

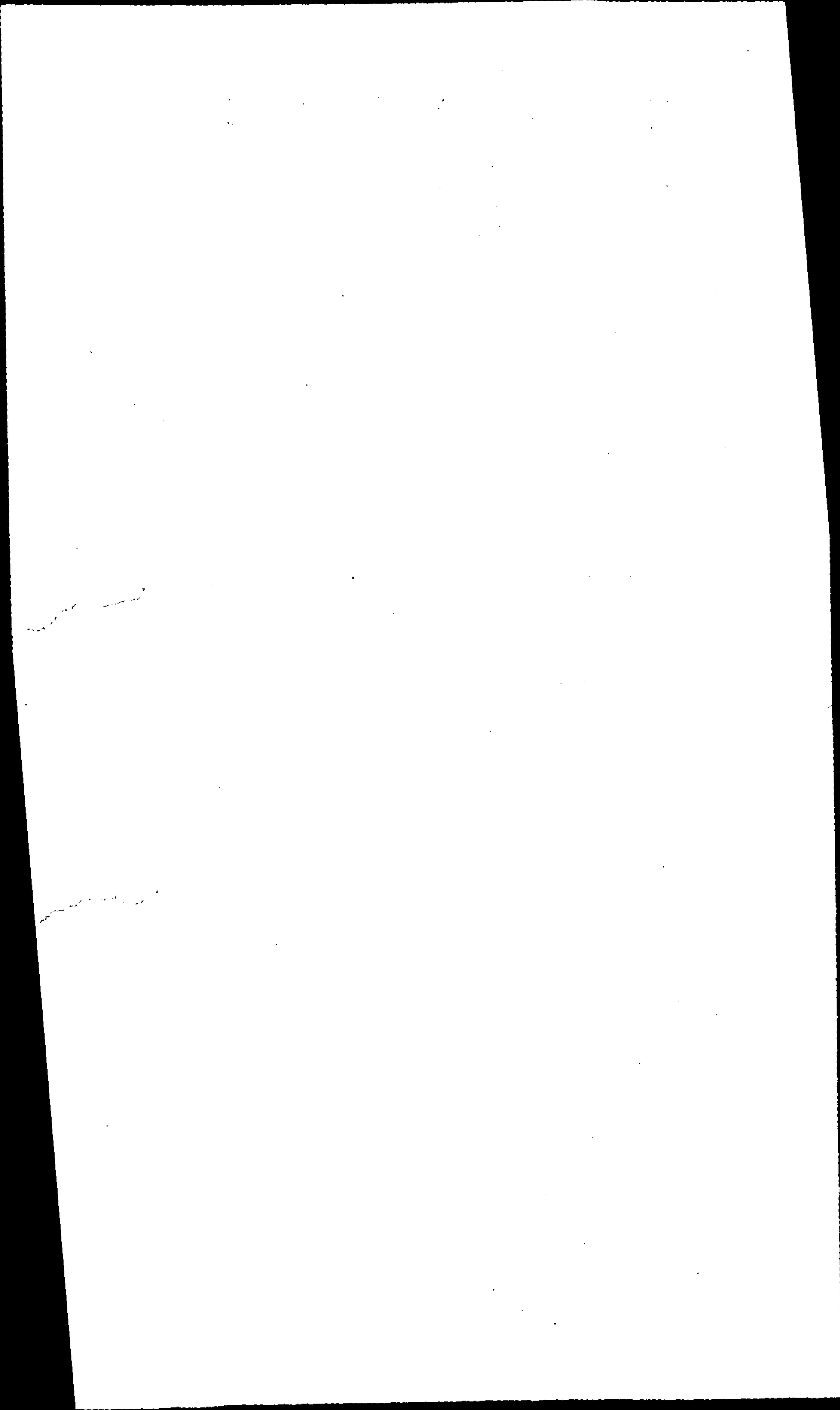
Tyne Improvement Act, 1952

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CHAPTER vii

An Act to empower the Tyne Improvement Commissioners to discontinue and remove the gates and pier at the entrances to their Northumberland Dock to authorise those Commissioners to abandon their Whitehill Point ferry and to borrow further money and for other purposes. [22nd May 1952.]

WHEREAS by the Tyne Improvement Acts 1850 to 1950 (a list of which Acts other than the Tyne Improvement Acts of 1934 1949 and 1950 is set out in the First Schedule to that Act of 1934) the Tyne Improvement Commissioners (hereinafter called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the river Tyne within the limits of the port of Newcastle upon Tyne and to construct and maintain docks piers and other works:

And whereas the Tyne Improvement Act 1934 has been modified by the Coal Industry Nationalisation (Harbour Commissioners) Order 1947:

And whereas by the Tyne Improvement Act 1852 the Commissioners were authorised to construct a certain dock (known as Northumberland Dock) and that dock was duly constructed and is at present maintained by the Commissioners:

And whereas the gates at the entrances to Northumberland Dock will shortly become unfit for further use and it is expedient that the Commissioners should be empowered to discontinue the use of the said gates and to remove them and also to remove the pier between the said entrances:

And whereas by the Tyne Direct Ferry Company Act 1848 the Tyne Direct Ferry Company were authorised to establish a ferry (hereinafter called "the Whitehill Point ferry") across the river Tyne between Whitehill Point and Penny Pie Stairs:

And whereas the Whitehill Point ferry was duly established and was in the year eighteen hundred and sixty-three purchased from the then owners by the Commissioners who continued to operate it but altered its route pursuant to powers in that behalf conferred on them by the Tyne Improvement Act 1865:

And whereas in the year nineteen hundred and forty-one the buildings and works in connection with the Whitehill Point ferry were severely damaged by enemy action and the Commissioners ceased to operate the ferry:

And whereas the Commissioners in April nineteen hundred and fifty-one recommenced to operate the Whitehill Point ferry but pursuant to powers in that behalf conferred on them by the Tyne Improvement Act 1902 varied the route of the ferry and are now operating it between Albert Edward Dock entrance jetty and the south landing of the Market Place ferry at South Shields:

And whereas for several years up to nineteen hundred and forty-one the Commissioners were unable to operate the Whitehill Point ferry otherwise than at a loss and they have also incurred a loss in operating the ferry since they recommenced to do so:

And whereas it is expedient that the Commissioners should be authorised to abandon the Whitehill Point ferry:

And whereas it is expedient to authorise the Commissioners to borrow further money:

And whereas it is expedient that further powers be conferred on the Commissioners as by this Act provided and that the other provisions of this Act be enacted:

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

And whereas a plan and sections showing the alterations of works by this Act authorised and showing also the limits within which those alterations may be carried out together with a book of reference to the lands on which those alterations may be carried out containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the town clerk of the county borough of Tynemouth:

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:—

1.—(1) This Act may be cited as the Tyne Improvement Act 1952.

(2) The Tyne Improvement Acts 1850 to 1950 and this Act may be cited together as the Tyne Improvement Acts 1850 to 1952.

2.—(1) The provisions of the Harbours Docks and Piers Incorporation Clauses Act 1847 which are by section 3 (Incorporation and of Acts. application of Harbours Docks and Piers Clauses Act 1847) of the Act of 1934 deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1934 are (subject to the provisions of the Tyne Improvement Acts 1850 to 1952 and so far as not varied by or inconsistent with those Acts or any of them) hereby incorporated with this Act so far as applicable to the purposes of this Act.

(2) The provisions of the Commissioners Clauses Act 1847 which are by section 3 (Incorporation and application of Commissioners Clauses Act 1847) of the Act of 1925 as amended by section 4 (Incorporation of Commissioners Clauses Act 1847) of the Act of 1934 deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1925 are (subject to the provisions of the Tyne Improvement Acts 1850 to 1952 and so far as not varied by or inconsistent with those Acts or any of them) hereby incorporated with this Act so far as applicable to the purposes of this Act.

3. In this Act—

Interpretation.

“the Act of 1852” “the Act of 1925” and “the Act of 1934” respectively mean the Tyne Improvement Acts of those respective years;

“the Commissioners” means the Tyne Improvement Commissioners;

“the deposited plan” means the plan deposited with the town clerk of the county borough of Tynemouth as recited in the preamble to this Act.

4.—(1) The Commissioners may within the limits of deviation As to of alterations of works shown on the deposited plan abandon Northum- and cease to use the gates of the lock and of the basin at the berland Dock. eastern end of Northumberland Dock and the centre pier between that lock and basin and may remove those gates and that pier.

(2) On and from the date when the Commissioners cease to use the said gates—

(a) all obligations imposed upon the Commissioners to maintain Northumberland Dock as a dock the water in which is capable of enclosure against the ebb and flow of the tide shall cease;

(b) the Commissioners shall not demand in respect of any ship or vessel entering or using Northumberland Dock or in respect of goods shipped or unshipped received

or delivered thereat the rates duties tolls and charges authorised by section LXVI (Dock rates) of the Act of 1852 unless the ship or vessel uses or the goods are shipped or unshipped received or delivered at any wharf quay jetty staith or other work belonging to the Commissioners and situate within that dock;

(c) Northumberland Dock shall for all purposes form part of the river Tyne within the jurisdiction of the Commissioners and of the port of Newcastle upon Tyne.

(3) Nothing in paragraph (b) of subsection (2) of this section shall prejudice or affect any of the powers of the Commissioners with respect to the demanding collection and recovery of any rates duties tolls and charges which they are authorised—

(a) by virtue of the said section LXVI of the Act of 1852 as applied (whether expressly or by implication) by any subsequent enactment; or

(b) by any other enactment;

to demand collect and recover and the Commissioners may continue to exercise those powers as if that paragraph had not been enacted.

Abatement
of work
decayed.

5. If any work which the Commissioners are authorised by the last preceding section of this Act to abandon cease to use and remove shall before removal be suffered to fall into decay and thereby be or be likely to become a danger or obstruction to navigation the Minister of Transport may abate or remove the same and the amount of the expenses incurred by the Minister in such abatement or removal shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Abandonment
of Whitehill
Point ferry.

6.—(1) The Commissioners may discontinue and abandon their Whitehill Point ferry and as from the date of such discontinuance and abandonment the Commissioners shall, by virtue of this Act be relieved from all or any obligations (statutory or otherwise) to maintain the said ferry.

(2) Without prejudice to the generality of the foregoing provisions of this section section 8 (Continuance of increase of ferry passenger tolls etc.) of the Act of 1925 and section 55 (Compensation for injury to certain ferries) of the Tyne Tunnel Act 1946 shall as from the date on which the Commissioners discontinue and abandon Whitehill Point ferry have effect as if the references to that ferry were omitted therefrom.

Power to
borrow.

7. The aggregate amount which may be borrowed by the Commissioners under Part II (Financial) of the Tyne Improvement Act 1950 is hereby increased from one million five hundred thousand pounds to two million five hundred thousand pounds

and all the provisions of that Part shall have effect as if the sum of two million five hundred thousand pounds were substituted for the sum of one million five hundred thousand pounds in subsection (1) of section 5 (Power to borrow) of that Act.

8.—(1) The mortgage dated the thirteenth day of October nineteen hundred and twenty-five and made between the Commissioners of the one part and Albert Victor Blunt of the other part (being a mortgage for the sum of two thousand four hundred pounds representing the assets of the former police pensions fund of the Commissioners) is hereby extinguished. As to mortgage of police pensions fund.

(2) The principal moneys secured by the said mortgage shall be transferred to and form part of the Tyne Consolidated Fund and may be applied by the Commissioners to any purposes of any Act for the time being relating to them to which capital is properly applicable.

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

Table of Statutes referred to in this Act

Short title	Session and chapter
Commissioners Clauses Act 1847	10 & 11 Vict. c. 16.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Tyne Direct Ferry Company Act 1848	11 & 12 Vict. c. xlv.
Tyne Improvement Act 1852	15 & 16 Vict. c. cx.
Tyne Improvement Act 1865	28 & 29 Vict. c. cclxxiv.
Tyne Improvement Act 1902	2 Edw. 7. c. xxxiii.
Tyne Improvement Act 1925	15 & 16 Geo. 5. c. xxxiii.
Tyne Improvement Act 1934	24 & 25 Geo. 5. c. lxxviii.
Tyne Tunnel Act 1946	9 & 10 Geo. 6. c. xl.
Tyne Improvement Act 1949	12 & 13 Geo. 6. c. v.
Tyne Improvement Act 1950	14 Geo. 6. c. xvii.

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