



CHAPTER lxxix.

An Act to confer further powers upon the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne with reference to the running of omnibuses and for other purposes. A.D. 1927.
[29th July 1927.]

WHEREAS the city and county of Newcastle-upon-Tyne (hereinafter referred to as "the city") is a municipal and county borough to which the Municipal Corporations Acts apply and the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") acting by the council are within the meaning of the Tramways Act 1870 the local authority for a district consisting of the city :

And whereas the Corporation are the owners of and are working a system of tramways in and adjacent to the city and under powers conferred by the Newcastle-upon-Tyne Corporation Act 1911 and subsequent Acts are running services of omnibuses in the city and in certain districts in the counties of Northumberland and Durham :

And whereas it is expedient that the further powers of running omnibuses contained in this Act should be conferred upon the Corporation :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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 title.

1. This Act may be cited as the Newcastle-upon-Tyne Corporation Act 1927.

Interpretation.

2. In this Act unless otherwise expressly provided or the context otherwise requires—

“ The city ” means the city and county of Newcastle-upon-Tyne ;

“ The Corporation ” means the lord mayor aldermen and citizens of the city acting by the council of the city ;

“ The city fund ” and “ the city rate ” mean respectively the city fund and the city rate of the city ;

“ The omnibus undertaking ” means the omnibus undertaking of the Corporation as for the time being authorised ;

“ The tramway undertaking ” means the tramway undertaking of the Corporation as for the time being authorised ;

“ The tramway revenue ” means all moneys received by the Corporation in respect of the tramway undertaking (other than borrowed moneys and other moneys which ought to be carried to the account of capital) ;

“ The Minister ” means the Minister of Transport.

General provisions as to omnibuses of Corporation.

3.—(1) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses depôts buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running

equipment maintenance and repair of their omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds. A.D. 1927.

(2) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(3) The Corporation shall perform in respect of their omnibuses such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(4) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

(5) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their omnibuses or in or against any premises held by the Corporation in connection therewith. Provided that any such byelaws shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

4.—(1) The Corporation may at any time discontinue the use of and abandon the whole or any part of any tramway belonging to them (whether within or outside the city) and may provide and run omnibuses along the route of any tramway or part of a tramway so abandoned or the use of which is so discontinued. Power to substitute omnibus services for tramways of Corporation.

(2) The Corporation may take up and remove and use or dispose of the rails of any such tramway or part of a tramway and the posts poles wires and other works and apparatus provided in connection therewith and in the case of any road outside the city shall make good the surface thereof to the reasonable satisfaction of the road authority.

(3) The provisions of section 22 (Cheap fares for labouring classes) of the Newcastle-upon-Tyne Corporation Act 1902 shall apply to any service of omnibuses

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A.D. 1927. provided under the powers of this section to the same extent as the said provisions applied to the tramway replaced by such service.

(4) Nothing in this section shall authorise the Corporation except with the consent in writing of the Tyneside Tramways and Tramroads Company or the Gateshead and District Tramway Company (as the case may be) to take up or remove the rails of any tramway or part of a tramway over which the said companies respectively are for the time being entitled to run tramcars or over which the Corporation are by virtue of any agreement between themselves and the said companies respectively or of any statutory provision under obligation to the said companies respectively to run a service of tramcars.

(5) For the purposes of this section the expression "tramway" includes "light railway."

Application of certain provisions of Newcastle-upon-Tyne Corporation Act 1920 relating to omnibuses.

5. The provisions of the following sections of the Newcastle-upon-Tyne Corporation Act 1920 shall extend and apply to the running of omnibuses under the powers of this Act as if those sections with the necessary modifications had been re-enacted in this Act with reference to such running (that is to say):—

Section 38 (Fares and charges);

Section 43 (Application of certain provisions of former Acts):

Provided that the said section 38 in its application to this Act shall be read and have effect as if the proviso to subsection (1) thereof had been omitted therefrom and as if the following words were added at the end of the said subsection (1):—

" Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held :

" Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or

partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.”

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6.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the city or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

Working and other agreements.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the city or on any route over which the Corporation are for the time being empowered to run omnibuses.

(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

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(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the city otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

(5) No agreement shall be entered into under this section between the Corporation and any local authority except with the consent of the Minister.

Power to Corporation to provide depôts &c. for omnibuses.

7. The Corporation may in the city provide any lands or depôts or other buildings for the accommodation or standing of omnibuses and may enter into and carry into effect agreements with any local authority company body or person running omnibuses for the use by such local authority company body or person of any lands depôts or buildings so provided.

Omnibus undertaking to form part of tramway undertaking.

8. Subject to the provisions of this Act the omnibus undertaking shall be deemed to form part of the tramway undertaking Provided that the Corporation shall keep the accounts in respect of the tramway undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to their tramways and omnibuses and the electricity supply works of the tramway undertaking and that in such accounts capital shall be distinguished from revenue.

Regulations for controlling traffic.

9.—(1) The Corporation may from time to time make regulations prescribing within the central area defined in subsection (10) of this section—

(a) the streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;

- (b) the streets (other than any street in which tramcars are for the time being operated in both directions) along which vehicular traffic shall pass in one specified direction only; A.D. 1927.
- (c) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers :

Provided that no regulation made under paragraph (a) of this subsection shall apply to (i) any vehicle (other than an omnibus) while engaged in the setting down or taking up of passengers or the delivery or collection of goods at or from any premises in any street to which the regulation relates or (ii) any tramcar.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the city and in the London Gazette and in such other manner (if any) as the Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the town clerk of the city.

(3) The Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

(4) Before approving any regulations the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the Minister any expenses incurred by him in relation to any such inquiry including the expenses

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(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the city and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The regulations shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a local newspaper circulating in the city and otherwise in such manner as may be prescribed by the Minister and shall also during the continuance of any regulation approved under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the Minister indicating the effect of the regulation and the street to which it relates.

(8) A copy of any regulations approved under this section purporting to be signed by the town clerk of the city and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(9) As respects any regulation made and approved under this section (subject to any modification or extension made by the Minister of Transport as aforesaid) any person who—

(a) shall contravene any regulation under paragraph (a) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or

(b) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (b) of

subsection (1) of this section and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or

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(c) shall contravene any regulation under paragraph (c) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(10) In this section—

(a) “the central area” means so much of the city as is situate within a distance of one mile from the Central Railway Station measured in any direction;

(b) “specified” means specified in any regulations made or approved under this section.

(11) Any company body or person running omnibuses or tramcars in the city may at any time apply to the Minister to modify any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the city or has been unfairly enforced and upon any such application the Minister after considering any representations made to him by the Corporation may modify the regulation to which the application relates.

10.—(1) The Corporation may make regulations prescribing within the city—

Regulations as to stands for omnibuses.

(a) the stands which may be occupied exclusively by omnibuses generally or by omnibuses of any class or used on any particular route or running according to a published time table; and

(b) the time during which any omnibus shall be allowed to remain at a prescribed stand;

and any omnibuses standing upon any such stand in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of

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— cease to extend to the city and any byelaws made by
the Corporation under that paragraph shall be repealed.

(3) Where the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement to the effect of the proposed regulations to be published in at least one newspaper circulating within the city and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the city.

(4) Every such notice shall indicate the date (which shall not be less than twenty-eight days) within which objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Corporation.

(7) The Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act of which the

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as to expenses and notices of local inquiries shall extend
to any local inquiry so directed by the Minister.

(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the Minister or if an appeal to the Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) In this section the expression "stand" means a place forming part of a public street or road where omnibuses may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same.

(11) Any company body or person running omnibuses in the city may at any time apply to the Minister to modify any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the city or has been unfairly enforced and upon any such application the Minister after considering any representations made to him by the Corporation may modify the regulation to which the application relates.

11. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (including all costs charges and expenses of and in relation to the borrowing of any moneys under the powers of this Act and all interest on and all instalments appropriations and sinking fund payments in respect of such borrowed moneys) other than such of them as are properly chargeable to capital and payable out of borrowed moneys shall be paid out of the tramway revenue and if and so far as that revenue proves insufficient out of the city fund and the city rate. Expenses of execution of Act.

12.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order Power to borrow.

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A.D. 1927. to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (which shall respectively be deemed to be the prescribed period referred to in the enactments applied by this Act) mentioned in the fourth column thereof (namely) :—

1	2	3	4
Purpose.	Amount.	Charge.	Period for repayment.
(a) For the provision of omnibuses.	£ 7,500	The tramway revenue and the city fund and the city rate.	Eight years from the date or dates of borrowing.
(b) For paying the costs charges and expenses of this Act as herein-after defined.	The sum requisite.	The city fund and the city rate.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister borrow such further sums as they may from time to time require for any of the purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister.

(3) The provisions of this section prescribing or relating to the prescription of the revenues funds or rates which may be mortgaged or charged shall not affect the operation of section 6 (Charge of Corporation stock) of the Newcastle-upon-Tyne Corporation Loans Act 1882 or limit the powers conferred on the Corporation by section 92 (Power to use one form of mortgage for

all purposes) of the Newcastle-upon-Tyne Corporation Act 1911 or by section 27 (Consolidated loans fund) of the Newcastle-upon-Tyne Corporation Act 1926. A.D. 1927.
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13. The following sections of the following Acts (that is to say) :— Application of certain provisions of existing Acts relating to borrowing.

Of the Newcastle-upon-Tyne Improvement Act 1892—

Section 145 (Corporation not to regard trusts):
Of the Newcastle-upon-Tyne Tramways and Improvement Act 1899—

Section 79 (Sinking fund for moneys borrowed and hereafter to be borrowed);

Section 80 (Provision as to increase and reduction of payments to sinking funds);

Section 82 (Power to borrow under Local Loans Act 1875);

Section 83 (Power to re-borrow) as amended by section 102 (Amendment of section 83 of Act of 1899) of the Newcastle-upon-Tyne Corporation Act 1904;

Section 85 (Application of borrowed moneys);

Section 86 (Appointment of receiver);

Section 87 (Saving of charges); and

Section 90 (Protection of lenders from inquiry):

Of the Newcastle-upon-Tyne Tramways Extensions Act 1902—

Section 44 (Audit of accounts):

Of the Newcastle-upon-Tyne Corporation Act 1911—

Section 85 (Provision as to mortgages);

shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to the moneys borrowed by the Corporation under the powers of this Act and to the repayment thereof.

14. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or Powers of Act cumulative.

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A.D. 1927. remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Costs of Act. **15.** All 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 paid by the Corporation in the first instance out of the city fund and the city rate and any sums so paid shall be repaid or transferred to the city fund out of moneys to be borrowed under the provisions of this Act as hereinbefore provided.

Printed by EYRE and SPOTTISWOODE, LTD.,

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