

Newcastle upon Tyne Corporation Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 Ch. xl

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*Newcastle upon Tyne
Corporation Act, 1952*

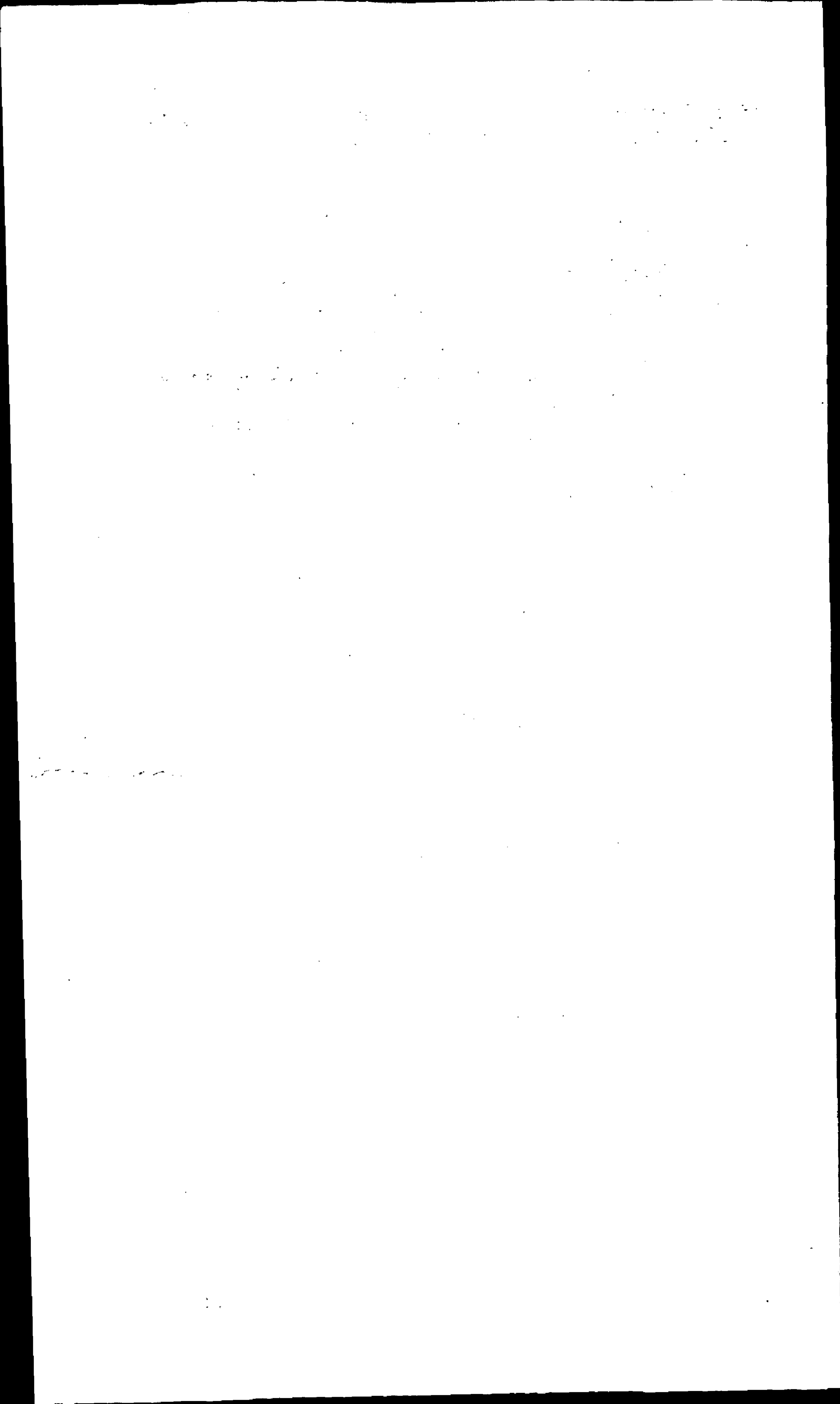
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CHAPTER xl

An Act to empower the lord mayor aldermen and citizens of the city and county of Newcastle upon Tyne to construct a new quay in the city to authorise the running by the Corporation of trolley vehicles on additional routes to confer further powers upon and to enact further provisions in connection with the quays and road transport undertaking of the Corporation the finances and good government of the city and the superannuation and pensions of employees to confer further powers upon the Corporation and the stewards committee in relation to the Town Moor and for other purposes. [1st August 1952.]

WHEREAS the city and county of Newcastle upon Tyne (hereinafter referred to as "the city") is a county borough under the government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas the Corporation are the owners of quays on the northern bank of the river Tyne in the city and such quays are carried on and managed by the Corporation:

And whereas it is expedient that the Corporation should be empowered to construct the new quay and other works in connection therewith by this Act authorised:

And whereas it is expedient that the maximum dues tolls rates and charges which the Corporation are authorised to charge in respect of their quays by virtue of the Newcastle upon Tyne Tramways and Improvement Act 1877 and subsequent Acts

should be increased as by this Act provided and that such further or new provisions as are contained in this Act should be made with respect thereto :

And whereas it is expedient that the other provisions and powers contained in this Act with respect to the quays of the Corporation should be enacted and conferred upon the Corporation :

And whereas under various Acts and Orders the Corporation are possessed of an extensive road transport undertaking and (inter alia) own and run trolley vehicles upon numerous routes both within and without the city :

And whereas it is expedient that the Corporation should be authorised to run trolley vehicles upon the additional routes described in this Act :

And whereas it is expedient that the maximum fares and tolls which the Corporation are authorised to take in respect of passengers on their trolley vehicles should be increased as by this Act provided :

And whereas it is expedient that the other provisions contained in this Act relating to the road transport undertaking of the Corporation should be enacted :

And whereas it is expedient to make further provision with regard to the superannuation and other benefits to be granted to employees of the Corporation and with regard to the finances and funds of the Corporation :

And whereas there is within the city a tract of land containing about one thousand and one hundred acres bearing in different parts different names but ordinarily and collectively called and hereinafter referred to as " the Town Moor " :

And whereas the Corporation are or claim to be entitled to the soil of the Town Moor for an estate in fee simple but the same is subject to a right or benefit of herbage in the resident freemen or burgesses of the city and the resident widows of deceased freemen or burgesses of the city (ordinarily and collectively called and hereinafter referred to as " the freemen ") :

And whereas by an Act 14 George 3. chapter 105 (Local) (hereinafter referred to as " the Town Moor Act of 1774 ") provisions were enacted for and in relation to the enjoyment management and improvement of the surface of the Town Moor and within certain limits the enclosure thereof :

And whereas by the Town Moor Act of 1774 provisions were enacted enabling leases to be made from time to time of different parts of the Town Moor provided that the total quantity to be enclosed for that purpose should not at any time exceed one hundred acres:

And whereas the said powers of leasing were enlarged and amended by the Newcastle upon Tyne Improvement Act 1870 (hereinafter referred to as "the Act of 1870") and the term for which such leases as aforesaid may be granted was by the Act of 1870 extended from seven years to twenty-one years:

And whereas by and for the purposes of the Act of 1870 a committee (hereinafter referred to as "the stewards committee") of the stewards and wardens of the companies of the city as representing the interests of the freemen were constituted and were by that Act authorised and required to act for and on behalf of the said stewards and wardens and freemen for all purposes relating to the Town Moor:

And whereas King's College in the University of Durham have erected a college and other buildings on and occupy lands in the city adjoining a portion of the Town Moor which has been enclosed under the Town Moor Act of 1774 and is known as "Lee's Intake":

And whereas the number of students attending the said college has of recent years greatly increased and is likely further to increase in the future and the existing buildings of the said college are inadequate for the purposes thereof:

And whereas it is expedient that the Corporation and the stewards committee should be empowered as in this Act provided to grant a lease to the said college of the said Lee's Intake for the erection thereon of buildings required for the extension of the said college:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Corporation and that the other provisions therein contained should be enacted:

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

And whereas by the Newcastle upon Tyne Corporation (Quay Extension) Act 1935 the Corporation were authorised to construct an extension of the then existing quay of the Corporation on the northern side of the river Tyne and such quay extension has been in part constructed but has not yet been fully completed:

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For and in connection with the construction of the new quay by this Act authorised and works and conveniences in connection therewith	237,000
For the provision of plant and machinery in connection with the said new quay... ..	24,000
For the construction of sidings in connection with the said new quay	22,000
For the construction of roads in connection with the said new quay	13,000
For and in connection with the completion of the construction of the said quay extension	209,000
For the provision of machinery and plant in connection with the completion of the said quay extension	24,000
For the construction of sidings in connection with the completion of the said quay extension	20,000
For the construction of roads in connection with the completion of the said quay extension	11,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow for those purposes as provided by this Act:

And whereas it is estimated that the total cost of constructing the said quay extension will exceed the total estimate therefor recited in the preamble to the said Act of 1935 by one hundred and ninety-two thousand pounds and such excess is due to the increase in cost of labour and materials since the making of such last-mentioned estimate:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed:

And whereas a plan and section showing the line or situation and levels of the new quay by this Act authorised such plan also showing the lands which may be acquired under the powers of this Act and a book of reference to that plan containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of and describing such lands have been deposited with the town clerk of the city:

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. This Act may be cited as the Newcastle upon Tyne Corporation Act 1952. Short title.

2. This Act is divided into Parts as follows:—

Act divided
into Parts.

- Part I.—Preliminary.
- Part II.—Quays.
- Part III.—Transport.
- Part IV.—Superannuation etc.
- Part V.—Finance.
- Part VI.—Miscellaneous and general.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act and for the purposes of such incorporated Acts this Act shall be deemed to be the special Act within the meaning of any such Acts and "the promoters of the undertaking" "the undertakers" "the company" or "the commissioners" where used in those Acts shall mean the Corporation (that is to say):— Incorporation
of Acts.

(1) The Lands Clauses Acts with the following exception and modification:—

(A) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(B) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:

(2) The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway and also section 16 of that Act:

Provided that the words "the railway" and "the centre of the railway" wherever used in sections 30 to 44 and sections 77 to 85 of the Railways Clauses Consolidation Act 1845 and in the said section 16

PART I
—cont.

shall be deemed to include the works as hereinafter defined and “the prescribed limits” for the purposes of section 30 and of section 32 of the said Act shall be four hundred yards:

- (3) Sections 27 and 28 of the Harbours Docks and Piers Clauses Act 1847 and the provisions of that Act with respect to the protection of the harbour dock and pier and the vessels therein from fire or other injury (except section 73) and with respect to the byelaws to be made by the undertakers (except sections 84 to 90 and so much of the proviso to section 83 as follows the words “the special Act”) Provided that section 28 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Act shall apply to and for the benefit of any government department in the same manner as it applies to and for the benefit of the government departments named in that section.

Interpretation.

4.—(1) In this Act the following words and expressions have the several meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction:—

“the Act of 1877” means the Newcastle upon Tyne Tramways and Improvement Act 1877;

“the Act of 1904” means the Newcastle upon Tyne Corporation Act 1904;

“the Act of 1920” means the Newcastle upon Tyne Corporation Act 1920;

“the Act of 1946” means the Newcastle upon Tyne Corporation Act 1946;

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

“the commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

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

“daily penalty” means a penalty for each day on which an offence is continued by a person after conviction thereof;

“ the electricity board ” means the North Eastern Electricity Board ;

“ enactment ” means any Act of Parliament whether public general local or private any order byelaw regulation or scheme made under an Act of Parliament and any provision in an Act of Parliament including this Act or in any such order byelaw regulation or scheme ;

“ the General Powers Act of 1935 ” means the Newcastle upon Tyne Corporation (General Powers) Act 1935 ;

“ the general rate fund ” means the general rate fund of the city ;

“ 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 and by this Act ;

“ the Minister ” means—

(a) for the purposes of Part II (Quays) and Part III (Transport) of this Act the Minister of Transport ; and

(b) in all other cases the Minister of Housing and Local Government ;

“ the new quay ” means the new quay by this Act authorised ;

“ the Quay Extension Act of 1935 ” means the Newcastle upon Tyne Corporation (Quay Extension) Act 1935 ;

“ the quays of the Corporation ” means and includes—

(a) the quays and works belonging to the Corporation within the area defined by section 30 (Defining limits of existing quays) of the Act of 1904 ;

(b) the new quay authorised by the Act of 1904 ;

(c) the quays specified in section 49 (Inclusion of certain quays within quay limits) of the Newcastle upon Tyne Corporation Act 1911 ;

(d) the new quay authorised by the Newcastle upon Tyne Corporation (Quay Extension &c.) Act 1930 ;

(e) the quay extension authorised by the Quay Extension Act of 1935 ; and

(f) the new quay authorised by this Act ;

“ statutory securities ” means any securities in which trustees are for the time being authorised by law to

PART I
—cont.

invest trust money and any mortgages bonds debentures debenture stock stock or other securities created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rent-charges or securities transferable by delivery ;

“ the town clerk ” means the town clerk of the city ;

“ trolley vehicle ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electric power transmitted thereto from some external source or in case of emergency or during the turning of the vehicle by some other means ;

“ the trolley vehicles ” means the trolley vehicles which the Corporation are for the time being authorised to provide maintain and use ;

“ the Tyne Commissioners ” means the Tyne Improvement Commissioners ;

“ the works ” means the works by Part II of this Act authorised.

(2) 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.

PART II

QUAYS

Power to make
new quay.

5. Subject to the provisions of this Act the Corporation may in the city make and maintain in the line or situation shown on the deposited plan and according to the levels shown on the deposited section the work hereinafter described (that is to say) :—

A quay to be formed by the construction of a quay wall on the northern side of the river Tyne commencing at the termination of the quay extension authorised by the Quay Extension Act of 1935 and terminating at the western side of Glasshouse Street.

Power to
dredge.

6. For the purposes of constructing and maintaining the works and of forming and maintaining approaches thereto the Corporation may dredge deepen scour cleanse improve alter and interfere with the bed banks shores and channels of the river Tyne so far as the same shall be consented to in writing by the Tyne Commissioners Provided that no materials raised under the provisions of this section shall be deposited in any place below high-water mark of ordinary spring tides otherwise than in such a position and under such restrictions and regulations as may be fixed by the Minister.

7. Subject to the provisions of this Part of this Act the Corporation may in connection with and at or near the new quay within the limits of deviation shown on the deposited plan construct place and maintain in the river Tyne and the bed banks shores and channels thereof all such piles fenders booms dolphins pontoons caissons staging cofferdams embankments piers abutments wharves walls fences drains culverts stairs buildings and other works and conveniences as they may deem expedient or necessary.

PART II
—cont.
Subsidiary works affecting river Tyne.

8.—(1) In the execution of the new quay or any part thereof the Corporation may deviate laterally from the line or situation thereof shown on the deposited plan to any extent within the limits of deviation shown thereon and vertically from the levels shown on the deposited section to any extent not exceeding fifteen feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister Provided also that no such deviation shall be made so as without the consent of the Tyne Commissioners either to bring any part of the new quay beyond the quay line prescribed by the Tyne Commissioners or to cause the wall of the new quay facing the river to have any projection from the uniform straight or even line thereof except fenders of timber for the protection of vessels lying thereat.

Deviation.

(2) The Corporation shall not without the consent in writing of the Tyne Commissioners place or have any works or things except temporarily on any part of the foreshore or bed of the river Tyne within the limits of deviation shown on the deposited plan which lies beyond or to the south of the quay line prescribed by the Tyne Commissioners.

9. Every person who wilfully obstructs any person acting under the authority of the Corporation in setting out the line of any of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of any of the works shall for every offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

10.—(1) Subject to the provisions of this Part of this Act any work authorised by this Part of this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

Works below high-water mark to be subject to approval of Minister.

(2) Any alteration or extension of any such work shall be subject to the like approval.

PART II
—cont.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be recoverable from the Corporation by the Minister either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

Lights on
works during
construction.

11.—(1) The Corporation shall at or near such part of the works as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister and the Tyne Commissioners or as (failing agreement between the Minister and the Tyne Commissioners) the Minister shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

Permanent
lights on
works.

12.—(1) After the completion of the works the Corporation shall at the outer extremity thereof below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

Survey of
works by
Minister.

13. If at any time the Minister deems it expedient for the purposes of this Part of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Part of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be recoverable from the Corporation either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

Provision
against danger
to navigation.

14.—(1) In case of injury to or destruction or decay of the works or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-

water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means of preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

PART II
—cont.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding one pound.

15.—(1) Where any work constructed by the Corporation under the powers of this Part of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister or the Tyne Commissioners may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister or the Tyne Commissioners may think proper.

Abatement of
work
abandoned
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister or the Tyne Commissioners may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date on which notice is served upon the Corporation they have failed to comply with such notice the Minister or the Tyne Commissioners may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall if incurred by the Minister be recoverable as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt or if incurred by the Tyne Commissioners be recoverable as a debt due to them or if the amount does not exceed twenty pounds summarily.

16. The Corporation during the execution of the powers of Temporary divert and interfere with Glasshouse Street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those

stoppage of
street.

PART II
—cont.

bona fide going to or returning from any land or premises in the street from passing along and using the same.

The Corporation shall provide reasonable access for foot-passengers bona fide going to or returning from any such land or premises.

Subsidiary
works and
conveniences
in connection
with new quay.

17. The Corporation may provide erect construct lay fit up equip and maintain on the new quay or on any lands within the limits of deviation marked on the deposited plan and for the time being belonging to the Corporation warehouses depots cranes elevators conveyers buildings sheds roads ways sidings rails (including sidings or rails along or across streets and roads whether public or private) machinery electric and other apparatus and other works erections conveniences appliances and facilities for the reception security accommodation transit passage and interchange of goods merchandise and other traffic and for the more convenient use of the quays of the Corporation and may hold work and use and let or otherwise dispose of and make and recover such reasonable charges for the use of any such works erections conveniences appliances and facilities so provided as the Corporation may from time to time determine and the Corporation may enter into and fulfil contracts and agreements for or in relation to the exercise of any of such powers.

For
protection of
Postmaster-
General.

18. Any electrical works or apparatus erected constructed laid and maintained under section 17 (Subsidiary works and conveniences in connection with new quay) of this Act or section 16 of the Railways Clauses Consolidation Act 1845 (as incorporated with this Act) shall be so erected constructed or laid and so maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to
acquire lands.

19.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of the new quay.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October one thousand nine hundred and fifty-two.

Correction of
errors in
deposited plan
and book of
reference.

20.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Corporation 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 city for the correction thereof.

PART II
—cont.

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

(3) Any such certificate shall be deposited with the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) Any certificate deposited under this section with the town clerk shall be kept by him with the other documents to which it relates.

21.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished. Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation 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.

22. The new quay and the works connected therewith and all lands acquired or appropriated by the Corporation for the purposes of this Act shall form part of the quays of the Corporation and subject to section 27 (Increase of dues etc. in respect of quays) of this Act the following provisions of the Act of 1877 the Act of 1904 the Act of 1920 and the Quay Extension Act of 1935 shall extend and apply to the new quay as if it had been comprised in and formed part of the quays of the Corporation or the new quay authorised by the Act of 1904 (as the case may be) (that is to say):— New quay etc. to form part of quays of Corporation.

The Act of 1877—

Section 33 (Increase of package duty); and

The Second Schedule:

The Act of 1904—

Section 42 (Accommodation for customs officers);

Section 45 (Dues &c.);

Section 47 (Quay dues);

PART II
—cont.

- Section 48 (Package dues);
- Section 49 (Power to set apart and appropriate berths &c.);
- Section 52 (Tolls &c. for services on quay);
- Section 53 (Power to compound for rates dues or charges);
- Section 54 (Charges for goods left on quays);
- Section 64 (Power to enter into agreements with North Eastern Railway Company);
- Section 65 (Application of provisions of former Acts &c. to quays of Corporation); and

The Third Schedule:

The Act of 1920—

- Section 67 (Power to levy tolls on passengers embarking or disembarking on quays):

The Quay Extension Act of 1935—

- Section 40 (As to confirmation of byelaws):

Provided that the said section 64 of the Act of 1904 as extended and applied by this section shall be read and have effect as if for the reference therein to the North Eastern Railway Company there were substituted a reference to the commission.

Extending
jurisdiction
of quay-
master etc.

23.—(1) The powers and rights of the Corporation existing at the passing of this Act in respect of their quays and the jurisdiction of the Corporation and the quay-master and other officers of the Corporation as limited and restricted by section 66 (Saving jurisdiction of harbour-master) of the Act of 1904 shall extend and apply to the area comprised in the new quay as well as to the area defined in section 30 (Defining limits of existing quays) of the Act of 1904.

(2) The Corporation shall indemnify the Tyne Commissioners against the consequences of any act order or direction of the quay-master whilst acting as harbour-master under this Act and of any other person acting under any byelaws or regulations made by the Corporation in respect of the new quay.

Extending
certain
agreements to
new lines of
rail.

24.—(1) The provisions of the agreement scheduled to the North Eastern Railway Company's (Newcastle &c. Branches) Act 1863 and of the agreement dated the tenth day of June one thousand eight hundred and ninety-two and made between the North Eastern Railway Company of the one part and the Corporation of the other part shall extend and apply to all or any lines of rail laid down by the Corporation on the new quay under the powers of this Act.

(2) Save as aforesaid nothing in this Act shall alter or affect either of the said agreements but the said agreements or either of them may be varied by agreement between the Corporation and the commission.

PART II
—cont.

25. The following sections of the following Acts so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Part of this Act shall extend and apply mutatis mutandis to and in relation to the purposes of this Part of this Act and the lands to be acquired by the Corporation under the powers of this Act (that is to say):—

Application of provisions of existing Acts.

The Newcastle upon Tyne Improvement Act 1892—

Section 119 (Corporation may use their own lands for purposes of Act):

The Newcastle upon Tyne Corporation Tramways Extensions Act 1902—

Section 32 (Value of land appropriated to other than purposes for which it was acquired to be credited).

26. The provisions of section 29 (Powers of loading and discharging vessels and handling cargo) of the Newcastle upon Tyne Corporation (Quay Extension &c.) Act 1930 shall extend and apply to—

Powers of loading and discharging and handling of cargo.

(a) the quays and works belonging to the Corporation within the area defined by section 30 (Defining limits of existing quays) of the Act of 1904;

(b) the quays specified in section 49 (Inclusion of certain quays within quay limits) of the Newcastle upon Tyne Corporation Act 1911;

(c) the quay extension authorised by the Quay Extension Act of 1935;

(d) the new quay authorised by this Act;

as though such quays works and lands were referred to in the said section 29 in addition to the new quay referred to therein.

27.—(1) The dues tolls rates and charges which the Corporation were immediately before the passing of this Act authorised to levy and recover by virtue of section 33 (Increase of package duty) of the Act of 1877 section 47 (Quay dues) section 48 (Package dues) and section 54 (Charges for goods left on quays) of the Act of 1904 and section 67 (Power to levy tolls on passengers embarking or disembarking on quays) of the Act of 1920 or by virtue of those sections or any of them as applied by any subsequent enactment shall be increased by one hundred per centum of the respective amounts thereof.

Increase of dues etc. in respect of quays.

(2) The Newcastle upon Tyne Corporation Quay (Increase of Charges) Order 1941 is hereby revoked.

PART II
—cont.Berthing
charges.

28. The Corporation may levy on any vessel berthing at any of the quays of the Corporation and not discharging or loading cargo and recover such reasonable charges as they may think fit for any day or part of a day during which such vessel is so berthed.

Revision
of rates.

29.—(1) In this section “authorised rates” means the dues tolls rates and charges which the Corporation are for the time being authorised to levy recover charge or make in respect of the quays of the Corporation in pursuance of the Act of 1877 the Act of 1904 the Act of 1920 the Quay Extension Act of 1935 and this Act or of any order made under this section.

(2) If it is represented by application in writing to the Minister—

- (a) by any chamber of commerce or shipping or any representative body of traders or shipowners; or
- (b) by any person who in the opinion of the Minister has a substantial interest in the trade of the quays of the Corporation and is a proper person to make an application; or
- (c) by the Corporation;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(3) An application made to the Minister under subsection (2) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(4) Where upon an application under subsection (2) of this section for an increase or a decrease of the authorised rates or any of them an order has been made or the Minister has decided not to make an order no further application for an increase or a decrease (as the case may be) of any of the rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(5) Before making an order under subsection (2) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Corporation where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection

to an application is made by the Corporation or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(6) Subject to the proviso to this subsection the Minister shall not by an order under subsection (2) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Corporation in respect of their quay undertaking being insufficient or more than sufficient to enable the Corporation with efficient management of the said undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the said undertaking including interest on and provision for repayment of moneys borrowed (regard being had to any capital expenditure which the Corporation may reasonably be expected to incur) making good depreciation providing for any contributions which the Corporation may reasonably and properly carry to any reserve fund renewal fund contingency fund sinking fund or insurance fund and meeting all other costs charges and expenses if any properly chargeable to revenue (including provision for taxation):

Provided that in any case in which the Minister is satisfied that there are special circumstances affecting the said undertaking taking into account the financial condition of the said undertaking during such period preceding the date on which an application is made under subsection (2) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Corporation in respect of the said undertaking being insufficient to enable the Corporation to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(7) The authorised rates as revised by an order under subsection (2) of this section shall not in any case be less than the maximum dues tolls rates and charges which the Corporation were authorised to levy recover charge or make by the Act of 1877 the Act of 1904 and the Act of 1920.

(8) The power of the Minister to make an order under subsection (2) of this section shall be exercisable by statutory instrument.

(9) Section 30 (Revision of rates) of the Newcastle upon Tyne Corporation (Quay Extension &c.) Act 1930 and section 28 (As to revision of rates) of the Quay Extension Act of 1935 are hereby repealed.

PART II
—cont.For protection
of Tyne
Improvement
Com-
missioners.

30. The following provisions for the protection of the Tyne Commissioners shall unless otherwise agreed in writing between the Corporation and the Tyne Commissioners have effect in relation to the work authorised by section 5 (Power to make new quay) of this Act:—

- (1) The new quay shall be so constructed as to admit of the ground or the bed of the river for fifty feet in front of such new quay being removed from time to time by dredging or otherwise to a depth at the new quay of not less than twelve feet below low water at ordinary spring tides and of not less than twenty feet below low water as aforesaid at a distance of fifty feet from the new quay:
- (2) The Corporation shall before beginning any work or works temporary or permanent affecting any part of the tidal area of the river Tyne submit to the Tyne Commissioners for their approval and deliver to the Tyne Commissioners for their use plans and sections thereof in duplicate and unless the Tyne Commissioners fail to signify in writing their approval or disapproval of such plans and sections within two months after the receipt thereof the said works shall not be begun until the Tyne Commissioners shall have expressed in writing their approval of such plans and sections or the same shall have been approved by a single arbitrator to be appointed in case of difference by the Minister:
- (3) All the aforesaid works shall be carried out by the Corporation to the reasonable satisfaction of the Tyne Commissioners and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe navigation of the river Tyne:
- (4) All material excavated from the bed or foreshore of the river Tyne in the construction of the new quay shall be carefully removed by and at the expense of the Corporation and shall not be allowed to fall or to be washed into the river:
- (5) If any difference shall arise between the Corporation and the Tyne Commissioners touching anything hereinbefore contained in this section or anything to be done or not to be done under the preceding part of this section such difference shall be settled by a single arbitrator to be appointed (unless otherwise agreed on) by the Minister on the application of either party:
- (6) If there shall be any inconsistency between any plans or sections approved by the Tyne Commissioners or settled by arbitration under this section and the plans

and sections approved by the Minister under section 10 (Works below high-water mark to be subject to approval of Minister) of this Act the works shall be executed in accordance with the plans and sections so approved by the Minister:

PART II
—cont.

- (7) The Corporation shall allow the Tyne Commissioners' engineer or his authorised representative to inspect and survey all or any of the aforesaid works while in course of construction and shall give all reasonable facilities for so doing:
- (8) All responsibility in connection with the aforesaid works whether of construction or maintenance (including dredging both temporary and permanent) and other damage occasioned thereby shall as between the Tyne Commissioners and the Corporation be and remain with the Corporation.

PART III TRANSPORT

31. Subject to the provisions of this Act the Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may run the same along the whole or any part of the following routes:—

Power to run
trolley vehicles.

Route No. 1 (1 mile 3 furlongs 3.16 chains or thereabouts in length) commencing in the city in Silver Lonnen at its junction with Netherby Drive by a junction with Route No. 7 authorised by the Newcastle upon Tyne Corporation (Trolley Vehicles) Order 1938 scheduled to and confirmed by the Newcastle upon Tyne Corporation (Trolley Vehicles) Order Confirmation Act 1938 passing thence in a north-easterly direction along Silver Lonnen and thence in a north-westerly direction along Stamfordham Road and terminating in the urban district of Newburn in the county of Northumberland at the junction of Stamfordham Road with Beaumont Terrace:

Route No. 2 (2 furlongs 6.27 chains or thereabouts in length) in the urban district of Gosforth in the county of Northumberland commencing in Broadway West by a junction with the existing trolley vehicle turning point in that road passing thence in a westerly and southerly direction along Broadway West and thence in a southerly direction along Wansbeck Road and terminating in Wansbeck Road at its junction with Park Avenue.

32. For the removal of doubts it is hereby declared that—

- (a) the expressions "trolley vehicle routes" and "trolley vehicle route" in section 4 (Power to run trolley vehicles) of the Act of 1946 mean any routes or route

Definition of
trolley vehicle
routes and
trolley vehicle.

PART III
—cont.

upon which the Corporation are or may be authorised by or by virtue of any enactment to work and run trolley vehicles ; and

- (b) a mechanically propelled vehicle run by the Corporation which is adapted for use without rails upon roads and for being moved by electrical power transmitted thereto from some external source shall be deemed to be a trolley vehicle within the meaning of the General Powers Act of 1935 the Act of 1946 the Road Traffic Acts 1930 to 1947 and any other enactment from time to time relating to the Corporation notwithstanding that in case of emergency or during the turning of the vehicle it is moved by some other means.

Incorporation of provisions of General Powers Act of 1935 relating to trolley vehicles.

33. The following provisions of the General Powers Act of 1935 as amended by this Act so far as those provisions relate to trolley vehicles and are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as fully and effectually as if the trolley vehicle routes referred to therein included the trolley vehicle routes authorised by this Act and as if such provisions with any other necessary modifications had been re-enacted in this Part of this Act (that is to say):—

- Section 59 (As to electrical works) ;
- Section 60 (Corporation to have exclusive right of using apparatus for working trolley vehicles) ;
- Section 61 (Trolley vehicles not to be deemed omnibuses) ;
- Section 62 (Licence duties on trolley vehicles) ;
- Section 63 (Approval of trolley vehicles by Minister of Transport) except subsection (2) thereof ;
- Section 64 (Certification by Minister of Transport) ;
- Section 65 (Application of certain provisions of Tramways Act 1870 to trolley vehicles) ;
- Section 66 (Application of road materials excavated in construction of works) ;
- Section 75 (Application of tramway byelaws and regulations) ;
- Section 76 (Conveyance of mails) ;
- Section 78 (Corporation may reduce width of footway for constructing tramways or trolley vehicle routes) ;
- Section 79 (Temporary tramways and trolley vehicles) ;
- Section 80 (Provisions as to motive power) ;

Section 81	(Special provisions as to use of electrical power);	PART III —cont.
Section 82	(Junctions with tramways and trolley vehicle routes);	
Section 83	(For protection of Postmaster-General);	
Section 84	(For protection of post office telegraph lines);	
Section 85	(Use of posts by Postmaster-General);	
Section 86	(Regulations);	
Section 87	(Traffic upon tramways and trolley vehicles);	
Section 88	(Rates for passengers);	
Section 89	(Charges for luggage &c.);	
Section 90	(Periodical revision of fares rates and charges);	
Section 91	(As to fares &c. on Sundays or holidays);	
Section 93	(Cheap fares for labouring classes);	
Section 94	(As to payment for fares &c.);	
Section 95	(Powers of sale working &c.);	
Section 96	(Power to reserve cars for special purposes);	
Section 97	(Through cars);	
Section 101	(Local authority to have access to sewers);	
Section 102	(Penalty for malicious damage);	
Section 103	(Provision as to general Acts).	

34. If the Corporation shall not have commenced to run trolley vehicles along either of the trolley vehicle routes authorised by this Act within ten years from the date of the passing of this Act or such extended time as the Minister may upon the application of the Corporation allow the powers conferred by this Act with reference to the running of trolley vehicles along the route or routes along which the Corporation have not commenced to run trolley vehicles shall cease to be exercisable. Period for commencement of trolley vehicle services.

35. Paragraph (j) of section 94 of the Road Traffic Act 1930 shall have effect as though the expression "public service vehicle" included any trolley vehicle of the Corporation and any regulations for the time being in force under the said section by virtue of the said paragraph shall with any necessary adaptations and subject to any express provision of the regulations be construed accordingly. As to lost property.

36.—(1) Except as otherwise expressly provided by section 92 (For protection of Gosforth Urban District Council) or section 93 (Cheap fares for labouring classes) of the General Powers Act of 1935 or section 10 (For protection of Longbenton Urban District Council) of the Act of 1946 the Corporation may demand Continuation of increased trolley vehicle passenger fares.

PART III
—cont.

and take for every passenger travelling in any of the trolley vehicles including every expense incidental to such conveyance fares not exceeding one penny and a half-penny per mile and in computing the said fares a fraction of a mile shall be deemed to be a mile.

(2) The said section 92 of the General Powers Act of 1935 in its application to persons travelling upon the trolley vehicles and as applied by section 6 (Incorporation of provisions of Act of 1935 relating to trolley vehicles) of the Act of 1946 shall be read and have effect as if the words “without the consent in writing of the Gosforth Urban District Council which may be given from time to time for such period or periods as they think fit” were inserted in the said section 92 immediately after the words “shall not”.

(3) The said section 10 of the Act of 1946 shall be read and have effect as if the fares specified therein were increased by fifty per centum of the respective amounts thereof. Provided that for the purpose of calculating such fares fractions of a half-penny shall be deemed to be a half-penny.

Abandonment
of light
railways.

37. The discontinuance and abandonment of Railway (No. 1) authorised by the Newcastle upon Tyne Corporation Light Railway Order 1922 and of Railway (No. 3) authorised by the Newcastle upon Tyne Corporation Light Railway (Extension) Order 1923 and the taking up and removal by the Corporation of the rails apparatus and equipment of the said railways or laid down erected or provided in connection therewith are hereby sanctioned and confirmed.

PART IV

SUPERANNUATION ETC.

Interpretation
for purposes of
Part IV of Act.

38. In this Part of this Act words and expressions to which meanings are assigned by the Act of 1937 shall unless otherwise expressly provided or the subject or context otherwise requires have the same respective meanings and—

“the Act of 1937” means the Local Government Superannuation Act 1937;

“electing employee” means a person who gives notice under subsection (1) of section 39 (Extension and modification of Act of 1937) of this Act;

“the regulations” means the National Health Service (Superannuation) Regulations 1950; and

“the superannuation fund” means the superannuation fund maintained by the Corporation.

39.—(1) Any person who—

(a) at the date of the passing of this Act is ; or

(b) after the date of the passing of this Act becomes ;

PART IV
—cont.

Extension and
modification of
Act of 1937.

a contributory employee in relation to the superannuation fund but is not such an employee as is mentioned in paragraphs (a) (b) or (c) of regulation 47 (1) or in regulation 51 of the regulations may within six months after the date of the passing of this Act or the date on which he becomes a contributory employee (as the case may be) give notice in writing to the Corporation that he desires that this section shall apply to him and thereupon the following provisions of this section shall extend and apply in relation to him for so long as he remains a contributory employee in relation to the superannuation fund.

(2) The Act of 1937 shall extend and apply in relation to any electing employee as if in consideration of the contributions required thereby there were substituted for any title accruing in respect of service reckonable thereunder to a superannuation allowance a title to such benefits as are conferred by regulations 7 to 9 inclusive (as modified by regulation 34) and regulation 12 of the regulations and as if there were conferred by the Act of 1937 in addition to any benefits or in substitution for any similar benefits to which any electing employee might become entitled thereunder in respect of service reckonable under the Act of 1937 the benefits conferred by regulations 10 11 and 13 of the regulations and the Act of 1937 shall have effect accordingly with any necessary modifications:

Provided that in the application of regulation 7 of the regulations for the purposes of this subsection that regulation shall be read and have effect as if the following provisions were substituted for sub-paragraph (ii) of paragraph (a) thereof:—

“ (ii) he has attained the age of sixty years and completed forty years’ service ; or

(iii) he has attained the age of sixty-five years and completed ten years’ service ” ;

and as if in paragraph (b) thereof the words “ sixty-five years ” were substituted for the words “ sixty years ” :

Provided also that in the application of any regulation in Part I of the regulations for the purposes of this subsection references to pensionable age shall be construed as references to the age of compulsory retirement references in regulations 6 (1) (a) and 19 (1) of the regulations to such an age as is therein-after mentioned shall be construed as references to the age of

PART IV
—cont.

compulsory retirement and references to forty-five years or forty-five-eightieths respectively shall be construed as references to forty years and forty-eightieths respectively.

(3) The amount of any retiring allowance to which an electing employee may become entitled shall be increased as nearly as may be in accordance with the provisions of regulation 29 (3) of the regulations.

(4) (a) The Act of 1937 in its application to any electing employee shall be further modified to provide that the employing authority may on any annual pension lump sum retiring allowance or death gratuity becoming payable to or in respect of the electing employee resolve that in respect of every year of non-contributing service there shall be substituted a fraction of his average remuneration larger than one-one-hundred-and-sixtieth but not exceeding one-eightieth:

Provided that any extra charge resulting from any resolution passed by an employing authority under this subsection shall be repaid by that authority to the superannuation fund.

(b) For the purposes of the application of Part III of the Second Schedule to the Act of 1937 the references in paragraph (c) of that Part to proviso (i) to paragraph (b) of subsection (2) of section 8 of that Act shall be construed as a reference to paragraph (a) of this subsection.

(5) The Act of 1937 in its application to any electing employee shall be further modified so as to confer a right on him by making payments similar to those provided for by the Third Schedule to the regulations to reckon any period of non-contributing service as a period of contributing service and shall have effect as if the provisions of the said Third Schedule (except so much of sub-paragraph (d) of paragraph 3 thereof as follows the word "cease" where that word occurs for the second time sub-paragraphs (e) and (f) of paragraph 3 and paragraph 4) were incorporated therein with the modification that the reference therein to the calculation of interest at the rate of two and one-half per centum with yearly rests shall be construed as a reference to the calculation of interest at the rate of three per centum per annum with half-yearly rests and with any other necessary modifications.

(6) Any pension or injury allowance to which any electing employee becomes entitled shall be granted subject to the conditions contained in regulations 23 and 24 of the regulations with any necessary modifications in lieu of any similar conditions in corresponding provisions of the Act of 1937:

Provided that where the electing employee is re-employed by any local authority and is in his new employment a contributory

employee or local Act contributor regulation 5 of the Local Government Superannuation (Reduction and Adjustment of Superannuation Allowance) Regulations 1939 shall apply with any necessary modifications.

PART IV
—cont.

40. Notwithstanding anything in the Local Government Superannuation Acts 1937 and 1939 the Corporation shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts 1944 and 1947 or any other superannuation pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

As to proof of continued existence of pensioners.

41.—(1) Section 3 (Power to grant allowances in certain cases) of the Newcastle upon Tyne Corporation Act 1937 shall in relation to any employee of the Corporation who becomes incapacitated after the date of the passing of this Act be read and have effect as if in paragraph (i) of subsection (1) of that section for the word “sixpence” there were substituted the words “one shilling” and as if in paragraph (ii) of that subsection for the words “one pound” there were substituted the words “two pounds”.

Amendment of section 3 of Newcastle upon Tyne Corporation Act 1937.

(2) The provisions of the Pensions (Increase) Acts 1944 and 1947 shall not apply to any weekly allowance granted under the said section 3 by the Corporation to any such person as is referred to in subsection (1) of this section.

(3) Where any weekly allowance granted by the Corporation under the said section 3 before the date of the passing of this Act has been increased by virtue of the Pensions (Increase) Acts 1944 and 1947 the Corporation shall notwithstanding anything contained in those Acts be entitled to continue to pay the same allowance to the person in receipt thereof as that which he was receiving immediately before such last-mentioned date.

42.—(1) The Corporation may if they think fit grant a gratuity by way either of a lump sum or of periodical payments to the widow or dependants of any employee (other than an electing employee) who may die in their service not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment:

Power to grant allowances or gratuities in certain cases.

Provided that this section shall not apply—

(a) in the case of a widow to whom an annuity is payable under section 149 (Annuities for widows) of the

PART IV
—cont.

General Powers Act of 1935 or to whom a pension is granted in pursuance of section 9 of the Act of 1937; or

(b) in the case of a widow or dependant entitled in consequence of the death of such employee to compensation under the Workmen's Compensation Acts 1925 to 1943 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such employee would have been charged or been paid if he had continued in his employment.

Payment of
pension etc.
of person of
unsound mind.

43.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or dependants of the person so detained as aforesaid.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or dependants of such person.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such employee former employee or pensioner shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice of their

intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice to that person in a form approved by the Master in Lunacy:

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said power.

44.—(1) If on the death of a person (hereinafter referred to as “the deceased person”) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Corporation on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the deceased person or of letters of administration to his estate is not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay such sum to the person or persons entitled to the residuary estate of the deceased person by virtue of the provisions of paragraphs (i) to (vi) inclusive of subsection (1) of section 46 of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Payments due
to deceased
employees.

Provided that—

- (a) the Corporation may (notwithstanding the receipt of a notice under proviso (b) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased person or so much thereof as the Corporation consider reasonable having regard to any death

PART IV
—cont.

grant which has been or is to be paid under section 22 of the National Insurance Act 1946 ;

(b) if the Corporation receive notice in writing of any claim against the estate of the deceased person at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased person unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under proviso (a) thereof) to any person other than the personal representative of the deceased person the Corporation shall require either—

(a) a statutory declaration (or when payment is made to the Crown or to the duchy of Lancaster or to the duchy of Cornwall a statement) by the person or one of the persons to whom the Corporation may pay or propose to pay such sum or any part thereof to the effect that the total estate of the deceased person (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds ; or

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that any death duties payable in respect of such sum have been paid or that no such duties are payable.

(3) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercising their powers under this section.

PART V

FINANCE

Power to
borrow.

45.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods

as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

PART V
—cont.

Purpose	Amount	Period of repayment
1.	2. £	3.
(a) The construction of the new quay and the works and conveniences in connection therewith.	237,000	Sixty years from the date or dates of borrowing.
(b) For machinery and plant in connection with the new quay.	24,000	Thirty years from the date or dates of borrowing.
(c) The construction of sidings in connection with the new quay.	22,000	Thirty years from the date or dates of borrowing.
(d) For the construction of roads in connection with the new quay.	13,000	Thirty years from the date or dates of borrowing.
(e) The completion of the construction of the quay extension authorised by the Quay Extension Act of 1935 and the works and conveniences in connection therewith.	209,000	Sixty years from the date or dates of borrowing.
(f) For machinery and plant in connection with the completion of the said quay extension.	24,000	Thirty years from the date or dates of borrowing.
(g) The construction of sidings in connection with the completion of the said quay extension.	20,000	Thirty years from the date or dates of borrowing.
(h) The construction of roads in connection with the completion of the said quay extension.	11,000	Thirty years from the date or dates of borrowing.
(i) The payment of the costs and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX (Borrowing) of the Local Government Act 1933 so far as they are not inconsistent with the provisions of this Act or of any order made under section 127 (Consolidated loans fund) of the General Powers Act of 1935 shall extend and apply to the borrowing of money under this section and to money so borrowed as if it were borrowed under the said Part IX and the period fixed by subsection (1) of this section for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

PART V
—cont.

(3) In the application of the provisions of the said Part IX to the borrowing of any further money by the Corporation for the purposes of Part II (Quays) of this Act or to the borrowing of money by the Corporation for the purposes of Part III (Transport) of this Act the Minister of Transport shall be the sanctioning authority.

Power to
borrow for
defraying
expenses of
joint
committees.

46.—(1) The Corporation may subject to and in accordance with the provisions of Part IX (Borrowing) of the Local Government Act 1933 borrow money for the purpose of defraying expenses incurred or to be incurred by a joint committee members of which are appointed by the Corporation.

(2) Any sums paid by the Corporation in respect of interest or sinking fund charges on or in making any other provision for the repayment of any moneys borrowed by them under subsection (1) of this section or in defraying any other expenses incurred in connection with such provision or repayment shall be deemed to be expenses incurred by the joint committee and shall be defrayed accordingly in manner provided by section 93 of the said Act of 1933.

Saving for
powers of
Treasury.

47. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Amendment of
section 129 of
General
Powers Act of
1935.

48. Section 129 (Renewal and repairs fund) of the General Powers Act of 1935 shall be read and have effect as if—

- (a) in paragraph (b) of subsection (1) of that section for the period of three years mentioned in that paragraph there were substituted the period of five years; and
- (b) in subsection (2) of that section there were inserted after the word “not” the words “except with the approval of the Minister of Housing and Local Government” and as if for the reference to the sum of forty thousand pounds mentioned in that subsection there were substituted a reference to the sum of one hundred thousand pounds.

Amendment of
section 130 of
General
Powers Act of
1935.

49. Section 130 (Insurance fund) of the General Powers Act of 1935 shall be read and have effect as if—

- (a) in subsection (4) of that section for the words “fifty thousand pounds” where those words first occur in that subsection there were substituted the words “the prescribed amount (as hereinafter defined)”;

(b) for references elsewhere in that section to the sum of “ fifty thousand pounds ” or to “ that sum ” there were substituted references to “ the prescribed amount ” ; and

(c) there were added at the end of that section the following subsection : —

“ (10) In this section ‘ the prescribed amount ’ means such sum not being less than fifty thousand pounds as may from time to time be prescribed by the Corporation.”

50. Notwithstanding anything in section 130 (Insurance fund) of the General Powers Act of 1935 where the Corporation insure in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund established under the said section is intended to provide the Corporation may (if they think fit) pay out of the insurance fund any premiums payable in respect of such insurances : Payment of premiums out of insurance fund.

Provided that no such premium shall be so paid if in consequence of such payment the amount standing to the credit of the insurance fund would become less than the amount which in the opinion of the Corporation is reasonably necessary to cover the risks for the time being insured in the said fund.

51. Section 131 (Capital fund) of the General Powers Act of 1935 shall be read and have effect as if— Amendment of section 131 of General Powers Act of 1935.

(a) in paragraph (b) of the proviso to subsection (1) of that section the words “ except with the consent of and to such extent as may be approved by the Minister of Housing and Local Government ” were inserted in that paragraph after the words “ shall not ” and as if for the word “ twopence ” there were substituted the word “ fourpence ” ;

(b) in paragraph (b) of subsection (2) of that section for the words “ five thousand pounds ” there were substituted the words “ fifteen thousand pounds ” and as if at the end of that subsection there were added the words “ unless a greater sum shall in any case be allowed by the Minister of Housing and Local Government ” ; and

(c) in paragraph (b) of subsection (4) of that section there were inserted immediately after the word “ shall ” where that word first occurs in that paragraph the words “ and all other moneys which are applied from the capital fund may ”.

PART V
—cont.

Amendment of
section 148 of
General
Powers Act of
1935.

52. Notwithstanding anything in subsections (2) and (3) of section 148 (Maintenance of graves in burial grounds) of the General Powers Act of 1935—

- (a) all sums of money accepted by the Corporation under subsection (1) of that section (whether before or after the passing of this Act);
- (b) all interest received by the Corporation from the investment of any such sum or of any part of any such sum; and
- (c) the proceeds arising from the realisation of any of the securities in which any such sum or any part of any such sum is invested;

shall be deemed to be moneys which the Corporation may pay into the consolidated loans fund established under section 127 (Consolidated loans fund) of the General Powers Act of 1935 or which may be used in accordance with section 135 (Use of moneys forming part of sinking and other funds) of that Act as if such moneys formed part of a lending fund within the meaning of those sections and accordingly the provisions of subsection (4) of the said section 127 and of the said section 135 shall with any necessary modifications extend and apply to any moneys so paid or used.

Art fund.

53.—(1) The Corporation may (if they think fit) establish a fund to be called “the art fund” to provide for the purchase of any pictures sculptures or other objects of artistic scientific or historic interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in any art gallery museum or other building of the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any year the equivalent of one-fifth of the product of a penny rate as estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925:

Provided that when the art fund shall amount to the sum of twenty thousand pounds the Corporation shall discontinue such annual payments but if the said fund be at any time reduced below the sum of twenty thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of twenty thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys in the art fund in manner provided by this subsection shall be

carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

(3) Any moneys set aside before the passing of this Act by the Corporation for any of the purposes of this section shall be deemed to have been appropriated under the powers of this section and shall accordingly be carried to and form part of the art fund.

(4) For the purposes of section 127 (Consolidated loans fund) and section 135 (Use of moneys forming part of sinking and other funds) of the General Powers Act of 1935 the art fund shall be deemed to be a fund the moneys forming part of which may be paid under subsection (4) of the said section 127 into the consolidated loans fund established under that section or be used in accordance with the provisions of the said section 135.

54.—(1) The Corporation may establish a fund to be called “the dredging equalisation fund” by annually appropriating thereto out of the general rate fund an amount not exceeding in any year the average annual amount expended by the Corporation during the then immediately preceding five years in dredging the river Tyne or in connection therewith: Dredging
equalisation
fund.

Provided that if the dredging equalisation fund shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual appropriations but if the said fund be at any time reduced below that sum the Corporation may recommence and continue such annual appropriations until the fund be restored to that sum.

(2) The moneys in the dredging equalisation fund shall unless authorised to be applied in any other manner by any other enactment be applied only for the purpose of defraying expenses incurred by the Corporation in or in connection with dredging the river Tyne.

(3) (a) Pending the application of the moneys in the dredging equalisation fund to the purpose authorised by subsection (2) of this section such moneys may (unless applied in any other manner authorised by any other enactment) be invested in statutory securities.

(b) Any income arising from the investment of such moneys in manner provided by this section shall be carried to and form part of the general rate fund and subject to the limitation imposed by the proviso to subsection (1) of this section an amount equivalent to such income shall be credited to the dredging equalisation fund.

PART V
—cont.

(4) For the purposes of section 127 (Consolidated loans fund) and section 135 (Use of moneys forming part of sinking and other funds) of the General Powers Act of 1935 the dredging equalisation fund shall be deemed to be a fund the moneys forming part of which may be paid under subsection (4) of the said section 127 into the consolidated loans fund established under that section or be used in accordance with the provisions of the said section 135.

PART VI

MISCELLANEOUS AND GENERAL

For
protection of
electricity
board.

55. The provisions of section 71 (For protection of works of Newcastle-upon-Tyne Electric Supply Company Limited) of the Act of 1904 (except subsection (3) of the said section) shall *mutatis mutandis* extend and apply to and in relation to—

(a) the works authorised by Part II (Quays) of this Act ;
and

(b) the works authorised by Part III (Transport) of this Act for the purposes of or in connection with the trolley vehicle routes described in section 31 (Power to run trolley vehicles) of this Act ;

and the exercise by the Corporation of the powers of the said Part II or for such last-mentioned purposes of the said Part III as if the electricity board and the electric mains wires lines or other works and property of that board had been referred to in the said section in lieu of the Newcastle-upon-Tyne Electric Supply Company Limited and the electric mains wires or other works and property of that company.

Repeal of
section 139 of
General
Powers Act of
1935.

56.—(1) As from the coming into force of the first valuation list under the Local Government Act 1948 for the city section 139 (One-eighth of general rate payable by owners) of the General Powers Act of 1935 shall be and is hereby repealed :

Provided that in the preparation making and amendment of such first valuation list and of any subsequent valuation list the said section 139 shall for all purposes be deemed never to have been in operation.

(2) Where any property is held under a lease or agreement (whether oral or in writing) subsisting on the date on which such first valuation list comes into operation the occupier of the property shall during the continuance of such lease or agreement and (where the occupier has the right under the existing lease or agreement to require a renewal thereof upon the same terms as such existing lease or agreement) during any such renewal thereof be entitled to deduct out of the rent payable by him an amount equal to the amount which he would have been entitled to deduct if this section had not been enacted.

57. As from the first day of April one thousand nine hundred and fifty-three the parish of Walker in the city shall be added to and form part of the parish of Newcastle upon Tyne and the said parish of Walker shall cease to exist:

Amalgamation
of parish of
Walker with
parish of
Newcastle
upon Tyne.

Provided that nothing in this section shall alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment.

58.—(1) Notwithstanding anything contained in the Act 14 George 3. chapter 105 (Local) or in the Newcastle upon Tyne Improvement Act 1870 the Corporation and the stewards committee may upon and subject to such terms and conditions as they think fit grant to the council of King's College Newcastle upon Tyne in the University of Durham for the erection thereon of buildings for the sole purpose of university teaching research and administration a lease for any term not exceeding ninety-nine years of the lands forming part of the Town Moor containing two and a quarter acres or thereabouts commonly known as "Lee's Intake" and coloured pink on the plan which has been signed in triplicate by R. Hopkin Morris esquire the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk at his office:

Power to lease
Lee's Intake to
King's College.

Provided that the said council of King's College shall not assign sub-let or otherwise part with their interest in or otherwise dispose of the said lands or any part thereof and if during the continuance of any such lease the said lands or any part thereof shall be used for purposes other than the purpose aforesaid such lease shall cease and determine but without prejudice to any rights of the Corporation or the stewards committee which may have accrued thereunder:

Provided also that for the purposes of the provisions of the said Act 14 George 3. chapter 105 (Local) relating to the making from time to time of leases of the Town Moor for the improvement of the surface thereof and limiting the quantity to be enclosed for such improvement any lease granted under the powers of this section by the Corporation and the stewards committee to the said council of King's College shall during the continuance of such lease be deemed to have been granted under those provisions as amended by the said Act of 1870.

(2) In and for the purposes of this section "the stewards committee" means the committee for the time being constituted in accordance with section 6 (Committee of stewards and wardens) of the said Act of 1870.

PART VI
—cont.

Agreements
as to
maintenance
and other
costs of New
Tyne Bridge.

59.—(1) Section 67 (Contributions by Gateshead Corporation towards interest and sinking fund charges on loans for joint works) of the Newcastle upon Tyne and Gateshead Corporations (Bridge) Act 1924 shall be read and have effect as if in lieu of subsection (2) of that section there were inserted the following subsection:—

“(2) In respect of each financial period the Gateshead Corporation shall pay to the Newcastle Corporation as a contribution towards the said amounts of interest instalments and appropriations and the cost of management of the said loans such sum as may be agreed between the Newcastle Corporation and the Gateshead Corporation or failing such agreement as may be determined as hereinafter in this subsection provided.

If any difference shall arise between the Newcastle Corporation and the Gateshead Corporation as to the sums payable by the Gateshead Corporation under this subsection the same shall be determined by an arbitrator to be agreed upon between the parties or failing such agreement to be appointed by the Minister of Housing and Local Government.”

(2) Section 15 (Incidence of cost of provision of structures apparatus and accommodation) of the Newcastle upon Tyne and Gateshead Corporations (Bridge) Act 1926 shall be read and have effect as if the following subsection were added thereto:—

“(3) For the purposes of paragraph (b) of subsection (2) of this section the expression ‘the prescribed proportion’ means such proportion as may be determined by agreement or arbitration in manner provided by subsection (2) of the said section 67.”

Application of
provisions of
Public Health
Act 1936.

60. The sections of the Public Health Act 1936 hereinafter in this section mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 286 (Proof of resolutions &c.);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates); and
- Section 328 (Powers of Act to be cumulative).

61. The Minister or the Minister of Transport as the case may be may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents or approvals under this Act as if such powers were conferred by and such consents or approvals were required to be given under the Local Government Act 1933 and subsections (2) to (5) of section 290 of that Act shall apply accordingly.

PART VI
—cont.
Inquiries by
Ministers.

62. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

63. All costs charges and expenses of and incidental to the applying for and the preparing obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Town Moor Act of 1774	14 Geo. 3. c. 105.
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Harbours Docks and Piers Clauses Act, 1847	10 & 11 Vict. c. 27.
North Eastern Railway Company's (Newcastle, &c., Branches) Act, 1862	26 & 27 Vict. c. ccxxi.
Newcastle-upon-Tyne Improvement Act, 1870	33 & 34 Vict. c. cxx.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Newcastle-upon-Tyne Tramways and Improvement Act, 1877	40 & 41 Vict. c. cli.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Lunacy Act, 1890	53 & 54 Vict. c. 5.
Newcastle-upon-Tyne Improvement Act, 1892	55 & 56 Vict. c. ccxxxvi.
Newcastle-upon-Tyne Corporation Tramways Extensions Act, 1902	2 Edw. 7. c. cxxi.
Newcastle-upon-Tyne Corporation Act, 1904	4 Edw. 7. c. ccxx.
Newcastle-upon-Tyne Corporation Act, 1911	1 & 2 Geo. 5. c. cxix.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Newcastle-upon-Tyne Corporation Act, 1920	10 & 11 Geo. 5. c. xci.
Newcastle-upon-Tyne and Gateshead Corporations (Bridge) Act, 1924	14 & 15 Geo. 5. c. xcvi.
Administration of Estates Act, 1925	15 & 16 Geo. 5. c. 23.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
Legitimacy Act, 1926	16 & 17 Geo. 5. c. 60.
Newcastle-upon-Tyne and Gateshead Corporations (Bridge) Act, 1926	16 & 17 Geo. 5. c. ci.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Newcastle-upon-Tyne Corporation (Quay Extension, &c.) Act, 1930	20 & 21 Geo. 5. c. cxcii.

Short Title	Session and Chapter
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Newcastle-upon-Tyne Corporation (Quay Extension) Act, 1935	25 & 26 Geo. 5. c. xxviii.
Newcastle-upon-Tyne Corporation (General Powers) Act, 1935	25 & 26 Geo. 5. c. cxxiv.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Local Government Superannuation Act, 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 68.
Newcastle-upon-Tyne Corporation Act, 1937 ...	1 Edw. 8. & 1 Geo. 6. c. xciv.
Newcastle-upon-Tyne (Trolley Vehicles) Order Confirmation Act, 1938	1 & 2 Geo. 6. c. lxxviii.
Local Government Superannuation Act, 1939 ...	2 & 3 Geo. 6. c. 18.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Local Authorities Loans Act, 1945	8 & 9 Geo. 6. c. 18.
Borrowing (Control and Guarantees) Act, 1946...	9 & 10 Geo. 6. c. 58.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Newcastle-upon-Tyne Corporation Act, 1946 ...	9 & 10 Geo. 6. c. xxvii.
Pensions (Increase) Act, 1947	10 & 11 Geo. 6. c. 7.
Transport Act, 1947.	10 & 11 Geo. 6. c. 49.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.

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