. Application of Public Utilities Street Works Act 1950.
54. Compensation for injury to market-place ferry.
55. For protection of Tynemouth Corporation.

Section

56. For protection of certain statutory undertakers.
57. Saving for town and country planning.
58. Application of provisions of Public Health Act 1936.
59. Repeal.
60. Costs of Act.

SCHEDULES:

First Schedule—Grant and the advances by way of loan by Minister and general conditions relating thereto.

Second Schedule—Provisions of Act of 1946 applied.

Third Schedule—Describing properties under which easements only may be taken.



CHAPTER xxxix

An Act to authorise variations of the works authorised by the Tyne Tunnel Acts 1946 and 1956 including the construction of new works to amend those Acts in certain respects to confer further powers in connection with those works including the taking of tolls and for other purposes.

[29th July 1960.]

WHEREAS—

(1) By the Tyne Tunnel Acts 1946 and 1956 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) Only the tunnels for cyclist and pedestrian traffic (Works Nos. 3 and 4 authorised by the Tyne Tunnel Act 1946) have been completed and it would be of public and local advantage if the tunnel for vehicular traffic and the roads forming the approaches thereto were extended and in part constructed on a different line or on a different level from that authorised by the Tyne Tunnel Acts 1946 and 1956 and it is accordingly expedient that the Councils should be empowered to construct the works authorised by this Act and that certain of the works authorised by the Tyne Tunnel Acts 1946 and 1956 or part of those works should be abandoned:

(3) It would be of public and local advantage that the other works authorised by this Act should be constructed:

(4) It is expedient that the Councils should be empowered to acquire lands and easements for the purposes of or in connection with the works authorised by this Act and for other the purposes of the Tyne Tunnel Acts 1946 and 1956 and this Act:

(5) The Minister of Transport has with the approval of the Treasury determined to make contributions and advances by way of loan towards the cost of the works authorised by this Act and the said Act of 1946:

(6) It is expedient to authorise the taking of tolls in respect of the user of the said tunnel for vehicular traffic:

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

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

(9) Estimates have been prepared by the Councils as follows for and in connection with—

The construction of the works authorised by
this Act and certain of the works or parts
thereof authorised by the said Act of 1946
and the purchase of land and easements £12,622,000

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

(11) 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 duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons 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:

(12) 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):—

PART I

PRELIMINARY

- 1.—(1) This Act may be cited as the Tyne Tunnel Act 1960. Short and collective titles.
- (2) The Tyne Tunnel Acts 1946 and 1956 and this Act may be cited jointly as the Tyne Tunnel Acts 1946 to 1960.
2. This Act is divided into Parts as follows:— Division of Act into Parts.
- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Works.
- Part IV.—Tolls.
- Part V.—Finance.
- Part VI.—Miscellaneous.
- 3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.
- (2) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—
- “ the Act of 1933 ” means the Local Government Act 1933;
- “ the Act of 1946 ” means the Tyne Tunnel Act 1946;
- “ the Act of 1956 ” means the Tyne Tunnel Act 1956;
- “ the commission ” means the British Transport Commission;
- “ 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;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force;
- “ the Jarrow Corporation ” means the mayor aldermen and burgesses of the borough of Jarrow;
- “ the joint committee ” means the joint committee of the Councils appointed under the Act of 1946;
- “ land ” includes any interest in land and any easement or right in to or over land;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 by the Town and Country Planning Act 1959 and by this Act;

PART I
—cont.

“ the Minister ” means—

(a) for the purposes of Part II (Lands) of this Act the Minister of Housing and Local Government; and

(b) in all other cases the Minister of Transport;

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

“ the tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949;

“ the tunnel ” means—

(a) for the purposes of Part IV (Tolls) of this Act Work No. 2 authorised by this Act; and

(b) in all other cases except as provided by section 50 (Definition of tunnel for certain purposes) of this Act Works Nos. 1 1A 2 3 4 5 6 and 7 authorised by this Act and Works Nos. 1 5 and 5A authorised by the Act of 1946;

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

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

“ year ” means a period of twelve months ending on the thirty-first day of March.

(3) Unless the context otherwise requires any reference in this Act to any work authorised by the Act of 1946 shall be construed as a reference to so much of that work as is not authorised to be abandoned by this Act.

(4) Unless 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.

Incorporation
of Acts.

4. The following enactments (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act:—

(1) the Lands Clauses Acts (except sections 92 and 127 to 133 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860):

Provided that—

(a) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section; and

(b) the expression “the promoters of the undertaking” where used in the incorporated provisions of the Lands Clauses Acts means the Councils;

- (2) the Railways Clauses Consolidation Act 1845 (except sections 7 to 15 25 to 29 45 to 76 and 86 to 163 thereof) and Part I (relating to construction of a railway) of the Railways Clauses Act 1863:

Provided that—

(a) for the purposes of the railway diversion (Work No. 8) authorised by this Act the expression “the railway” where used in the incorporated provisions of the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 means the said railway diversion and the expression “the company” where used in the said provisions means the Councils and the said provisions as incorporated by this Act shall only apply for the purposes of the said railway diversion until it is vested in the Mercantile Dry Dock Company Limited in pursuance of section 27 (Vesting of railway diversion) of this Act;

(b) for the purposes of the works authorised by this Act other than the railway diversion (Work No. 8) authorised by this Act the Railways Clauses Act 1863 shall be deemed not to be incorporated and only the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the provisions with respect to mines lying under or near the railway shall be deemed to be incorporated;

(c) the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall only apply in relation to Work No. 2 authorised by this Act and the structure carrying Work No. 6 authorised by this Act over the said Work No. 2;

(d) for the purposes of the works authorised by this Act other than the said railway diversion the expression “the centre of the railway” where used in the said incorporated provisions means the centre line of those works as shown on the deposited plans and the expression “the company” where used in the said provisions means the Councils;

PART I
—cont.

(e) for the purposes of section 32 of the Railways Clauses Consolidation Act 1845 the prescribed distance shall be the limits of lateral deviation shown on the deposited plans;

(f) sections 78 to 85 of the Railways Clauses Consolidation Act 1845 shall be incorporated as the said sections were originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923;

(g) in section 78 of the Railways Clauses Consolidation Act 1845 references to mines and minerals within the prescribed distance shall be deemed to be references to coal and other minerals which lie within a horizontal distance in any direction from any part of Work No. 2 authorised by this Act and the structure carrying Work No. 6 authorised by this Act over the said Work No. 2 of one-half the depth of such coal or other minerals below an horizon of twenty feet above ordnance datum;

(h) for the purposes of section 80 of the Railways Clauses Consolidation Act 1845 the prescribed dimensions and sections shall be fifteen feet wide and eight feet high; and

(i) any electrical works or apparatus laid down maintained worked or used in pursuance of the powers conferred by the incorporated provisions of the Railways Clauses Consolidation Act 1845 shall be so laid down and so maintained 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 line.

PART II

LANDS

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Councils may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works authorised by this Act or for other the purposes of the Tyne Tunnel Acts 1946 to 1960.

(2) The powers of the Councils for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December nineteen hundred and sixty.

6.—(1) In this section—

PART II
—cont.

“the land” means any land which is for the time being authorised to be acquired compulsorily under this Act and which might have been acquired compulsorily under the Act of 1946 or the Act of 1956 not being land referred to in subsection (4) of this section;

Powers to owners and lessees to give notice as to purchase of land.

“lessee” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under subsection (2) of this section.

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Councils of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Councils shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Councils; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of the land specified in the notice then—

(a) if the Councils—

(i) fail to comply with that subsection; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or

(iii) serve notice on him in compliance with paragraph (c) of that subsection;

the powers conferred by this Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

(4) This section shall not apply to land which the Councils are by this Act authorised to acquire for the purposes of a work which is shown on the deposited sections as intended to be constructed under the surface of such lands.

PART II
—cont.

Continuance of proceedings under Acts of 1946 and 1956.

7. In any case in which notice to treat for the purchase of land has been served in pursuance of the Act of 1946 or the Act of 1956 in reference to any of the lands delineated on the deposited plans and described in the deposited book of reference or to any interest in any of those lands the further steps to be taken for the acquisition of such lands or interest shall be taken in pursuance of the Act of 1946 or the Act of 1956 (as the case may be) and not in pursuance of this Act.

Correction of errors in deposited plans and book of reference.

8.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land the Councils after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situate for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office of the House of Commons and with the clerk of the county council of the county or the town clerk of the county borough in which the land therein referred to is situate and with every clerk of a local authority with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Councils to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition of part only of certain properties.

9.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Councils that part of the house building factory park or garden.

10. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act or in respect of any easement or right in any such land but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Councils may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice or enter on the land in respect of which the easement or right is to be acquired (as the case may be) without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Power to expedite entry.

Provided that the Councils shall pay the like compensation for land of which possession is taken under this section or for the easement or right acquired and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

11. Any person acting on behalf of the Councils and duly authorised by the clerk of either of the Councils may at all reasonable times enter on any land which the Councils are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Councils not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry have given notice to the owner and occupier of the land.

12. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-nine; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

13.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the Councils so resolve and give notice in writing of their resolution to the owner

Extinction of private rights of way.

PART II
—cont.

of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Councils compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Grant of easements by persons under disability.

14.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Councils any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Provision of substituted sites.

15. The power of the Councils of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act.

Power to reinstate owners or occupiers of property.

16.—(1) The Councils may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Councils may pay or receive money for equality of exchange.

Acquisition of land for relocation of population.

17.—(1) The Councils may purchase land by agreement in order to provide for the relocation of population from any lands within the limits of deviation shown on the deposited plans.

(2) The Councils by means of an order made by the Councils and submitted to the Minister and confirmed by him may be authorised to purchase compulsorily any land for the purposes aforesaid.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply in relation to land proposed to be purchased compulsorily by an order under subsection (2) of this section as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946 and the Councils shall be deemed to be a local authority within the meaning of that Act.

18.—(1) The Councils may in connection with the relocation of population from any lands within the limits of deviation shown on the deposited plans lay out and develop—

- (a) any land acquired by them either by agreement or compulsorily under or in pursuance of this Act; and
- (b) any land belonging to them and not required for the purpose for which it was acquired;

and may erect and maintain houses shops offices industrial buildings warehouses and other buildings and construct sewer pave flag channel kerb and light streets roads and ways on any such lands.

(2) The powers conferred by this section shall not be exercised without the consent of the Minister.

(3) No power conferred upon the Councils by the foregoing provisions of this section shall be exercised in such a manner—

- (a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Councils without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or
- (b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Councils) subject to which a gift or lease of any land or building has been accepted by or granted to the Councils without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

(4) Without prejudice to the powers conferred upon the Councils by the foregoing provisions of this section the Councils may with the approval of the Minister enter into and carry into effect agreements with the Jarrow Corporation the Wallsend Corporation or any association body or person for the provision by the Jarrow Corporation the Wallsend Corporation or any such association body or person of houses shops offices industrial buildings warehouses and other buildings for the relocation of population from any lands within the limits of deviation shown on the deposited plans and any such agreement may provide for the making of contributions by the Councils towards the expense thereby incurred by the Jarrow Corporation the Wallsend Corporation or any such association body or person.

(5) In this section the expression "industrial building" includes a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes (namely):—

- (a) the making of any article or of part of any article; or

PART II
—cont.

Power to
develop land
for relocation
of population.

PART II
—cont.

- (b) the altering repairing ornamenting finishing cleaning washing packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business and for the purposes of this definition the expression " article " means an article of any description including a ship or vessel.

Disposal
of land.

19. Subject to the provisions of section 26 of the Town and Country Planning Act 1959 section 165 of the Act of 1933 shall apply to any land acquired by the Councils under this Act whether or not the land is required for the purpose for which it was acquired or is being used.

Agreements
with
adjoining
owners.

20.—(1) The Councils may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the works authorised by this Act or of land that may be acquired under this Act with respect to the sale by the Councils to him of any land (including any part of a street or highway appropriated by the Councils under this Act and not required for the works authorised by this Act).

(2) The Councils may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Councils for the purposes of this Act or any easement or right so required.

PART III

WORKS

Power to
construct
works.

21. 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 the deposited book of reference the following works (that is to say):—

Work No. 1. An approach road (being in substitution for part of Work No. 1 authorised by the Act of 1946) commencing in the borough of Tynemouth by a junction with the said Work No. 1 authorised by the Act of 1946 at a point one hundred and fifty yards or thereabouts measured in a northerly direction from Tynemouth Road East passing through the boroughs of Wallsend and Tynemouth and terminating in the borough of Wallsend at a point twenty-five yards or thereabouts measured in a northerly direction from the junction of Dock Street with Main Street;

Work No. 1A. An approach road (being in substitution for Work No. 1A authorised by the Act of 1946) commencing in the borough of Tynemouth by a junction with Wallsend Road at a point one hundred and twenty yards or thereabouts east of Brewers Lane and terminating in the borough of Wallsend by a junction with the said Tynemouth Road East at or near the junction of the said road with Ridley Avenue;

Work No. 2. A tunnel for vehicular traffic under the river Tyne with approach roads at each end (being in substitution for substituted Work No. 2 and substituted Work No. 2A authorised by the Act of 1956 and for part of Work No. 5 authorised by the Act of 1946) commencing in the borough of Wallsend at the termination of Work No. 1 authorised by this Act passing through the boroughs of Wallsend Tynemouth and Jarrow and terminating in the borough of Jarrow at a point ninety yards or thereabouts measured in a northerly direction from the point where the South Shields branch of the railway of the commission crosses the river Don;

Work No. 3. An approach road commencing in the borough of Wallsend at the termination of Work No. 1 authorised by this Act passing through the boroughs of Wallsend and Tynemouth and including a widening and improvement of Howdon Road Tyne View Terrace and Main Street in the said boroughs and terminating in the borough of Wallsend by a junction with Tyne View Terrace;

Work No. 4. An approach road (being in substitution for part of Work No. 5 authorised by the Act of 1946) situate wholly in the borough of Jarrow commencing at the termination of Work No. 2 authorised by this Act and terminating by a junction with Work No. 5 authorised by the Act of 1946 at a point on the southwestern boundary of the South Shields branch of the railway of the commission;

Work No. 5. A new street situate wholly in the borough of Jarrow including a widening and improvement of St. Pauls Road commencing at the termination of Work No. 2 authorised by this Act and terminating by a junction with Russell Street at or near the junction of Russell Street with St. Pauls Road;

Work No. 6. A new street (being in substitution for Work No. 6 authorised by the Act of 1946) situate wholly in the borough of Jarrow including a widening and improvement of St. Pauls Road Howard Street and Monkton Terrace commencing at the termination of Work

PART III
—cont.

No. 5 authorised by this Act and terminating by a junction with Albert Road near Richard Street;

Work No. 7. A new street (being in substitution for Work No. 7 authorised by the Act of 1946) situate wholly in the borough of Jarrow including a widening improvement and variation of Monkton Terrace and High Street commencing by a junction with High Street at or near the junction of High Street with Monkton Terrace and terminating at the junction of Monkton Terrace with Henry Street and Catherine Street;

Work No. 8. A railway diversion (four hundred and fifty yards or thereabouts in length) situate wholly in the borough of Jarrow being a diversion of the light railway authorised by the Jarrow East End Light Railway Order 1929 commencing by a junction with the said light railway at a point two hundred yards or thereabouts measured in a north-easterly direction from the railway bridge on the line of the said light railway and terminating by a junction with the said light railway near its junction with the South Shields branch of the railway of the commission;

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 Work No. 2 the Councils shall give to the Tynemouth Corporation notice of the intended construction accompanied by plans and sections.

Power to deviate.

22. In executing any of the works by this Act authorised the Councils may subject to the provisions of this Act deviate laterally to any extent from the line or situation thereof within the limits of deviation defined on the deposited plans and vertically from the levels thereof defined on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards:

Provided that except so far as may be necessary to enable the Councils to comply with section 53 (For the protection of the Tyne Improvement Commissioners) of the Act of 1946 as applied by section 52 (Application of certain provisions of Act of 1946) of and the Second Schedule to this Act no deviation either laterally or vertically below high-water mark shall be made without the consent in writing of the Minister.

Abandonment of certain works authorised by Acts of 1946 and 1956.

23. The Councils shall abandon the construction of—

- (1) so much of Work No. 1 authorised by the Act of 1946 as is situate between the commencement and termination of Work No. 1 authorised by this Act;
- (2) Work No. 1A authorised by the Act of 1946;

- (3) Substituted Works Nos. 2 and 2A authorised by the Act of 1956;
- (4) so much of Work No. 5 authorised by the Act of 1946 as is situate between the commencement of the said Work No. 5 authorised by the Act of 1946 and the termination of Work No. 4 authorised by this Act;
- (5) Works Nos. 6 7 8 and 9 authorised by the Act of 1946.

PART III
—cont.

24. 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 the works authorised by this Act and Works Nos. 1 5 and 5A authorised by the Act of 1946 in situations at levels and of dimensions other than the situations levels and dimensions shown on the deposited plans and sections or on the plans and sections deposited in connection with the Bill for the Act of 1946 as the case may be.

As to
construction of
works.

25.—(1) The Councils may stop up the portion of the public footpath in the borough of Jarrow shown on the deposited plans as intended to be stopped up or any diversion of the whole or part thereof from the point or points where any such diversion meets the boundaries of any of the works authorised by this Act and thereupon all rights of way over or along the said portion of the said footpath or any such diversion shall be extinguished.

Stopping up
and diversion
of footpath.

(2) Notwithstanding anything in subsection (1) of this section the Councils shall not stop up (except temporarily under section 12 (Power temporarily to stop up or interfere with streets) of the Act of 1946 as applied for the purposes of this Act by section 52 (Application of certain provisions of Act of 1946) of and the Second Schedule to this Act) the said public footpath between the points marked A and B on the deposited plans until a substituted footpath between the points marked A and C on the deposited plans has been constructed and is open for public use.

(3) Any person who suffers loss by the extinguishment of any private right of way under this section shall be entitled to be paid by the Councils compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

26.—(1) If the Jarrow Corporation construct a public highway terminating by a junction with the commencement of Work No. 6 authorised by this Act at or near the point where the eastern boundary of Work No. 5 authorised by this Act crosses the public highway in the borough of Jarrow numbered 224 on the deposited plans the Councils may (for the purpose of facilitating the movement of vehicular traffic along the routes of the said Works Nos. 5 and 6 authorised by this Act and for securing the safety of the public or otherwise) erect walls or barriers in St. Paul's

Further
power to
prevent access
to or from
Works Nos.
5 and 6.

PART III
—cont.

Road in the said borough of Jarrow between the termination of the said Work No. 5 authorised by this Act and the junction of Wilberforce Street with the said St. Paul's Road for the prevention or limitation of access to or from any such route.

(2) For the purposes of this Act any walls or barriers erected by the Councils under this section shall be deemed to have been erected under the provisions of section 11 (Power to prevent access to or from certain works) of the Act of 1946 as applied by section 52 (Application of certain provisions of Act of 1946) of and the Second Schedule to this Act.

Vesting of
railway
diversion.

27.—(1) In this section—

“the company” means the Mercantile Dry Dock Company Limited;

“the engineer” means the engineer of the company;

“the Order” means the Jarrow East End Light Railway Order 1929;

“the railway diversion” means the railway diversion (Work No. 8) authorised by this Act;

“the railway to be diverted” means so much of the light railway authorised by the Order as lies between a point one hundred and twenty yards or thereabouts southwest of the commencement of the railway diversion and the termination of the railway diversion and the lands and works held or used by the company in connection therewith except any such lands and works as may be required for constructing or using the railway diversion;

“the vesting day” means the day next following the day on which the engineer shall certify that the railway diversion has been completed and is ready for traffic or in case the engineer shall refuse to grant such a certificate at the request of the Councils the twenty-eighth day after the grant of such certificate by an arbitrator.

(2) Subject to the provisions of this section on the vesting day the railway diversion and the site thereof shall by virtue of this Act vest in the company and shall for all purposes form part of the railway and works authorised by the Order and the company shall thenceforth be entitled to exercise all or any of the powers of the Order with respect to the maintenance use and operation of the railway diversion and in respect of the railway diversion shall be subject to all obligations imposed by the Order.

(3) Subject to the provisions of this section on the vesting day the railway to be diverted shall by virtue of this Act vest in the Councils for all the estate and interest of the company therein and the company shall thereupon be freed and relieved from all obligations relating to the railway to be diverted or otherwise affecting the same:

Provided that the company shall before the vesting day afford to the Councils such reasonable facilities as may be necessary for access by the Councils over the railway to be diverted to the other works authorised by this Act or by the Act of 1946.

PART III
—cont.

(4) Any difference arising between the Councils and the company or the engineer under this section shall be referred to arbitration.

(5) Nothing in this section shall vest or be deemed or construed to vest in any other person any property belonging to the commission or any powers exercised or exercisable by the commission.

28. If the tunnel and the railway diversion (Work No. 8) authorised by this Act are not completed by the twenty-sixth day of July nineteen hundred and seventy then the powers granted to the Councils for making and completing the tunnel and the said work or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion of
works.

29. The Councils shall not exercise the powers conferred by sections 10 (Stopping up of roads) 11 (Power to prevent access to or from certain works) or 12 (Power temporarily to stop up or interfere with streets) of the Act of 1946 as applied by section 52 (Application of certain provisions of Act of 1946) of and the Second Schedule to this Act in relation to any street road bridge stairs footpath way wharf stream or watercourse in the borough of Tynemouth without giving fourteen days' previous notice in writing to the town clerk of Tynemouth.

As to
exercise
of certain
powers.

PART IV TOLLS

30.—(1) From and after the opening of the tunnel for public traffic the Councils may demand take and recover in respect of all traffic passing through or into the tunnel tolls specified in an order (in this section referred to as "the order") made by the Councils and confirmed by the Minister in accordance with the provisions of this Part of this Act and such reasonable charges as they may think fit for any other services rendered by the Councils in connection with the tunnel:

Tolls.

Provided that the Councils may (with the consent of the Minister) allow traffic to use the tunnel without paying tolls during such hours or on such occasions as they may from time to time determine.

(2) The order when made by the Councils shall be submitted to the Minister for confirmation not more than twelve months nor less than six months before the expected opening of the tunnel for public traffic.

(3) Before confirming the order the Minister shall if required by the Councils or by any person having a substantial interest in the use of the tunnel who has objected to the order and has not

PART IV
—cont.

withdrawn his objection and in any other case if he thinks fit cause a local inquiry to be held by such person as he may appoint for the purpose.

(4) In confirming the order with or without modification the Minister shall have regard to the financial position and future prospects of the tunnel and the order shall prescribe such tolls as in the Minister's opinion shall not exceed the tolls estimated to be required to be demanded taken and recovered when the tunnel is first opened for public traffic to produce an annual revenue not substantially less nor substantially more than adequate to meet such expenditure as is authorised for the several purposes mentioned in section 33 (Application of tolls) of this Act:

Provided that where the Minister is satisfied that there are special circumstances relating to the tunnel the order may prescribe such tolls as the Minister considers just and reasonable in the light of those special circumstances notwithstanding that it is in his opinion likely to result in the annual revenue being substantially less than adequate for the purposes aforesaid.

Revision of
tolls.

31.—(1) If at any time—

(a) it is represented in writing to the Minister—

(i) by any person or any body representative of persons appearing to the Minister to have a substantial interest; or

(ii) by the Councils; or

(b) it appears to the Minister to be expedient;

that under the circumstances then existing all or any of the tolls authorised in pursuance of this Act or any classification of vehicles by reference to which the amount of any of those tolls is to be determined should be revised the Minister may if he thinks fit make an order revising all or any of such tolls or any classification of vehicles as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) As soon as may be after the receipt by the Minister of a representation pursuant to subsection (1) of this section from any body or person other than the Councils the Minister shall send a copy of the representation to the Councils.

(3) Before making an order under this section the Minister shall if required by the applicants or by any person who has objected to the order and has not withdrawn his objection and in any other case if he thinks fit cause a local inquiry to be held by such person as he may appoint for the purpose.

Further
provisions as to
prescription or
revision of
tolls.

32.—(1) After submitting the order to the Minister for confirmation pursuant to subsection (2) of section 30 (Tolls) of this Act or when representations are made to the Minister under section 31 (Revision of tolls) of this Act the Councils shall furnish

the Minister with such information and particulars as the Minister may require and shall publish in the London Gazette and in such one or more newspapers as the Minister may specify a notice stating—

PART IV
—cont.

- (a) the general effect of the order or representation;
- (b) the place or places at which copies of the order or the representation (as the case may be) may be inspected free of charge and copies thereof purchased and the price of such copies;
- (c) the date (being forty-two days after the first publication of the notice) by which objections to the order or the representation (as the case may be) may be made in writing to the Minister.

(2) Where it appears to the Minister to be expedient to revise the tolls or any classification of vehicles pursuant to paragraph (b) of subsection (1) of the said section 31 of this Act the Councils shall furnish the Minister with such information and particulars as the Minister may require and shall publish in the London Gazette and in such one or more newspapers as the Minister may specify a notice stating—

- (a) the general effect of the proposals of the Minister; and
- (b) the date (being forty-two days after the first publication of the notice) by which objections to the proposals may be made in writing to the Minister.

(3) The power of the Minister to confirm the order made under section 30 of this Act or to make an order under section 31 of this Act shall be exercisable by statutory instrument.

33.—(1) Tolls which may be collected in pursuance of this Act shall be collected and brought into account in such manner as the Minister may direct and shall be applied— Application of tolls.

- (a) in meeting in each year the cost of collection including administrative charges attributable thereto incurred in such year;
- (b) in payment of compensation to—
 - (i) the Tyne Improvement Commissioners under section 54 (Compensation for injury to market place ferry) of this Act; and
 - (ii) any person under section 56 (As to persons employed in connection with ferry undertaking of Tyne Improvement Commissioners) of the Act of 1946.

PART IV
—cont.

(2) Subject as in this section before mentioned any tolls taken in any year under the powers of this Act shall be applied towards the following purposes (that is to say):—

(a) in payment of the interest on—

(i) the moneys advanced by the Minister to the Councils by way of loan under the provisions of this Act;

(ii) the moneys borrowed by the Councils under the provisions of this Act for the purposes mentioned in paragraphs (b) and (c) of the table set out in section 43 (Power to borrow) of this Act; and

(b) subject to all interest as aforesaid having been paid in any year in providing the requisite appropriations instalments or sinking fund payments in respect of the moneys advanced by the Minister or borrowed by the Councils under the provisions of this Act for the purposes referred to in sub-paragraph (ii) of paragraph (a) of this subsection;

in proportion to the respective amounts borrowed by the Councils from the Minister and other than from the Minister as aforesaid:

Provided that—

(i) if in any year the tolls are insufficient to pay the interest mentioned in paragraph (a) of this subsection the Councils may pay the interest mentioned in sub-paragraph (ii) of that paragraph or any part thereof out of their respective county funds and if in any year the tolls are insufficient to provide in accordance with paragraph (b) of this subsection the appropriations instalments or sinking fund payments in respect of moneys borrowed other than from the Minister the Councils may and in any year after a period of thirty years from the date of borrowing shall pay out of their respective county funds the necessary sums or any part thereof not otherwise provided;

(ii) if any such payments as are mentioned in the foregoing proviso are made out of the Councils' respective county funds the Councils may in any subsequent year in which the proportion of the tolls applicable under the provisions of this section to the amount borrowed by the Councils otherwise than from the Minister exceeds the amount required to provide the said interest and appropriations instalments or sinking fund payments apply such excess to the repayment of any such payments to the county funds.

Cesser of
tolls.

34. So soon as all the payments provided for by section 33 (Application of tolls) of this Act shall have been made the power to demand take and recover tolls conferred by this Act shall cease and determine.

35. The Councils may from time to time provide set up maintain and remove such toll-houses toll-gates offices and other conveniences in connection with the tunnel as may be necessary or convenient.

PART IV
—cont.

Power to provide toll-houses etc.

36. A list of the tolls by this Act authorised to be demanded and taken and which shall from time to time be charged by the Councils shall at all times be exhibited in a conspicuous place at or near the places where such tolls shall be payable.

List of tolls to be exhibited.

37. The tolls and charges by this Act authorised to be demanded and taken shall be paid to such persons and at such places and in such manner and under such regulations as the Councils may appoint and the Councils may recover such tolls and charges by action in any court of competent jurisdiction or where the amount does not exceed twenty pounds summarily as a civil debt and when such tolls and charges are not paid at the time the tunnel is used or the services provided the Councils may recover an additional sum of ten shillings to cover administration expenses in addition to the toll or charge otherwise payable and may recover in addition any legal costs properly recoverable by the Councils in any legal proceedings which they may institute.

Regulations as to payment of tolls and charges.

38. If the tolls payable by any person desirous of using the tunnel be demanded from him before using the same and such person shall after demand from him of such tolls (such demand being made by any collector or other person appointed to receive the same) knowingly and wilfully refuse or neglect to pay the same or any part thereof the collector or other person so appointed may refuse to permit the person so in default to use the tunnel and may by himself or with such assistance as he shall think necessary stop and prevent the person so in default from using the same.

Persons may be prevented from using tunnel on refusal to pay tolls.

39. The Councils may compound and agree with any person using the tunnel for the passage of any such person or of any traffic through the tunnel:

Power to compound for payment of tolls.

Provided that such compositions shall be subject to the approval of the Minister and shall at all times be charged equally to all persons.

40.—(1) The Councils may in exchange for the payment of any toll hand a ticket to any person intending to pass through or into the tunnel and any person to whom a ticket is so handed may be required on demand to deliver up such ticket to the toll collector or other person appointed by the Councils to collect the same at such place or places as the Councils may from time to time determine.

Tickets.

(2) The Councils may either when they enter into compositions in accordance with the provisions of section 39 (Power to compound for payment of tolls) of this Act or otherwise issue season tickets and any person to whom such a ticket is issued may be

PART IV
—cont.

required on demand to show such ticket to the toll collector or other person appointed by the Councils to inspect the same at such place or places as the Council may from time to time determine and shall deliver up such ticket to such toll collector or other person appointed by the Councils to receive the same at the expiration of the period for which it is issued.

Exemption
from tolls.

41.—(1) Nothing in this Act shall prejudice any existing right of Her Majesty (including the exemptions and rights contained in section 184 of the Army Act 1955 and section 184 of the Air Force Act 1955).

(2) Nothing in this Act shall extend to authorise any tolls to be demanded or received from any person—

- (a) when on duty as a member of the naval forces of the Crown;
- (b) when on duty as a police officer;
- (c) when on duty as a member of one of the civil defence forces as defined in the Civil Defence Act 1948;
- (d) when on duty as a member of a fire brigade maintained in pursuance of the Fire Services Act 1947;
- (e) in charge of a mail bag as defined by the Post Office Act 1953.

(3) The exemption conferred by this section shall also apply to—

- (a) any animal or vehicle when being used in the service of the naval forces of the Crown or returning after being so used;
- (b) any other animal or vehicle when being used in the service of the Crown or of the authority in whose service the person is engaged (as the case may be) by a person to whom exemption is granted by the last foregoing subsection or returning after being so used; and
- (c) any ambulance or other means of transport provided by a local health authority under section 27 (Ambulance services) of the National Health Service Act 1946 or by a voluntary organisation under an arrangement made under that section.

(4) If any person wilfully and with intent to defraud claims or takes the benefit of any exemption conferred by this section as aforesaid without being entitled thereto he shall for every such offence be liable to a fine not exceeding five pounds.

PART V
FINANCEConfirming
conditions of
grant and loan
advances by
Minister.

42. The general conditions set out in the First Schedule to this Act relating to the grant and the advances by way of loan by the Minister towards the cost of the works authorised by this Act and

Works Nos. 1 5 and 5A authorised by the Act of 1946 as calculated in accordance with the provisions of the said First Schedule are hereby confirmed and made binding.

PART V
—cont.

43.—(1) The Councils may borrow—

Power to
borrow.

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed under paragraph (b) of the preceding subsection shall not exceed the period specified in relation thereto in the third column of the said table:

Provided that the period for the repayment of any sums borrowed by the Councils other than from the Minister for the purposes mentioned in paragraphs (b) and (c) of the said table shall not exceed a period of thirty years from the date or dates of borrowing but if at the end of that period any part of the sums is outstanding the Minister of Housing and Local Government shall extend by way of re-borrowing the period for the repayment of the sums for such further period not exceeding thirty years as may be agreed between the Minister of Housing and Local Government and the Councils.

(3) Subject to the provisions of this part of this Act Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part and as if the following table were in the Eighth Schedule to that Act.

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The payment of the contribution of the Councils required by sub-paragraph (b) of paragraph 2 of the First Schedule to this Act (hereafter in this Act referred to as "Purpose No. 1")	£1,000,000	Fifty years.

PART V
—cont.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(b) Towards the cost of the construction of the works authorised by this Act (including the matters referred to in subparagraphs (1) to (5) of paragraph 9 of the First Schedule to this Act) and Works Nos. 1 5 and 5A authorised by the Act of 1946 and the purchase of land and easements in respect of which notice to treat has not been served under the Act of 1946 or the Act of 1956 (hereafter in this Act referred to as " Purpose No. 2 ")	£8,622,000	Sixty years.
(c) The payment out of capital of interest on moneys borrowed for Purpose No. 2 in accordance with the provisions of section 44 (Payment of interest on moneys borrowed in certain events) of this Act (hereafter in this Act referred to as " Purpose No. 3 ")	The sum requisite	Sixty years.

Payment of interest on moneys borrowed in certain events.

44. Notwithstanding anything in this Act or in any other enactment the Councils may pay interest on any moneys borrowed under this Act for Purpose No. 2 out of moneys borrowed under this Act for Purpose No. 3 but only until the completion of the tunnel or until the expiration of eight years from the date or dates of borrowing (or such longer period as the Minister of Housing and Local Government may allow) whichever shall be the earlier or in any year in which the tolls are insufficient to pay the interest upon the moneys borrowed by the Councils under the provisions of this Act.

Suspension of payments into sinking fund.

45. Notwithstanding anything contained in any Act it shall be lawful for the sums to be provided for the redemption of borrowed moneys for or in respect of Purpose No. 2 and Purpose No. 3 to be suspended until the opening of the tunnel for public traffic and in any year in which the tolls are insufficient to meet the

requisite sinking fund payments in accordance with the provisions of section 33 (Application of tolls) of this Act:

PART V
—cont.

Provided that in respect of moneys borrowed by the Councils other than from the Minister such suspension shall not be for a longer period from the date of borrowing than thirty years.

46.—(1) The Councils shall keep accounts of all moneys received by them in pursuance of this Act which accounts shall be made up for each year in such form as the Minister may approve so as to distinguish capital from revenue and any capital moneys received by the Councils in pursuance of this Act shall be credited to the capital account of the Councils and any moneys received on account of revenue by the Councils in pursuance of this Act shall subject to the provisions of section 33 (Application of tolls) of this Act be credited to the revenue account of the Councils. Accounts.

(2) The Councils shall within three months after the expiration of each year or such longer period as the Minister may allow furnish a copy of their accounts kept under this section to the Minister.

PART VI

MISCELLANEOUS

47. The provisions of section 45 of the Highways Act 1959 shall not apply to any road constructed as part of Work No. 2 authorised by this Act or as part of Works Nos. 3 or 4 authorised by the Act of 1946. As to functions of maintenance of certain works.

48. Section 66 (Appointment and powers of Joint Committee) of the Act of 1946 shall have effect as if— Amendment of section 66 of Act of 1946.

(1) in subsection (1) for the words “this Act” wherever those words occur there were substituted the words “the Tyne Tunnel Acts 1946 to 1960”;

(2) in subsection (2) for the word “ten” there were substituted the word “fourteen” and for the word “five” wherever that word occurs there were substituted the word “seven”.

49. Section 9 (Further byelaws as to use of tunnel) of the Act of 1956 shall have effect as if at the end of subsection (1) the following words were added thereto:— Amendment of section 9 of Act of 1956.

“including pedestrian traffic.”

50.—(1) For the purposes of section 66 (Appointment and powers of Joint Committee) and section 67 (Byelaws) of the Act of 1946 the expression “the tunnel” shall mean Works Nos. 1 1A 2 3 4 5 6 and 7 authorised by this Act and Works Nos. 1 3 4 5 and 5A authorised by the Act of 1946. Definition of “tunnel” for certain purposes.

PART VI
—cont.

(2) For the purposes of section 9 (Further byelaws as to use of tunnel) and section 10 (Abandonment of ferry) of the Act of 1956 the expression "the tunnel" shall mean Works Nos. 1 1A 2 3 4 5 6 and 7 authorised by this Act and Works Nos. 1 5 and 5A authorised by the Act of 1946.

Further powers of joint committee.

51. The powers of the joint committee shall include the powers of maintaining managing and controlling Works Nos. 3 and 4 authorised by the Act of 1946 and Work No. 2 authorised by this Act.

Application of certain provisions of Act of 1946.

52.—(1) Subject to the provisions of this section and section 56 (For protection of certain statutory undertakers) of this Act the provisions of the Act of 1946 which are specified in the first column of the Second Schedule to this Act so far as they are applicable in that behalf shall apply and have effect for the purposes of this Act as if the said provisions were in terms re-enacted in this Act subject to the modifications set out in the second column of the said schedule:

Provided that—

- (a) in so far as any of the provisions of the Act of 1946 so applied are inconsistent with the provisions of the Public Utilities Street Works Act 1950 as applied by section 53 (Application of Public Utilities Street Works Act 1950) of this Act the provisions of the said Act of 1950 as so applied shall prevail and have effect; and
- (b) the provisions of section 26 (No mains or pipes to be laid in tunnel) of the Act of 1946 as so applied shall subject to the provisions of this Act have effect in relation to the works authorised by this Act notwithstanding the provisions of section 15 of the said Act of 1950.

(2) For the purposes of this section any references in the said applied provisions to the deposited plans or the deposited sections or the deposited book of reference shall be construed as references to the deposited plans or deposited sections or deposited book of reference as defined in this Act and references in the said applied provisions to the Act of 1946 shall be construed as including references to this Act and references to the tunnel shall be construed as references to the tunnel as defined in section 3 (Interpretation) of this Act for all cases other than Part IV (Tolls) of this Act.

Application of Public Utilities Street Works Act 1950.

53. Works Nos. 1 5 and 5A authorised by the Act of 1946 and the works authorised by this Act (except Work No. 8) shall be deemed to be works mentioned in paragraph (b) of subsection (1) of section 21 of the Public Utilities Street Works Act 1950 and the

provisions of Part II of and the Fourth Schedule to the said Act of 1950 shall apply accordingly:

PART VI
—cont.

54.—(1) If the Tyne Improvement Commissioners shall have kept their market place ferry in a proper state of repair and have maintained efficient services thereon and—

Compensation
for injury to
market place
ferry.

(a) within ten years from the opening for traffic of Work No. 2 authorised by this Act the said commissioners shall by notice in writing to the Councils allege that the revenues received by the said commissioners from the said ferry have been reduced as a result of such opening; or

(b) within five years from the date on which the power of the Councils to demand take and recover tolls under this Act shall cease and determine the said commissioners shall by notice in writing to the Councils allege that the revenues received by the said commissioners from the said ferry have been reduced as a result of such cesser and determination;

then in either or both of those cases the question shall failing agreement between the said commissioners and the Councils be referred to arbitration.

(2) If it is agreed or the arbitrator shall determine that the said revenues have been reduced as a result of such opening or such cesser and determination (as the case may be) the Councils shall pay compensation to the said commissioners for the loss sustained and to be sustained by them as a result of such opening or of such cesser and determination (as the case may be) and the amount of the compensation to be paid by the Councils to the said commissioners shall failing agreement be settled by the arbitrator.

(3) The provisions of this section shall have effect as if the expression "the Councils" included the joint committee.

55. For the removal of doubt it is hereby declared that notwithstanding anything in the Public Utilities Street Works Act 1950 the proviso to section 20 (Laying out repair and lighting of works) of the Act of 1946 as applied for the purposes of this Act by section 52 (Application of certain provisions of Act of 1946) of and the Second Schedule to this Act shall apply and have effect in relation to the exercise of the powers of that section in connection with Works Nos. 1 1A and 3 authorised by this Act and the proviso to subsection (2) of section 22 (Lighting &c. of works) of the said Act of 1946 as so applied for the purposes of this Act shall apply and have effect in relation to the exercise of the powers of the said subsection.

For
protection of
Tynemouth
Corporation.

PART VI
—cont.

For
protection of
certain
statutory
undertakers.

56. For the protection of the undertakers the following provisions shall notwithstanding anything in this Act unless otherwise agreed in writing between the Councils and the undertakers concerned apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“ apparatus ” means—

(a) in relation to the North Eastern Electricity Board electric lines and works (as defined in the Electric Lighting Act 1882) belonging to or maintained by that board;

(b) in relation to the Northern Gas Board mains pipes valves hydrants plugs tubes stop-cocks and other works and apparatus belonging to or maintained by that board;

(c) in relation to the company mains pipes valves hydrants plugs tubes stop-cocks and other works and apparatus belonging to or maintained by the company;

and includes any works constructed for the lodging therein of apparatus;

“ adequate alternative apparatus ” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“ company ” means the Newcastle and Gateshead Water Company and the Sunderland and South Shields Water Company or either of them;

“ Councils ” includes the joint committee;

“ in ” in a context relating to apparatus includes over under across along or upon;

“ undertakers ” means—

the North Eastern Electricity Board;

the Northern Gas Board;

the company;

or any of them;

and any reference to any provision of the Act of 1946 shall be construed as including reference to that provision as applied and having effect for the purpose of this Act by virtue of section 52 (Application of certain provisions of Act of 1946) of this Act:

(2) The company shall not be liable for any damage caused to Work No. 2 authorised by this Act or any works connected therewith or to any persons animals vehicles or property in the said Work No. 2 or passing along through or otherwise using the same by reason of the escape from whatsoever cause (other than any future act or the negligence of the company) of water from any apparatus for the time being situate in the said Work No. 2 or any part thereof or any such work as aforesaid or within a distance of one hundred yards on either side measured laterally on a horizontal plane from the centre line of the said Work No. 2 or such part thereof or such work as aforesaid and the Councils shall indemnify the company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the company by reason or in consequence of any such escape of water:

(3) The Councils shall so exercise the powers conferred by the following sections of the Act of 1946 and of this Act as not to obstruct or render less convenient (so far as reasonably practicable) the access to any apparatus and any additional expenses reasonably incurred by the undertakers in obtaining access to any apparatus in consequence of the exercise by the Councils of any of the said powers shall be paid to the undertakers by the Councils—

Act of 1946—

Section 11 (Power to prevent access to or from certain works);

Section 12 (Power temporarily to stop up or interfere with streets);

Section 15 (Underpinning of houses near works);

Section 19 (Power to alter steps areas &c. and execute protective works);

Section 20 (Laying out repair and lighting of works);

Section 44 (Power to lay out streets &c.).

This Act—

Section 35 (Power to provide toll-houses etc.):

(4) Subject to the provisions of this section in relation to any works executed by the Councils under the powers of the Act of 1946 or of this Act the Public Utilities Street Works Act 1950 shall have effect as though—

(a) such works were mentioned in paragraph (b) of

PART VI
—cont.

subsection (1) of section 21 of the said Act of 1950;
and

(b) any apparatus affected by those works were in
a street;

and section 18 (Alteration of position of water gas and
other pipes) of the Act of 1946 and section 53 (Applica-
tion of Public Utilities Street Works Act 1950) of this
Act shall not apply or have effect in relation to any
apparatus:

(5) (a) Before making application to the Minister for
approval of the construction under the powers of
section 24 (As to construction of works) of this Act of
any works in situations at levels or of dimensions other
than the situations levels or dimensions shown on the
plans and sections referred to in the said section 24
the Councils shall give notice to the undertakers specify-
ing the works and the proposed situations levels and
dimensions thereof and before giving his approval to
the construction of the works the Minister shall take
into consideration any representations with respect
thereto which may be made to him by the undertakers
within twenty-eight days from the service of such notice;

(b) The undertakers shall send to the Councils a copy of
any representations made by them to the Minister
under subparagraph (a) of this paragraph:

(6) The provisions of section 26 of the Public Utilities
Street Works Act 1950 shall apply to and in relation
to any works executed by the Councils under the powers
of section 16 (Power to pump water and use sewers
for removing water) and section 17 (Power to alter
sewers and drains) of the Act of 1946 as if those works
were executed for purposes other than road purposes:

(7) Notwithstanding—

(a) the stopping up temporarily or permanently
of any road or street or part of a road or street under
the powers of section 10 (Stopping up of roads)
or section 12 (Power temporarily to stop up or
interfere with streets) of the Act of 1946; or

(b) the prevention or limitation of access to any
road or street under the powers of section 11 (Power
to prevent access to or from certain works) of the
Act of 1946; or

(c) the closing of the tunnel or any work forming
part of the tunnel under the powers of section 25

(As to closing tunnel and works) of the Act of 1946;
or

(d) any byelaw made under section 67 (Byelaws) of the Act of 1946 or section 9 (Further byelaws as to use of tunnel) of the Act of 1956;

the undertakers their engineers or workmen and others in their employ shall at all times have such rights of access to all or any apparatus in any such road or street or the tunnel or any work forming part thereof as they had immediately before such stopping up prevention or limitation of access or closing or making of such byelaw and shall be at liberty to execute and do all such works or things in upon or under such road or street or the tunnel or any work forming part thereof as may be necessary for inspecting repairing maintaining renewing or removing such apparatus or laying new apparatus:

Provided that this paragraph shall not apply in any case in which any road or street or part of a road or street is permanently stopped up and the apparatus therein is replaced by adequate alternative apparatus at the cost of the Councils or the value of the apparatus therein is paid by the Councils to the undertakers pursuant to paragraph (8) of this section:

(8) Where by reason or in consequence of the exercise of any of the powers of the Act of 1946 or of this Act any apparatus is rendered derelict or unnecessary the Councils shall unless adequate alternative apparatus is provided by or at the cost of the Councils pay to the undertakers the value of the apparatus so rendered derelict or unnecessary and the costs and expenses reasonably incurred by the undertakers in the cutting off of such apparatus from other apparatus:

(9) Notwithstanding anything in section 26 (No mains or pipes to be laid in tunnel) of the Act of 1946 the company shall be entitled for the purposes of—

(a) laying down maintaining inspecting repairing renewing or removing any apparatus being apparatus which would not impair the efficiency of the tunnel; and

(b) laying down maintaining inspecting repairing renewing or disconnecting any service pipes between any such apparatus and any premises supplied or to be supplied therefrom;

to exercise from time to time the like rights of opening and breaking up any land road or street or part of a road or street and the carriageway and footways of

PART VI
—cont.

any of the works authorised by the Act of 1946 or by this Act as they would be entitled to exercise if that section had not been enacted:

- (10) If by reason or in consequence of the exercise of any of the powers of the Act of 1946 or of this Act it shall be reasonably necessary for the company to lay a second service main in any road or street or in any part of a road or street in which the company have a single service main from which supplies of water are afforded to premises situated on both sides of such road or street the Councils shall pay to the company the reasonable costs and expenses incurred by them in providing and laying such second service main and the service pipes necessary for connecting that main with the premises to be supplied by means thereof:
- (11) If by reason or in consequence of the execution user or failure of any of the works authorised by the Act of 1946 or by this Act or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity gas or water by the undertakers shall be caused the Councils shall bear and pay the cost reasonably incurred by the undertakers in making good such damage and shall—
- (a) make reasonable compensation to the undertakers for any loss sustained by them; and
- (b) indemnify the undertakers against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;
- by reason or in consequence of any such damage or interruption:
- (12) Any question or difference which may arise between the Councils and the undertakers under this section (other than any question or difference as to the meaning or construction of this section or of the Public Utilities Street Works Act 1950 as having effect by virtue of paragraphs (4) and (6) of this section) shall be determined by arbitration.

Saving for town and country planning.

57. 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.

58. Sections 283 288 and 328 of the Public Health Act 1936 shall have effect as if references therein to that Act included a reference to this Act.

Application
of provisions
of Public
Health Act
1936.

59. The following provisions of the Act of 1946 and of the Act of 1956 are hereby repealed:—

Repeal.

The Act of 1946—

Section 55 (Compensation for injury to certain ferries);

Section 57 (For protection of Newcastle and Gateshead Water Company);

Section 58 (For protection of Sunderland and South Shields Water Company);

Section 59 (For protection of Newcastle-upon-Tyne and Gateshead Gas Company);

Paragraphs (c) and (d) of the table set out in subsection (1) of section 61 (Power to borrow):

The Act of 1956—

Section 6 (As to construction of vehicular tunnels);

Section 8 (Period for completion of works);

Section 12 (Power to borrow);

Section 13 (Saving for powers of Treasury).

60. 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 or granted by the Minister under this Act.

Costs of
Act.

SCHEDULES

FIRST SCHEDULE

GRANT AND THE ADVANCES BY WAY OF LOAN BY MINISTER AND
GENERAL CONDITIONS RELATING THERETO

1. In this schedule "the works" means the works authorised by this Act and Works Nos. 1 5 and 5A authorised by the Act of 1946.

2. Provided that the estimates for the cost of the works and the documents relating thereto have been approved by the Minister and the cost of the works does not exceed twelve million six hundred and twenty-two thousand pounds—

(a) the Minister shall make a grant of seventy-five per cent of the first four million pounds of expenditure incurred by the Councils in the cost of the works;

(b) the Councils shall make a contribution of twenty-five per cent of the first four million pounds of expenditure incurred by them in the cost of the works;

(c) in addition to making such grant as aforesaid the Minister shall advance by way of loan to the Councils and the Councils may borrow from the Minister seventy-five per cent of such further sums as they may require from time to time to meet the cost of the works the amount so advanced not to exceed six million four hundred and sixty-six thousand pounds.

3. If the estimates of the cost of the works and the documents relating thereto have been approved by the Minister and the cost of the works exceeds twelve million six hundred and twenty-two thousand pounds the Minister may if he thinks fit make advances by way of grant and loan not exceeding seventy-five per cent of the cost of the works.

4. The Minister shall also advance by way of loan to the Councils and the Councils may also borrow from the Minister such sum as may be required to pay interest on any sum advanced by way of loan by the Minister under sub-paragraph (c) of paragraph 2 or under paragraph 3 of this schedule—

(a) until the completion of the tunnel; and

(b) after the completion of the tunnel to the extent to which the proportion of the tolls to be used to pay the interest on moneys so advanced by the Minister is insufficient in any year to pay the interest payable to the Minister in that year under this schedule.

5. The period for the repayment of the loans made by the Minister will in the first instance be thirty years from the date of the initial advance provided that if at the end of that period any part of the loans is outstanding the Minister will extend by way of reborrowing the period for the repayment of the loans for a further period not exceeding thirty years as may be agreed between the Minister and the Councils.

6. Interest on the loans made by the Minister under sub-paragraph (c) of paragraph 2 or under paragraph 3 or paragraph 4 of this schedule shall accrue from the date or dates of borrowing.

7. The rate or rates of interest on the said loans shall be agreed between the Minister and the Councils in advance of the payment to the Councils of each instalment of the loan.

8. The sums advanced under sub-paragraph (c) of paragraph 2 or under paragraph 3 or paragraph 4 of this schedule together with the interest if any which may from time to time be or remain payable thereon shall be repaid to the Minister out of tolls collected in pursuance of this Act in manner provided in section 33 (Application of tolls) of this Act.

1st Sch.
—cont.

9. For the purpose of calculating the cost of the works—

- (1) the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or any agreement made with the Minister thereunder;
- (2) any costs charges damages or expenses which may be paid or become payable by the Councils or the Minister under or in pursuance of any provisions contained in this Act or any agreement made thereunder;
- (3) the cost of making trial borings required in connection with the works authorised by this Act;
- (4) any compensation paid by virtue of the incorporation by this Act of sections 78 to 85 of the Railways Clauses Consolidation Act 1845; and
- (5) the cost of providing housing accommodation for re-housing persons displaced and the provision of buildings for the relocation of population and any contribution made by the Councils under subsection (4) of section 18 (Power to develop land for relocation of population) of this Act to such extent as the Minister may approve;

shall be deemed to be part of the cost of the works and all sums realised by the sale of materials and plant and surplus lands and the value of surplus lands (if any) retained by the Councils or either of them (in so far as the purchase price thereof is charged as part of the construction cost) shall be taken into account in order to arrive at such cost of the works.

SECOND SCHEDULE

PROVISIONS OF ACT OF 1946 APPLIED

Provisions applied	Modifications
7 (Subsidiary works affecting river Tyne)	
8 (Restrictions as to landing place)	
10 (Stopping up of roads)	For the words " and roads " there shall be substituted the words " roads and footpaths ".
11 (Power to prevent access to or from certain works)	For the reference to Works Nos. 2 2A 6 7 and 9 authorised by the Act of 1946 there shall be substituted a reference to Works Nos. 1 2 3 5 6 and 7 authorised by this Act.
12 (Power temporarily to stop up or interfere with streets)	

2ND SCH.
—cont.

Provisions applied	Modifications
14 (Vesting of soil of streets stopped up)	For the words "road or lane" wherever those words occur there shall be substituted the words "road lane or footpath".
15 (Underpinning of houses near works)	
16 (Power to pump water and use sewers for removing water)	
17 (Power to alter sewers and drains)	
18 (Alteration of position of water gas and other pipes)	
19 (Power to alter steps areas &c. and execute protective works)	For the reference in the proviso to Works Nos. 1 and 1A authorised by the Act of 1946 there shall be substituted a reference to Works Nos. 1 1A and 3 authorised by this Act.
20 (Laying out repair and lighting of works)	
21 (Maintenance and lighting of works)	For the reference in subsection (2) to Works Nos. 1 and 1A authorised by the Act of 1946 there shall be substituted a reference to Works Nos. 1 1A and 3 authorised by this Act.
22 (Lighting &c. of works)	
23 (County boundary for the purposes of this Act)	
24 (Agreements with government departments and others)	The last sentence shall be omitted.
25 (As to closing tunnel and works)	
26 (No mains or pipes to be laid in tunnel)	For the reference to Works Nos. 2 2A 3 and 4 authorised by the Act of 1946 there shall be substituted a reference to Work No. 2 authorised by this Act. In the proviso after the words "laying down" there shall be inserted the words "water mains water pipes or".
27 (For protection of Postmaster-General)	
28 (For further protection of Postmaster-General)	For subsection (3) there shall be substituted the following subsection— (3) The streets or roads to which this section refers are— (a) in the borough of Wallsend— Main Street Dock Street Albert Street Norman Terrace and the lane between Norman Terrace and George Street.

Provisions applied	Modifications
28 (For further protection of Postmaster-General)— <i>cont.</i>	<p>(b) in the borough of Jarrow— the roadway running south-eastwards from High Street Dee Street the roadway running south-eastwards from the junction of Dee Street and Howard Street the lane parallel to and south-east of St. Paul's Road Back Randolph Street the roadway in prolongation of the last-named south of Howard Street Cobden Street the roadway parallel to and between the last-named and Howard Street the two roadways roughly parallel to Monkton Terrace respectively north and south of the junction of Howard Street and Harold Street Albert Road Edward Street Richard Street and the roadway linking the last-named with Monkton Terrace.</p> <p>(c) the portion of Tynemouth Road East which will be stopped up on or in connection with the carrying out of the diversion (Work No. 1A) specified in section 21 (Power to construct works) of this Act.</p>
29 (Power to sell materials)	
30 (Application of Restriction of Ribbon Development Act 1935)	
35 (Owners may be required to grant easements only)	<p>For the reference to the schedule to the Act of 1946 there shall be substituted a reference to the Third Schedule to this Act and for the words "the section of this Act of which the marginal note is 'As to taking parts of certain properties only'" there shall be substituted the words "section 9 (Acquisition of part only of certain properties) of this Act".</p>
42 (Purchase of lands by agreement)	
44 (Power to lay out streets &c.)	
45 (Undertaking to be exempt from rates)	<p>For the references to Works Nos. 1 2 2A 3 4 and 5 authorised by the Act of 1946 there shall be substituted references to Works Nos. 1 1A 2 3 4 and 5 authorised by this Act.</p>
46 (Works below high-water mark to be subject to approval of Minister of Transport)	
47 (Lights on works during construction)	

2ND SCH.
—cont.

Provisions applied	Modifications
48 (Survey of works by Minister of Transport)	
49 (Abatement of work abandoned or decayed)	
50 (Provision against danger to navigation)	
51 (For protection of London and North Eastern Railway Company)	<p>For the reference to the London and North Eastern Railway Company there shall be substituted a reference to the commission.</p> <p>In paragraph (1) for the reference in the definition of "The works" to Works Nos. 1 5 and 5A authorised by that Act there shall be substituted a reference to Works Nos. 1 4 and 8 authorised by this Act and for the reference in the definition of "The bridge works" to the said Works Nos. 1 and 5 there shall be substituted a reference to Works Nos. 1 and 4 authorised by this Act.</p> <p>Paragraphs (7) and (13) shall be omitted.</p>
52 (Differential rating of certain railways and canals)	<p>For the reference to the London and North Eastern Railway Company there shall be substituted a reference to the commission.</p>
53 (For the protection of the Tyne Improvement Commissioners)	<p>For the references to the properties numbered 118 119 and 122 in the borough of Wallsend there shall be substituted references to the properties numbered 135 and 138 in the borough of Wallsend.</p> <p>For the reference in paragraph (3) to Works Nos. 2 3 and 4 authorised by the Act of 1946 there shall be substituted a reference to Work No. 2 authorised by this Act.</p> <p>The references to Work No. 5A shall be omitted</p> <p>For the references in paragraph (14) to Works Nos. 1 2 3 4 and 5A authorised by the Act of 1946 there shall be substituted references to Works Nos. 1 and 2 authorised by this Act.</p> <p>For the reference in paragraph (17) to the Tyne Improvement Acts 1850 to 1934 there shall be substituted a reference to the Tyne Improvement Acts 1850 to 1958.</p>
54 (As to claims against owners of vessels and others)	
56 (As to persons employed in connection with ferry undertaking of Tyne Improvement Commissioners)	<p>For the references to Work No. 2 Work No. 3 or Work No. 4 authorised by the Act of 1946 there shall be substituted a reference to Work No. 2 authorised by this Act.</p>

Provisions applied	Modifications
62 (Contributions by Councils)	For the reference to Works Nos. 2 2A 3 and 4 authorised by the Act of 1946 there shall be substituted a reference to Work No. 2 authorised by this Act.
63 (Contributions to cost of works)	For the reference to the Minister of Health there shall be substituted a reference to the Minister of Housing and Local Government.
69 (Authentication and service of notices &c.)	
70 (Settlement of questions between Councils)	
71 (Recovery of penalties)	
72 (Inquiries by Ministers)	For the reference to the Minister of Health there shall be substituted a reference to the Minister of Housing and Local Government.
73 (Arbitration)	For the references to the Arbitration Act 1889 and the Arbitration Act 1934 there shall be substituted a reference to the Arbitration Act 1950.

THIRD SCHEDULE

DESCRIBING PROPERTIES UNDER WHICH EASEMENTS ONLY
MAY BE TAKEN

Area	Nos. on the deposited plans
Borough of Tynemouth	7 and 9.
Borough of Wallsend	111 112 113 114 115 116 134 135 and 138
Borough of Jarrow	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 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 and 239.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 20.
Lands Clauses Consolidation Acts Amendment Act 1860	23 & 24 Vict. c. 106.
Railways Clauses Act 1863	26 & 27 Vict. c. 92.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Arbitration Act 1899	52 & 53 Vict. c. 49.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
Mines (Working Facilities and Support) Act 1923	13 & 14 Geo. 5. c. 20.
Jarrow East End Light Railway Order 1929 ..	S.R. & O. 1929. No. 92.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Arbitration Act 1934	24 & 25 Geo. 5. c. 14.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5. c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6. c. 49.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6. c. 58.
National Health Service Act 1946	9 & 10 Geo. 6. c. 81.
Tyne Tunnel Act 1946	9 & 10 Geo. 6. c. xl.
Fire Services Act 1947	10 & 11 Geo. 6. c. 41.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6. c. 51.
Civil Defence Act 1948	11 & 12 Geo. 6. c. 5.
Lands Tribunal Act 1949	12 & 13 Geo. 6. c. 42.
Arbitration Act 1950	14 Geo. 6. c. 27.
Public Utilities Street Works Act 1950 ..	14 Geo. 6. c. 39.
Post Office Act 1953	1 & 2 Eliz. 2. c. 36.
Town and Country Planning Act 1954 ..	2 & 3 Eliz. 2. c. 72.
Army Act 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act 1955	3 & 4 Eliz. 2. c. 19.
Tyne Tunnel Act 1956	4 & 5 Eliz. 2. c. lxvi.
Highways Act 1959	7 & 8 Eliz. 2. c. 25.
Town and Country Planning Act 1959 ..	7 & 8 Eliz. 2. c. 53.

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