



CHAPTER iv

An Act to confer further powers upon the Tees Conservancy Commissioners with respect to rates tolls dues and charges. [23rd May 1950.]

WHEREAS by the Tees Conservancy Acts 1852 to 1946 the Tees Conservancy Commissioners (hereinafter referred to as "the Commissioners") are constituted and incorporated and invested with powers for the conservancy improvement and regulation of the river Tees for the construction of works and reclamation of land the making management and carrying on of docks and wharves quays landing places and the like and for other purposes:

And whereas the Minister of War Transport in exercise of the powers conferred upon him by regulation 56 of the Defence (General) Regulations 1939 authorised the Commissioners by the Tees Conservancy Commission (Increase of Charges) Order 1941 (hereinafter referred to as "the Order of 1941") to levy increased rates tolls dues and charges not exceeding by more than one hundred per centum the corresponding rates tolls dues and charges lawfully levied by the Commissioners and in operation on the third day of September nineteen hundred and thirty-nine under the authority of the Tees Conservancy Acts 1852 to 1922 and incorporated Acts:

And whereas it is anticipated that the said increased rates tolls dues and charges and the right to levy the same will shortly cease to remain in operation and to be exercisable:

And whereas on the cesser of the powers conferred by the Order of 1941 the resources of the Commissioners will be insufficient to meet the expenditure necessarily incurred by them in carrying on efficiently the undertaking of the Commissioners and it is necessary that the said undertaking should

continue to be so carried on and it is expedient that the said increased rates tolls dues and charges and the right to levy the same should continue in operation and to be exercisable:

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 (that is to say):—

Short and
collective
titles.

1. This Act may be cited as the Tees Conservancy Act 1950 and the Tees Conservancy Acts 1852 to 1946 and this Act may be cited together for all purposes as the Tees Conservancy Acts 1852 to 1950.

Incorporation
of section 28
of Harbours
Docks and
Piers Clauses
Act 1847.
10 & 11 Vict.
c. 27.

2.—(1) Section 28 of the Harbours Docks and Piers Clauses Act 1847 is hereby incorporated with and forms part of this Act.

(2) The said section 28 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 specially named therein and in construing the said section the expression "the Special Act" shall mean this Act and the expression "the harbour dock or pier" shall mean the river.

Interpretation.
9 & 10 Geo. 6.
c. liii.

3. In this Act—

"Act of 1946" means the Tees Conservancy Act 1946;

"authorised rates" means the rates tolls dues and charges which the Commissioners are for the time being authorised to levy demand and recover in pursuance of the Tees Conservancy Acts 1852 to 1950 or any order made under the section of this Act of which the marginal note is "Revision of rates tolls dues and charges";

"Commissioners" means the Tees Conservancy Commissioners;

"Minister" means the Minister of Transport;

"Order of 1941." means the Tees Conservancy Commission (Increase of Charges) Order 1941;

"river" means the portions of the river Tees and shore thereof and of any creek bay arm of the sea or navigable river communicating therewith within the jurisdiction of the Commissioners.

4. The Commissioners may demand, levy or impose and take increased rates tolls dues and charges not exceeding in any case by more than one hundred per centum the corresponding rates tolls dues and charges lawfully levied by the Commissioners and in operation on the third day of September nineteen hundred and thirty-nine under the authority of the Tees Conservancy Acts 1852 to 1922 and incorporated Acts or some or one of them and the Commissioners may exercise in respect of any increased rate toll due or charge authorised by this Act all or any of the powers of collecting recovering and receiving the corresponding rate toll due or charge vested in or exercisable by them under or by virtue of the provisions of the said Acts or some or one of them or any Act amending or extending the same or otherwise howsoever.

Continuance
of increased
rates tolls dues
and charges.

5.—(1) If it is represented by application in writing to the Minister—

Revision of
rates tolls dues
and charges.

(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 river and is a proper person to make an application; or

(c) by the Commissioners;

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.

(2) An application made to the Minister under subsection (1) 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.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision 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.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Commissioners 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 Commissioners 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.

(5) The Minister shall not by an Order under subsection (1) 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 Commissioners being insufficient or more than sufficient to enable the Commissioners with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including interest on loan capital (regard being had by him to any capital which the Commissioners may reasonably be expected to expend) making good depreciation providing for any contributions which the Commissioners may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses (if any) properly chargeable to revenue.

23 & 24 Geo. 5.
c. 51.

(6) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to inquiries which the Minister may cause to be held under this section as if they were an inquiry held in pursuance of subsection (1) of that section and the Commissioners were a local authority.

(7) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

(8) Section 76 (Revision of rates tolls dues and charges) of the Act of 1946 is hereby repealed.

Costs of Act.

6. The costs charges and expenses preliminary to and of and incidental to the preparing of applying for and the obtaining and passing of this Act shall be paid by the Commissioners.

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