



CHAPTER XIV

An Act to extend the powers of the Gateshead and District Tramways Company to run public service vehicles to repeal the powers of the Company to run trolley vehicles to make further provision with respect to the abandonment of the tramways of the Company to change the name of the Company and for other purposes. [12th July 1950]

WHEREAS the Gateshead and District Tramways Company (hereinafter referred to as "the Company") were incorporated by the Gateshead and District Tramways Act 1880 and under powers conferred by that Act and by the Gateshead and District Tramways Acts 1882 1883 1899 1901 and 1909 and the Gateshead and District Light Railways Order 1900 have constructed and are working tramways and light railways in roads in the county borough of Gateshead and the urban districts of Felling and Whickham in the county of Durham:

43 & 44 Vict.
c. clxiv.
45 & 46 Vict.
c. cxlv.
46 & 47 Vict.
c. cxli.
62 & 63 Vict.
c. ccxlviii.
1 Edw. 7.
c. vii.
9 Edw. 7.
c. lxx.

And whereas provision was made by an agreement entered into in nineteen hundred and twenty-three between the Company and the Newcastle upon Tyne Corporation (hereinafter referred to as "the Newcastle Corporation") for the exercise by the parties of running powers over the tramways and light railways of each other:

And whereas by the Gateshead and District Tramways and Trolley Vehicles Act 1938 the Company were authorised to run trolley vehicles along the routes of their tramways and light railways and provision was made with respect to the through running by the Company and the Newcastle Corporation of trolley vehicles along the through tramway routes as therein defined:

1 & 2 Geo. 6.
c. lxxxiii.

And whereas the Newcastle Corporation have abandoned part of their system of tramways comprised in the through tramway routes and propose to abandon the remainder and it is expedient that the services of tramcars over the through tramway routes should be replaced by services of public service vehicles and not of trolley vehicles:

And whereas it is expedient that the powers of the Company to run trolley vehicles be repealed and that the Company be authorised as by this Act provided to run public service vehicles and to enter into working agreements with other operators of public service vehicles:

And whereas the authorised share capital of the Company is four hundred and eighty-five thousand pounds and the issued capital of the Company consists of—

15,239 ordinary shares of ten pounds each;

1,261 six per centum preference shares of ten pounds each;

12,000 five per centum preference shares of ten pounds each:

And whereas the Company have no outstanding loan capital:

And whereas it is expedient to authorise the Company to raise additional share and loan capital:

And whereas it is expedient that the name of the Company be changed and that the other provisions of this Act be enacted:

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

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

Preliminary

1.—(1) This Act may be cited as the Gateshead and District Tramways Act 1950.

(2) The Gateshead and District Tramways Acts and Order 1880 to 1938 and this Act may be cited together as the Gateshead and District Transport Acts and Order 1880 to 1950.

2.—(1) The Companies Clauses Consolidation Act 1845 and Part I (Cancellation and surrender of shares) Part II (Additional capital) and Part IV (Change of name) of the Companies Clauses Act 1863 (as respectively amended by subsequent Acts) except the provisions of the said Part II relating to the rate of dividend on preference capital and except sections 17 to 20 are so far as applicable for the purposes of this Act and not inconsistent with or varied by the existing Acts and Order and this Act hereby incorporated with this Act.

(2) The word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 as incorporated with this Act shall be construed as including the contingency of the undertaking being sold at a sum less than the aggregate amount of the capital and debts of the Company.

3. In this Act the several words and expressions to which Interpretation. meanings are assigned by the Companies Clauses Consolidation Act 1845 have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act unless the context otherwise requires—

"the Act of 1880" "the Act of 1882" "the Act of 1883" "the Act of 1899" "the Act of 1901" and "the Act of 1909" mean respectively the Gateshead and District Tramways Act of those respective years ;

"the Act of 1938" means the Gateshead and District Tramways and Trolley Vehicles Act 1938 ;

"the borough" means the county borough of Gateshead ;

"the city" means the city and county of Newcastle upon Tyne ;

"the Company" means the Gateshead and District Tramways Company ;

"contract carriage" has the meaning given to that expression by the Road Traffic Acts 1930 to 1947 ;

"the existing Acts and Order" means the Act of 1880 the Act of 1882 the Act of 1883 the Act of 1899 the Order of 1900 the Act of 1901 the Act of 1909 and the Act of 1938 ;

"express carriage" has the meaning given to that expression by the Road Traffic Acts 1930 to 1947 ;

"the Felling district" and "the Felling Council" respectively mean the urban district of Felling and the council of that district ;

"the Gateshead Corporation" means the mayor aldermen and burgesses of the borough ;

"the Minister" means the Minister of Transport ;

"the Newcastle Corporation" means the lord mayor aldermen and citizens of the city ;

"the Order of 1900" means the Gateshead and District Light Railways Order 1900 ;

"public service vehicle" has the meaning given to that expression by the Road Traffic Acts 1930 to 1947 ;

"road authority" means with reference to any street or road or part of a street or road the authority company or person exercising the functions of maintenance and repair of such street or road or part of a street or road ;

20 & 21 Geo. 5.
c. 43.

“road service licence” has the same meaning as in the Road Traffic Act 1930 ;

“stage carriage” has the meaning given to that expression by the Road Traffic Acts 1930 to 1947 ;

“the tramways” and “the tramway routes” respectively mean the tramways and light railways of the Company as existing at the passing of this Act and the routes thereof ;

“the undertaking” means the undertaking of the Company as for the time being authorised ;

“the Whickham district” means the urban district of Whickham.

Name of Company

Change of
name.

4. As from the passing of this Act the name of the Company shall be “the Gateshead and District Omnibus Company”.

Public service vehicles

Power to run
public service
vehicles.

5.—(1) Subject to the provisions of Part IV of the Road Traffic Act 1930 as amended by subsequent Acts the Company may as part of the undertaking provide services of public service vehicles—

(a) along the tramway routes ;

(b) along any other street or road in the borough the Felling district or the Whickham district ;

(c) for the purposes of any agreement made under section 9 (Working and other agreements) of this Act ;

and may also provide and run public service vehicles as contract carriages on any road in the borough the city the Felling district or the Whickham district.

(2) For the purposes mentioned in subsection (1) of this section the Company may—

(a) provide purchase and hire (but shall not manufacture) public service vehicles and other vehicles and any apparatus and things which may be necessary for or incidental to the working of such vehicles ; and

(b) purchase by agreement take on lease and hold lands and buildings and erect on any lands belonging to them garages buildings and sheds and provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of their public service vehicles and other vehicles and may use and adapt any of their existing car sheds and buildings for the said purposes or any of them but the Company shall not create or permit any nuisance on any lands upon which they erect any such garages buildings or sheds.

6.—(1) The Company shall perform in respect of stage carriages and express carriages provided by them such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in respect of a tramway to which that Act applies.

For protection
of Postmaster-
General.
56 & 57 Vict.
c. 38.

(2) Every public service vehicle moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General.

41 & 42 Vict.
c. 76.

7. The Company may demand and take for passengers carried by their services of public service vehicles such fares as are not inconsistent with the conditions (if any) as to fares attached to any road service licences under which such services are for the time being provided and for contract carriages such sums as they think fit.

Fares and
charges.

8.—(1) Every passenger conveyed on any stage carriage or express carriage of the Company may take with him his personal luggage not exceeding twenty-eight pounds in weight without extra charge:

Conveyance
of luggage &c.

Provided that all such luggage shall be carried by hand and at the responsibility of the passenger and shall not occupy any part of a seat required for a passenger nor be of a form or description likely to annoy or inconvenience other passengers.

(2) Subject to the provisions of subsection (1) of this section the Company may if they think fit carry on their public service vehicles passengers' luggage and parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers and may demand and take for any such luggage and parcels such charges as they may think fit and for any such dog a sum not exceeding the fare payable by the passenger.

9.—(1) The Company on the one hand and any local authority or other body or person for the time being authorised by road service licence to provide a service of public service vehicles in the borough the Felling district or the Whickham district or in any adjoining borough or district on the other hand may enter into and carry into effect agreements with respect to the provision working management and maintenance of all or any of the services of public service vehicles which either of the contracting parties are so authorised to provide:

Working
and other
agreements.

Provided that if the three authorities as defined in section 93 (Power to local authorities to purchase undertaking) of the Act of 1938 or any of them shall exercise their powers of purchase under that section as amended by this Act then any agreement entered into pursuant to this subsection shall notwithstanding

any provision to the contrary therein contained be terminable after the expiration of twelve months from the date of purchase by not less than six months' notice in writing given by the purchasing authority or authorities or by the local authority or other body or person party to such agreement.

(2) An agreement under this section may provide for all or any of the following matters:—

- (a) the working user management and maintenance of any vehicles lands depots buildings sheds and property provided in connection with any such services of public service vehicles as aforesaid by any of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;
- (b) the supply by any of the contracting parties under and during the continuance of the agreement of vehicles and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;
- (c) the through running of vehicles;
- (d) the interchange accommodation conveyance and delivery of traffic arising on or coming from or destined for any service of public service vehicles of the contracting parties;
- (e) the payment collection and apportionment of the fares and charges and other receipts and the division of the receipts or profits arising from any such service of public service vehicles.

(3) The Company may subscribe for purchase hold and dispose of shares stock or securities in any company with whom the Company may have entered into any agreement under the provisions of this section or in any company manufacturing or dealing in any public service vehicles vans and other road vehicles or appliances and articles used in or in connection with the manufacture provision or running of road vehicles and may lend money on mortgage bond or other security to any such company or to any firm or person manufacturing or dealing in such vehicles appliances or articles:

Provided that the amount subscribed and lent by the Company under this subsection shall not at any time exceed one-half of the issued capital of the Company for the time being.

Shelters or
waiting rooms.

10.—(1) The Company may erect and maintain shelters or waiting rooms for the accommodation and barriers for the regulation of passengers on or near any of the routes of their stage carriage services or express carriage services and may with the consent of the road authority use for that purpose portions of the public streets or roads. Before the Company make

application for any such consent of the road authority they shall notify the chief officer of police of the police district in which the highway is situate.

(2) If the Gateshead Corporation or the Felling Council represent to the Company and the Company are satisfied or the Minister determines that the erection of a shelter at any particular place in the borough or the Felling district (as the case may be) is necessary in the public interest the Company shall erect such shelter:

Provided that nothing in this subsection shall entitle or require the Company to use any portion of any public street or road without the consent and notification mentioned in subsection (1) of this section.

(3) (a) The Company shall not in the exercise of the powers of this section divert alter the position of or in any way interfere with any apparatus of the British Electricity Authority or the North Eastern Electricity Board situate in or under any public street or road and shall so exercise such powers as not unreasonably to obstruct the access to any such apparatus.

(b) In this subsection "apparatus" includes all or any electric lines (as defined in the Electric Lighting Act 1882) main transmission lines (as defined in the Electricity (Supply) Act 1919) posts and poles belonging to the British Electricity Authority or the North Eastern Electricity Board. 45 & 46 Vict. c. 56.
9 & 10 Geo. 5. c. 100.

(4) Paragraph (9) of section 38 (For protection of London and North Eastern Railway Company) of the Act of 1938 shall be construed as if the reference in that paragraph to section 31 (Shelters or waiting rooms) of that Act were a reference to this section and as if for the word "gangway" in that paragraph there were substituted the word "barrier".

11. The following sections of the Act of 1938 shall so far as applicable extend and apply to and in respect of the public service vehicles provided or used under the authority of this Act and to the Company in respect thereof in as full and complete a manner as if those sections were re-enacted in this Act with the substitution of references to those public service vehicles for references to trolley vehicles and with all other necessary alterations:— Application to public service vehicles of provisions of Act of 1938.

Section 28 (Attachment of signs indicating stopping places);
Section 30 (Cloakrooms &c.).

12. The following provisions for the protection of the Northern Gas Board and the Newcastle and Gateshead Water Company (each of which is in this section referred to as "the undertakers") shall unless otherwise agreed in writing between the Company and the undertakers apply and have effect:— For protection of Northern Gas Board and Newcastle and Gateshead Water Company

(a) In this section—

"apparatus" means mains pipes and other works and apparatus belonging to the undertakers:

- (b) If any structure erected by the Company under any of the powers of section 10 (Shelters or waiting rooms) of this Act or of section 30 (Cloakrooms &c.) of the Act of 1938 as applied by section 11 (Application to public service vehicles of provisions of Act of 1938) of this Act is situate over any apparatus laid or placed before the erection of the structure and the undertakers at any time after such erection give to the Company notice in writing of their desire to obtain access to any such apparatus the Company shall either remove temporarily the structure or so much thereof as shall be required to be so removed in order to afford such access or (if the Company determine not to remove the structure or part thereof) bear and pay to the undertakers any additional expense due to the existence of the structure which may be reasonably incurred by the undertakers in obtaining such access and the undertakers shall not be liable to pay compensation to the Company for any damage caused thereby to the structure:
- (c) Any difference between the Company and the undertakers under this section shall be referred to an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

Other provisions as to transport services

As to
abandonment
of tramways.

13. The Act of 1938 so far as not repealed by this Act shall have effect as if the following section were substituted for section 48 (Power to abandon tramways) thereof:—

“ 48.—(1) Subject as hereinafter in this section provided the Company may at any time and from time to time after reasonable notice to the local authority discontinue the working of and abandon any section of the tramways.

(2) Notwithstanding the provisions of subsection (1) of this section the Company shall not discontinue the working of or abandon any section of the tramways unless and until they shall have satisfied the licensing authority for public service vehicles that on and after the date of abandonment such passenger road transport services as are reasonably required in the public interest will be provided on the route of that section of the tramways by—

- (i) services of public service vehicles run by the Company; or
- (ii) services of public service vehicles whether run by a local authority body or person with whom the Company have entered into an agreement pursuant to section 9 (Working and other agreements) of the Gateshead and District Tramways Act 1950 or by

any such local authority body or person and the Company jointly ;

or by both of such classes of services.”

14.—(1) Section 93 (Power to local authorities to purchase undertaking) of the Act of 1938 shall have effect as if—

As to purchase of undertaking by local authorities.

(a) the words “ thirty-first day of December nineteen hundred and seventy-one ” were substituted for the words “ thirty-first day of December nineteen hundred and fifty-nine ” in paragraph (1) ;

(b) the following paragraph were substituted for paragraph (10) thereof :—

“ (10) (a) Notwithstanding anything in this section the powers conferred on the Company by subsection (3) of section 24 (Power to provide and run omnibuses and vans) of the Act of 1909 and the vans of the Company provided under those powers and the lands buildings works and plant acquired or used in connection with any vans so provided shall not be purchasable by the three authorities or any of them under this section and the expression ‘ the undertaking ’ in this section shall not include those powers lands buildings works and plant ;

(b) Section 25 (Buildings &c. used in connection with omnibuses &c. to be kept separate from tramway undertaking) of the Act of 1909 shall be construed and have effect as if the words ‘ omnibuses and ’ were omitted and as if the expressions therein ‘ the tramways ’ and ‘ the tramway undertaking of the Company ’ respectively included the public service vehicles and the public service vehicle undertaking of the Company.”

(2) References in section 61 (Rights of mortgagees on sale of undertaking) of the Act of 1938 to the said section 93 shall be construed as references to that section as amended by subsection (1) of this section.

15.—(1) (a) The following provisions of the Act of 1938 are hereby repealed as from the passing of this Act :—

Part II (Trolley vehicles) except section 17 (Amendment of section 35 (b) of Act of 1909) section 28 (Attachment of signs indicating stopping places) section 30 (Cloakrooms &c.) and the opening paragraph and paragraphs (9) and (10) of section 38 (For protection of London and North Eastern Railway Company) ;

Part III (Fares and charges Tramways and trolley vehicles) so far as it relates to trolley vehicles ;

Section 85 (Working agreements with other trolley vehicle operators);

Section 86 (Power to lease tramway and trolley vehicle systems);

Section 87 (Working agreements with stage carriage operators);

Section 88 (As to Company's obligation to provide services);

Section 89 (As to through services);

Section 90 (Agreements as to supply of electricity to Company);

The definition of "trolley vehicle appliance" in paragraph (1) and paragraphs (2) (3) (4) (7) and (8) of section 91 (For protection of Newcastle upon Tyne and Gateshead Gas and Newcastle and Gateshead Water Companies);

The words "application to the Minister in pursuance of section 6 (Minister may authorise new routes) of this Act for any necessary Provisional Order or" and the word "other" in paragraph (b) of subsection (5) of section 96 (Advisory committee);

Section 100 (Restriction on purchase of power to manufacture trolley vehicles);

Section 101 (Provision as to general Trolley Vehicle Acts);

Section 103 (Accounts).

(b) The Gateshead and District Tramways (Extension of Time) Order 1947 is hereby revoked as from the passing of this Act.

(2) Notwithstanding the repeal by subsection (1) of this section of section 39 (For protection of Pelaw Main Collieries Limited) of the Act of 1938 paragraphs (4) (6) (7) and (8) of that section 39 shall continue to apply as mentioned in paragraph (4) of section 53 (For further protection of Pelaw Main Collieries Limited) of that Act.

(3) As from the date on which the last of the tramways is abandoned by the Company Part III (Fares and charges Tramways and trolley vehicles) of the Act of 1938 shall be entirely repealed.

(4) The agreement defined in subsection (1) of section 89 (As to through services) of the Act of 1938 as "the tramway working agreement" unless previously determined whether under clause 25 thereof or otherwise shall be and is hereby determined as from the date on which the last of the tramways is abandoned by the Company and the agreement made the twenty-second day

of January nineteen hundred and forty-seven between the Newcastle Corporation of the one part and the Company of the other part pursuant to subsection (4) of the said section 89 is hereby determined as from the passing of this Act.

16.—(1) Notwithstanding anything contained in this Act the Company shall not without the consent in writing of the Newcastle Corporation under the hand of their town clerk (which consent the Newcastle Corporation may at their absolute discretion grant upon or subject to terms and conditions or withhold) run contract carriages or enter into or carry into effect any agreement with any local authority body or person (other than the Newcastle Corporation) for the provision by the Company or such local authority body or person of services of public service vehicles along any road or any part of any road within the city.

For mutual
protection of
Newcastle
Corporation
and Company.

(2) The Newcastle Corporation shall not without the consent in writing of the Company (which consent the Company may at their absolute discretion grant upon or subject to terms and conditions or withhold) run services of public service vehicles or run contract carriages or enter into or carry into effect any agreement with any local authority body or person (other than the Company) for the provision by the Corporation or such local authority body or person of services of public service vehicles along any road or any part of any road within the borough the Felling district or the Whickham district except along such part of the roads within the borough as form part of Route No. 1 or Route No. 2 authorised by the Newcastle upon Tyne Corporation (Trolley Vehicles) Order 1945.

Financial and miscellaneous

17.—(1) The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 (so far as incorporated with this Act) raise any additional capital not exceeding in the whole one hundred and fifteen thousand pounds by the issue at their option of ordinary shares or stock or preference shares or stock or wholly or partially by any one or more of those modes but the Company shall not issue any share of less nominal amount than one pound nor shall any share vest in the person accepting it unless and until a sum not being less than one-fifth of the amount of the share shall have been paid in respect thereof.

Additional
capital.

(2) Any shares or stock created by the Company under the powers of this section may be created and issued with such priorities as to capital and with such fixed fluctuating contingent preferential perpetual terminable deferred or other dividend or interest of such rate or amount (limited or unlimited) and the holders thereof respectively shall be entitled and subject to such powers rights privileges and liabilities whether as to capital or dividend as the Company may determine.

Borrowing
powers.

18.—(1) The Company may without further or other authority borrow in respect of the share capital raised by the Company before the passing of this Act any sum or sums not exceeding in the whole two hundred and eighty-five thousand pounds.

(2) The Company may in respect of the additional capital which they are by the Act of 1938 and by this Act authorised to raise borrow any sum or sums not exceeding in the whole one-half of the nominal amount of the ordinary and preference shares or stock (of any class) forming part of such additional capital which at the time of borrowing have or has been actually issued and accepted.

(3) For the purposes of securing the repayment of any money borrowed under the powers of this section the Company may mortgage the undertaking.

(4) Section 58 (Borrowing powers) of the Act of 1938 is hereby repealed.

Application
of financial
sections of
Acts of 1899
1909 and 1938.

19. The following sections of the Act of 1899 the Act of 1909 and the Act of 1938 shall apply to and with respect to any shares or stock forming part of the additional capital authorised by this Act and any mortgages granted under the powers of this Act and the holders of any such shares or stock to the like extent and in like manner as those sections apply to or with respect to any shares or mortgages issued or granted under the powers of the Act of 1899 the Act of 1909 and the Act of 1938 and the holders of any shares so issued (but not further or otherwise) and for the purpose of such application the said sections with any necessary modifications shall be deemed to be re-enacted in this Act:—

The Act of 1899—

Section 43 (Restriction as to votes in respect of preferential shares or stock);

Section 44 (Receipt on behalf of incapacitated persons):

The Act of 1909—

Section 43 (New shares to form part of capital of Company);

Section 44 (Dividends on new shares);

Section 49 (Company not to create debenture stock);

Section 51 (Application of moneys);

Section 53 (Interest not to be paid out of capital);

Section 54 (Deposits for future Bills not to be paid out of capital):

The Act of 1938—

Section 62 (Priority of mortgages over other debts);

Section 63 (As to disposal of share capital).

20. It shall not be lawful to exercise the powers of borrowing or raising capital conferred by this Act otherwise than in compliance with any Order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.
9 & 10 Geo. 6.
c. 58.

21. The Company shall in every year within three months after the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of their annual accounts.

Accounts of Company to be sent to Minister.

22.—(1) Save as otherwise expressly provided by any enactment from time to time relating to the Company all offences against any such enactment and all penalties and forfeitures imposed or recoverable thereunder or under any byelaw made thereunder or by virtue thereof may be prosecuted and recovered in a summary manner.

Recovery of penalties &c.

(2) Any costs or expenses recoverable as aforesaid may be recovered summarily as civil debts where the amount recoverable does not exceed twenty pounds.

(3) Section 64 (Recovery of penalties) of the Act of 1899 and section 105 (Recovery of penalties) of the Act of 1938 are hereby repealed.

23. The words "a member of" in the proviso set out in subsection (2) of section 69 (Voting at general meetings) of the Act of 1938 are hereby repealed.

Amendment of section 69 of Act of 1938.

24. The following provisions of the Act of 1938 shall extend and apply to and for the purposes of this Act as if they were re-enacted in this Act with any necessary modifications:—

Application of certain miscellaneous provisions of Act of 1938.

Section 97 (Inquiries by Minister);

Section 102 (Saving for Road Traffic Acts).

25. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.
10 & 11 Geo. 6.
c. 51.

26. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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