



CHAPTER lii.

An Act for modifying the provisions relating to the completion of works ; the borrowing and repayment of money ; the application of dues and sums received by the Tyne Improvement Commissioners ; and for other purposes.

A.D. 1881.

[3rd June 1881.]

WHEREAS the Tyne Improvement Commissioners (in this Act called the Commissioners) were constituted by the River Tyne Improvement Act 1850 and incorporated by the River Tyne Improvement Act 1857 ; and have under those and the following Acts namely the Tyne Improvement Act 1852 ; the Tyne Improvement Act 1859 ; the Tyne Improvement Act 1861 ; the Tyne Improvement Act 1865 ; the Tyne Improvement Act 1866 ; the Tyne Improvement Act 1867 ; the Tyne Improvement Act 1870 ; the Tyne Coal Dues Act 1872 ; the Tyne Improvement Act 1872 ; the Tyne Improvement Commission Act 1875 ; and the Tyne Improvement Act 1877 ; powers to construct and maintain extensive works for the improvement of the River Tyne and for the construction and maintenance of docks piers and other works connected with the river and for those purposes to levy dues :

13 & 14 Vict.
c. lxxiii.
20 & 21 Vict.
c. lxxi.
15 & 16 Vict. c. cx.
22 & 23 Vict. c. vii.
24 & 25 Vict. c. xci.
28 & 29 Vict.
c. cclxxiv.
29 & 30 Vict. c. xci.
30 & 31 Vict.
c. cxxxv.
33 & 34 Vict. c. xc.
35 & 36 Vict. c. xlii.
35 & 36 Vict.
c. cxxxii.
38 & 39 Vict.
c. xxiii.
40 & 41 Vict.
c. xciii.

And whereas the dues and sums received by the Commissioners are carried to four funds called respectively the Tyne Improvement Fund the Tyne Piers Fund the Moorings Fund and the Northumberland Dock Fund and by the Tyne Improvement Act 1872 these four funds were for borrowing purposes but not otherwise consolidated into one fund called the Tyne Consolidated Fund and the Commissioners were by that Act authorised to borrow on the security of the Tyne Consolidated Fund an aggregate sum of three millions seven hundred thousand pounds :

And whereas the time limited by the Tyne Coal Dues Act 1872 for completing the works authorised by the Tyne Improvement Act 1852 and the Tyne Improvement Act 1861 and the time limited by the Tyne Improvement Act 1872 for completing the works authorised by that Act respectively expire in one thousand eight hundred and eighty-two and it is expedient that the same be extended :

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And whereas by section twenty of the Tyne Improvement Act 1872 the Commissioners are required to appropriate out of the income of the Tyne Consolidated Fund such sums as with accumulations will be sufficient to pay off within sixty years from the passing of that Act all money borrowed by them but it is provided that they shall not be required to make any such appropriation until after the expiration of ten years from the passing of that Act and it is expedient that these powers be extended :

And whereas by section nineteen of the Tyne Improvement Act 1877 the Commissioners are subject to the provisions of the Tyne Improvement Act 1872 authorised to borrow on the security of the Tyne Consolidated Fund an additional sum of three hundred thousand pounds so as, to raise the aggregate amount which they are authorised so to borrow from three million seven hundred thousand pounds to four million pounds but it is by that section provided that all mortgages granted under the Tyne Improvement Act 1877 shall rank after all mortgages granted or to be granted under the Tyne Improvement Act 1872 :

And whereas no part of the said additional sum of three hundred thousand pounds has been borrowed under section nineteen of the Tyne Improvement Act 1877 :

And whereas it is expedient that the last-mentioned provision be repealed so far as it relates to mortgages to be granted under the powers of the Tyne Improvement Act 1872 after the passing of this Act but without prejudice to the priority of mortgages granted under that Act before the passing of this Act :

And whereas the sum of two hundred thousand pounds part of the sum of three hundred thousand pounds authorised by the Tyne Improvement Act 1877 to be borrowed is by that Act required to be appropriated to the purposes of the Tyne Improvement Fund but is not required for those purposes and is required for the purposes of the Northumberland Dock Fund and it is expedient that it be made applicable thereto :

And whereas it is expedient that the other provisions of this Act be made :

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

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. This Act may be cited as the Tyne Improvement Act 1881.

Short title.

2. The time limited by the Tyne Coal Dues Act 1872 for the completion of the works authorised by the Tyne Improvement Act 1852 and of the works (other than Tynemouth Docks) authorised by the Tyne Improvement Act 1861 and the time limited by the Tyne Improvement Act 1872 for the completion of the works authorised by that Act are hereby respectively extended until the expiration of eleven years from the passing of this Act and section seven of the Tyne Coal Dues Act 1872 and section thirty-two of the Tyne Improvement Act 1872 shall have effect accordingly.

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Extension of
time for
completion
of works.

3. Section twenty of the Tyne Improvement Act 1872 and section nineteen of the Tyne Improvement Act 1877 shall have effect as if the period of sixty years referred to in the first-mentioned Act were sixty-one years from the passing of this Act instead of sixty years from the passing of that Act and it shall not be obligatory on the Commissioners to make appropriations under section twenty of the Tyne Improvement Act 1872 until after the expiration of eleven years from the passing of this Act and subsection four of the said section twenty is hereby repealed.

Extension
time for
payment of
debt.

4. The clerk to the Commissioners shall within ninety days after the expiration of each year during which any sum is required to be appropriated under section twenty of the Tyne Improvement Act 1872 transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by the Board showing the amount which has been so appropriated during the year preceding the making of the return and the mode in which that amount and any interest thereof has been applied and in the event of any wilful default in making any such return the clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Board of Trade by any such return or otherwise that the Commissioners have failed to make any such appropriation or have applied any money so appropriated or any interest thereof to any purpose other than that to which it is authorised to be applied the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and appropriated as directed by the Tyne Improvement Act 1872 and any such order may be enforced by writ of Mandamus to be obtained by the Board of Trade out of Her Majesty's High Court of Justice.

Annual re-
turns to
Board of
Trade.

5. So much of section nineteen of the Tyne Improvement Act 1877 as enacts that all mortgages granted under that Act shall rank after all mortgages granted or hereafter to be granted under the Tyne Improvement Act 1872 is hereby repealed so far as it relates to mortgages to be granted under the powers of the last-

Loans under
40 & 41 Vict.
c. xciii.
to rank pari
passu with
future loans
under
35 & 36 Vict.
c. cxxxi.

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mentioned Act after the passing of this Act but without prejudice to the priority of mortgages granted under such powers before the passing of this Act during the continuance of such mortgages Provided that on the face of all mortgages granted under the powers of the Tyne Improvement Act 1872 and the Tyne Improvement Act 1877 after the passing of this Act it shall be expressed that such mortgages are granted by virtue of the Tyne Improvement Act 1872 and the Tyne Improvement Act 1877 as amended by this Act.

Power to grant mortgages on condition of future mortgages having equality therewith.

6. If and when the Commissioners think fit they may grant any mortgage subject to the condition to be expressed on the face of the mortgage that the Commissioners may issue on an equality therewith any other mortgages which under this Act or any other Act already passed or hereafter to be passed the Commissioners from time to time are authorised to grant and so that all the mortgages so issued shall whatever be the times of the granting thereof respectively or the dates of the Acts under the powers of which the same are respectively granted form one class of mortgages entitling the mortgagees without regard to the times of the granting of the same respectively or the dates of the Acts under which the same respectively are granted to payment of the principal money and interest thereby respectively secured rateably and without any preference or priority as between themselves.

Appropriation of £200,000 to purposes of Dock Fund.

7. The sum of two hundred thousand pounds which by section twenty of the Tyne Improvement Act 1877 is required to be appropriated to the credit of the Tyne Improvement Fund shall in lieu thereof be appropriated to the credit of the Northumberland Dock Fund and that section and section sixteen of the Tyne Improvement Act 1872 shall be construed and have effect accordingly.

Tyne Piers Fund.

8. The Commissioners may from time to time contribute for purposes of the Tyne Piers Fund out of the surplus revenue of the Tyne Improvement Fund such sums as they think expedient.

Expenses of Act.

9. The expenses of and preliminary and incidental to the preparing obtaining and passing of this Act shall be paid out of the Tyne Improvement Fund.