



### CHAPTER iv.

An Act to increase the number of and amend the Acts relating to the Tyne Improvement Commissioners. A.D. 1927.  
[12th April 1927.]

**W**HEREAS by the Tyne Improvement Acts 1850 to 1925 the Tyne Improvement Commissioners (in this Act called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the River Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works and to borrow money :

And whereas the Tyne Improvement Commission (in this Act called "the Commission") is now composed of thirty-two members of whom two are life members appointed by the Board of Trade fifteen are appointed annually by local municipal authorities and fifteen are elected triennially by shipowners coalowners and traders as defined in the Acts relating to the Commissioners in the following numbers viz. :—

Appointed by the Board of Trade	- - -	2
Appointed by the Newcastle-upon-Tyne City Council	- - - - -	6
Appointed by the Gateshead Town Council	- - - - -	2
Appointed by the Tynemouth Town Council	- - - - -	3
Appointed by the South Shields Town Council	- - - - -	3
Appointed by the Jarrow Town Council	- - - - -	1

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Elected by shipowners	-	-	-	-	5
Elected by coalowners	-	-	-	-	5
Elected by traders	-	-	-	-	5

And whereas the appointment of the two life members of the Commission is now vested in the Minister of Transport by virtue of the Ministry of Transport Act 1919 :

And whereas it is expedient to make provision as in this Act contained for the addition of two members to the Commission and to enact the other provisions of this Act :

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

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

Short and  
collective  
titles.

1.—(1) This Act may be cited as the Tyne Improvement Act 1927.

(2) The Tyne Improvement Acts 1850 to 1925 and this Act may be cited together as the Tyne Improvement Acts 1850 to 1927.

Incorporation of  
Commissioners  
Clauses Act  
1847.

2. The provisions of the Commissioners Clauses Act 1847 which by section 3 of the Act of 1925 are deemed to be incorporated with each of the existing Acts are (subject to the provisions of the existing Acts and this Act and so far as not varied by or inconsistent with those Acts or any of them) hereby incorporated with this Act so far as applicable to the provisions of this Act.

Definitions.

3. In this Act unless the subject or context otherwise requires—

“ The Act of 1875 ” means the Tyne Improvement Commission Act 1875 ;

“ The Act of 1861 ” “ the Act of 1890 ” “ the Act of 1897 ” and “ the Act of 1925 ” respectively mean the Tyne Improvement Acts of those respective years ;

“ The existing Acts ” means the Tyne Improvement Acts 1850 to 1925 ;

“The municipal councils” means the respective councils of the city and county of Newcastle-upon-Tyne the county boroughs of Gateshead South Shields and Tynemouth and the boroughs of Jarrow and Wallsend; A.D. 1927.

“The Wallsend Council” means the town council of the borough of Wallsend;

“Shipowners” and “coalowners” respectively mean persons (including partnerships co-ownerships and companies) who come within the respective meanings given to those respective terms by the Act of 1875 as respectively extended by sections 58 and 59 of the Act of 1897;

“Traders” has the meaning given to that expression by section 13 of the Act of 1890 as extended by section 60 of the Act of 1897;

“Year of election” means a year appointed by the existing Acts for the election of Commissioners by the shipowners the coalowners and the traders;

“Appointed Commissioners” means the Commissioners appointed by the respective municipal councils;

“Elected Commissioners” means the Commissioners elected by the shipowners the coalowners and the traders;

“Co-opted Commissioner” means the Commissioner co-opted under the provisions of this Act by the elected Commissioners.

4.—(1) As from the ninth day of November nineteen hundred and twenty-seven there shall be added to the Commission two Commissioners of whom one shall be appointed by the Wallsend Council and the other shall be co-opted by the elected Commissioners in accordance with the provisions of this Act. Increase of number of Commissioners.

(2) The two additional Commissioners with the Commissioners for the time being in office under the existing Acts shall form and be to all intents the body corporate of the Tyne Improvement Commissioners.

5.—(1) The Wallsend Council shall at their meeting on the ninth day of November nineteen hundred and twenty-seven and on the ninth day of November in As to Commissioner appointed.

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—  
by Wallsend  
Council.

every subsequent year appoint a person to be a Commissioner and the person so from time to time appointed shall be either a member or possessed of the qualification requisite for a member of the Wallsend Council and shall continue in office for one year if he shall so long live and continue qualified and on the expiration of his year of office shall if qualified be eligible for re-appointment.

(2) If the Wallsend Council fail to appoint on the ninth day of November in any year a person to be a Commissioner the Wallsend Council may make such appointment on any day within seven days next after that day.

(3) Whenever the ninth day of November in any year is a Sunday or a day appointed for a public fast or thanksgiving the foregoing provisions of this section shall have effect as if the tenth day were substituted therein for the ninth day of November.

(4) Section 28 (As to disqualification of and casual vacancies among Commissioners) of the Act of 1925 shall apply with respect to the Commissioner appointed by the Wallsend Council in like manner as it applies to a Commissioner appointed by any other of the municipal councils.

As to co-  
opted Com-  
missioner.

**6.**—(1) The elected Commissioners in office on the ninth day of November nineteen hundred and twenty-seven and on the ninth day of November in every subsequent year of election shall at a meeting to be held on that day or within seven days thereafter co-opt a person to be a Commissioner.

(2) A person shall not be capable of being co-opted under this section to be a Commissioner unless he is qualified to be elected as an elected Commissioner nor unless notice in writing of the intention to nominate him for co-option shall have been given to the clerk to the Commissioners on or before the first day of November in the year of election by one of the persons who shall have been elected to hold office as an elected Commissioner as from the ninth day of November in that year.

(3) If two or more persons are nominated for co-option as a Commissioner under this section any question as to which of those persons shall be so co-opted shall be determined by a majority of the votes of the elected Commissioners present at the meeting held for the

purpose of co-opting a Commissioner and voting on the question. If there is an equality of votes on any such question the question shall be decided by lot.

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(4) The person so co-opted shall (unless a vacancy in his office shall arise as hereinafter mentioned) hold office on and from the day when he is so co-opted until and including the eighth day of November in the next year of election and shall then be eligible for re-co-option.

(5) In any year of election in which the ninth day of November is a Sunday or a day appointed for a public fast or thanksgiving the foregoing provisions of this section shall have effect as if the tenth day were substituted therein for the ninth day of November.

(6) An extraordinary vacancy in the office of the co-opted Commissioner shall arise in the event of his resignation death bankruptcy or lunacy or (except as otherwise provided by subsection (1) of section 28 (As to disqualification of and casual vacancies among Commissioners) of the Act of 1925 as applied to the co-opted Commissioner by subsection (8) of this section) in either of the events mentioned in section 16 of the Commissioners Clauses Act 1847.

(7) If an extraordinary vacancy shall arise in the office of the co-opted Commissioner the elected Commissioners shall within thirty days of the vacancy arising co-opt some other person qualified as aforesaid to hold office as the co-opted Commissioner and the person so co-opted shall continue in office so long as the Commissioner in whose stead he is co-opted would have been entitled to continue in office and shall then be eligible for re-co-option but if any extraordinary vacancy in the office of the co-opted Commissioner shall not occur and be known to the clerk to the Commissioners until after the thirtieth day of June in any year of election then the vacancy shall not be filled except under and in accordance with the provisions of subsections (1) to (5) of this section.

(8) Subsections (1) and (3) of section 28 of the Act of 1925 shall apply to the co-opted Commissioner in like manner as they apply to the elected Commissioners.

7. In any year in which the ninth day of November is a Sunday or a day appointed for a public fast or thanksgiving the period of office of any Commissioner which under the provisions of the existing Acts or this Act

As to date  
of expira-  
tion of  
office of

A.D. 1927.

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Commissioners.Commissioners  
may act not-  
withstanding  
any vacancy.Revisers of  
lists of  
electors.Revision of  
lists of  
electors.

would extend to and include but not extend beyond the eighth day of November in that year shall notwithstanding anything in those Acts or any of them extend to and include the said ninth day of November.

8. The Commissioners may act notwithstanding any vacancy in their body however arising.

9.—(1) Section 10 (Amendment of section 12 of Tyne Improvement Commission Act 1875) of the Act of 1890 is hereby repealed.

(2) On or before the twelfth day of August in each year of election the Commissioners shall appoint two of their number to be two of the revisers of the lists of electors prepared in that year under section 10 (Clerk to the Commissioners to make alphabetical lists) of the Act of 1875 and those two Commissioners shall not later than the fifteenth day of the same month appoint a third person being a person on one of the said lists or a member of a partnership or co-ownership or a secretary or manager of a company on one of those lists to be a third reviser and to be their chairman. If such two Commissioners fail to appoint such third reviser or if the reviser appointed by such two Commissioners be unable or unwilling to act the chairman of the Commissioners may appoint some person qualified as aforesaid to be such third reviser.

10.—(1) Section 13 (Yearly revision of lists) of the Act of 1875 is hereby repealed.

(2) The revisers appointed under the immediately preceding section of this Act shall not later than the twenty-fifth day of August in each year of election revise at the Commissioners' office the lists of electors for the year giving not less than three days' notice by advertisement in at least two newspapers published in the Tyne district of every such revision but if one or two of the revisers shall die or fail to act the others or other of them shall and if all the revisers shall die or fail to act a person appointed by the chairman of the Commissioners shall make or complete the revision.

(3) The said revisers shall not be bound to sit for the purposes of subsection (2) of this section longer than from eleven o'clock in the forenoon to three o'clock in the afternoon in any day.

(4) In this section the expression "the Tyne district" has the meaning given thereto by the Act of 1875.

**11.** Any coalowner or shipowner who in the opinion of the said revisers has without reasonable excuse failed to make any return lawfully and properly required from him under section 6 (Coalowners to send statements of coal shipped to Commissioners) of the Act of 1875 or section 9 (Shipowners to send statements of registered tonnage to Commissioners' clerk) of the Act of 1890 shall not be entitled to make any such claim or objection as is mentioned in section 14 (Claims and objections before revisers) of the Act of 1875.

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As to claims and objections before revisers.

**12.**—(1) Section 51 (Qualification of Commissioners) of the Act of 1897 is hereby repealed.

Nomination of candidates for election.

(2)—

(a) Any person being on any list (duly made and revised) of any class of electors may by writing under his hand; and

(b) Any partnership or co-ownership being on any such list may by writing under the hand of any one member but not more than one member of such partnership or co-ownership and expressed to be for and on behalf of that partnership or co-ownership; and

(c) Any company being on any such list may by writing under the hand of the secretary or manager or of any member of such company duly authorised in that behalf and expressed to be for and on behalf of such company

nominate any person or any member of any partnership co-ownership or company being on the list of the same class of electors as a candidate for election as a Commissioner and thereupon the person or member so nominated shall be eligible for election as a Commissioner by the class of electors to which the person partnership co-ownership or company by whom he was nominated belongs although not otherwise an elector. Provided that any person partnership co-ownership or company whose name appears in more than one class of electors shall not exercise the right of nomination in more than one class.

**13.** For the purposes of the election of Commissioners by shipowners the word "vessel" in the definition of "shipowner" in the Act of 1875 and in section 58 (Change of ownership of vessels or shares before triennial revision) of the Act of 1897 and in any

Meaning of "vessel" for purposes of election by shipowners.

A.D. 1927. — other provision of the existing Acts which relates to the election of Commissioners by shipowners shall not include any vessel in respect of which the dues payable under Schedule D to the Act of 1861 have been paid but nothing in this section shall alter or affect the meaning of the word "vessel" for any other purposes of the existing Acts.

Qualifica-  
tion of  
auditor.

**14.**—(1) Section 54 of the Act of 1897 is hereby repealed.

(2) Any person not being a Commissioner but being on the list of any class of electors and any person not being a Commissioner but nominated as provided by section 12 (Nomination of candidates for election) of this Act and no other person shall be eligible for election as auditor under section 30 (Additional auditor to be elected triennially by payers of dues) of the Act of 1875.

Superannu-  
ation fund.

**15.** The initial contribution to the superannuation fund which the Commissioners are authorised to make by section 26 (Increase of contributions to superannuation fund) of the Act of 1925 may be made by means of annual payments of such amounts and for such period of years and whether of the same or different amounts for different years as the Commissioners may from time to time think fit Any such annual payments as have already been made by the Commissioners in purported exercise of the power conferred by the said section are hereby ratified and confirmed.

Expenses of  
execution  
and costs of  
Act.

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

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