



CHAPTER xcvi.

An Act to empower the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne and the mayor aldermen and burgesses of the county borough of Gateshead to construct a bridge over the River Tyne to authorise the construction and working of tramways over the said bridge and the execution of other works and for other purposes. A.D. 1924.

[7th August 1924.]

WHEREAS the construction of a bridge for vehicular and pedestrian traffic over the River Tyne between the city and county of Newcastle-upon-Tyne (hereinafter referred to as "the city") and the county borough of Gateshead (hereinafter referred to as "the county borough") would be of public and local advantage and it is expedient that the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Newcastle Corporation") and the mayor aldermen and burgesses of the county borough (hereinafter referred to as "the Gateshead Corporation") should be empowered jointly to construct the bridge by this Act authorised and that the Newcastle Corporation and the Gateshead Corporation should respectively be empowered to execute the works in connection with the said bridge which are also authorised by this Act:

And whereas the Newcastle Corporation own and work an extensive system of tramways within and without

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And whereas it is expedient that the Newcastle Corporation should be empowered to borrow money for defraying the capital expenditure to be incurred for the purposes of this Act and that the financial provisions contained in this Act (including provisions for contributions by the Gateshead Corporation towards the interest on and sinking or redemption fund charges in respect of part of the moneys so to be borrowed) should be made :

And whereas it is expedient that the other provisions in this Act contained should be made :

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

And whereas estimates have been prepared of the cost of constructing the bridge tramways and other works by this Act authorised (including the amount necessary for the purchase of such lands as are required to be purchased therefor) and such estimates are as follows :—

For the construction of the said bridge and approaches and works incidental thereto nine hundred and seventy-three thousand pounds ;

For the construction of the said tramways nineteen thousand pounds ;

For the equipment of the said tramways three thousand pounds :

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Ministry of Health has been obtained :

And whereas plans and sections showing the lines situation and levels of the bridge tramways and other works by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and

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of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Northumberland and the clerk of the peace for the county of Durham and are in this Act referred to as the deposited plans sections and book of reference : A.D. 1924.

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) :—

1. This Act may be cited as the Newcastle-upon-Tyne and Gateshead Corporations (Bridge) Act 1924. Short title.

2. 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 (namely) :— Incorporation of Acts.

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

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seals of the two Corporations or the seal of the Corporation exercising the powers of that section (as the case may require) and shall be sufficient without the addition of the sureties mentioned in that section :

(2) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 ; and

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to—

the temporary occupation of lands near the railway during the construction thereof ;

works for the accommodation of lands adjoining the railway ; and

mines lying under or near the railway :

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Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 shall be construed to mean the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require) and the expressions "the railway" and "the centre of the railway" in the Railways Clauses Consolidation Act 1845 shall be construed to mean the improvement and any part of the improvement respectively.

Interpreta-
tion.

3. In this Act unless otherwise expressly provided or the context otherwise requires:—

Terms to which meanings are assigned by any Act wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction;

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

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

"The county borough" means the county borough of Gateshead;

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

"The two Corporations" means the Newcastle Corporation and the Gateshead Corporation;

"The bridge" means the bridge by this Act authorised;

"The Newcastle approach works" means such or such parts of the northern approach to the bridge and of the widenings and diversions of streets and other works in the city (other than the tramways) by this Act authorised as are northward of the southern side of the bridge carrying the London and North Eastern Railway over Pilgrim Street;

"The joint works" means the bridge and such or such parts of the approaches thereto and of

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the widenings and diversions of streets and other works (other than the tramways) by this Act authorised as do not form part of the Newcastle approach works; A.D. 1924.

“ The improvement ” means the Newcastle approach works and the joint works;

“ The tramways ” means the tramways by this Act authorised to be constructed by the Newcastle Corporation;

“ The Corporation tramways ” includes the tramways and all tramways tramroads and light railways for the time being belonging or leased to or worked by the Newcastle Corporation;

“ The Lands Clauses Acts ” means those Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919;

“ The arbitrator ” means the arbitrator to whom any question of disputed compensation is referred under the provisions of this Act;

“ The city fund ” and “ the city rate ” mean respectively the city fund and the city rate of the city;

“ Tramway revenue ” means all revenue of the Corporation tramways;

“ Telegraphic line ” has the same meaning as in the Telegraph Act 1878.

4.—(1) A joint committee of the Newcastle Corporation and of the Gateshead Corporation appointed by those Corporations respectively shall have full power to carry out such of the powers of this Act conferred upon the two Corporations (except those relating to the acquisition of lands and easements) as the appointing Corporations shall from time to time determine and subject to such exception and determination shall have full power to make and carry into effect all such agreements and arrangements as under the provisions of this Act may be made and carried into effect by the two Corporations. Powers of joint committee.

(2) Any joint committee appointed as aforesaid for the purposes of this Act shall consist of fourteen members of the council of the city appointed by that council and nine members of the council of the county borough appointed by that council.

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(3) The provisions of section 81 of the Local Government Act 1888 relating to joint committees appointed under that section shall subject to any necessary modification apply with reference to the appointment of any joint committee under this section and to any joint committee so appointed.

Power to
two Cor-
porations to
execute
works.

5. Subject to the provisions of this Act the two Corporations may in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections make and execute the following work (that is to say):—

Work No. 1 A bridge and approaches across the River Tyne commencing in the city at a point in Pilgrim Street one hundred and sixty yards or thereabouts south-eastward of its junction with Mosley Street and terminating in the county borough at or near the junction of High Street with Hills Street and Half Moon Lane.

Power to
Newcastle
Corporation
to execute
works.

6. Subject to the provisions of this Act the Newcastle Corporation may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections make and execute in the city the following works (that is to say):—

Work No 2 A widening on the north-eastern side and diversion of Pilgrim Street between City Road and a point in Pilgrim Street fifteen yards or thereabouts south-eastward of the junction of that street with Silver Street and in connection therewith a lengthening and alteration of the bridge carrying the London and North Eastern Railway over Pilgrim Street:

Work No 3 A widening of Pilgrim Street on the south-western side thereof between a point opposite the south-westernmost corner of City Road and a point at or near the south-eastern side of the said bridge carrying the London and North Eastern Railway over Pilgrim Street and in connection therewith a lengthening and alteration of the said bridge.

7. Subject to the provisions of this Act the Gateshead Corporation may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections make and execute in the county borough the following works (that is to say) :—

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—
Power to
Gateshead
Corporation
to execute
works.

Work No. 4 A diversion of Church Street commencing by a junction with that street at or near the junction thereof with Cannon Street and terminating by a junction with High Street at a point forty yards or thereabouts south-eastward of the junction of that street with Hills Street and Half Moon Lane :

Work No. 5 A widening of High Street on the southern side thereof between Half Moon Lane and a point at or near the junction of High Street with Bottle Bank :

Work No. 6 A diversion of Hillgate commencing at a point 30 yards or thereabouts measured in a north-easterly direction from the junction thereof with Bridge Street and Church Street and terminating by a junction with Hillgate at a point 95 yards or thereabouts measured in a north-easterly direction from the said junction of Hillgate with Bridge Street and Church Street.

8. Subject to the provisions of this Act the two Corporations may respectively for the purposes of and in connection with the improvement stop up the following streets or parts of streets (that is to say) :—

Power to
stop up
streets.

(a) The Newcastle Corporation may in the city stop up (i) so much of Back Lombard Street West as lies between Quayside and Queen Street and (ii) so much of George Stairs as lies between Akenside Hill and Pilgrim Street :

(b) The Gateshead Corporation may in the county borough stop up (i) so much of Church Street as lies between Cannon Street and the junction of Church Street with Bottle Bank and High Street (ii) so much of Black Alley as lies between Church Street and Bottle Bank and (iii) so much of Church Walk as lies between Saint Mary's Church and Church Street.

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Incidental
works.

9.—(1) Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the two Corporations or either of them in connection with the powers granted to them respectively by this Act and as part of the improvement may make junctions and communications with any street road bridge way stream or watercourse which may be interfered with by or be contiguous to the works by this Act authorised and may for the purpose of any of those works alter or interfere with any vault arch steps cellar area or railing under or adjoining any roadway or footway and may alter and divert either permanently or temporarily any pipes wires and apparatus and may make alterations of the lines or levels of any existing street road bridge way stream or watercourse for the purpose of connecting the same with the improvement or otherwise.

(2) In the exercise of the powers conferred by this section the two Corporations or either of them doing the work shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of the powers aforesaid.

(3) In any case in which compensation is payable under the provisions of this section the amount of such compensation shall failing agreement be determined by a single arbitrator to be agreed upon between the two Corporations or either of them on the one hand and the party claiming compensation on the other hand or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Surveyors Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

Subsidiary
works
affecting
River Tyne.

10. Subject to the provisions of this Act the two Corporations or the Newcastle Corporation or the Gateshead Corporation may in connection with and at or near any works to be executed or constructed under the powers of this Act construct place and maintain in the River Tyne and the banks bed and foreshore thereof all such temporary piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs

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buildings and other works and conveniences as they may deem expedient or necessary. A.D. 1924.

11. In executing any of the works for or connected with the improvement the two Corporations or either of them may subject to the provisions of this Act deviate laterally to any extent from the line or situation thereof within the limits of deviation defined on the deposited plans and vertically to any extent not exceeding ten feet from the levels thereof defined on the deposited sections. Deviation from lines and levels.

12. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade. Works below high-water mark to be subject to approval of Board of Trade.

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

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the two Corporations or of the Newcastle Corporation or of the Gateshead Corporation (as the case may require) and the amount of such cost shall be a debt due from the two Corporations or from the Newcastle Corporation or from the Gateshead Corporation (as the case may be) to the Crown and shall be recoverable as a Crown debt or summarily.

13. The two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require) shall at or near the bridge and the works below high-water mark hereby authorised exhibit and keep burning from sunset to sunrise after the completion of such bridge or works 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. Permanent lights on works.

If the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may be)

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A.D. 1924. — fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

14. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the two Corporations or the Newcastle Corporation or the Gateshead Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require) shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the two Corporations or from the Newcastle Corporation or the Gateshead Corporation (as the case may be) to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

15. If a work constructed by the two Corporations or by the Newcastle Corporation or the Gateshead Corporation on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade or the Tyne Improvement Commissioners may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require) and the amount of such expense if incurred by the Board of Trade shall be a debt due from the two Corporations or from the Newcastle Corporation or the Gateshead Corporation (as the case may be) to the Crown and be recoverable as a Crown debt or summarily and if incurred by the said Commissioners shall be recoverable summarily.

Provision against danger to navigation.

16. In case of injury to or destruction or decay of the bridge or works below high-water mark or any part thereof the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require) shall lay down such buoys exhibit such lights or take such other means for 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 and the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require) shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

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17. The following provisions for the protection of the Tyne Improvement Commissioners (in this section called "the Tyne Commissioners") shall unless otherwise agreed in writing between the two Corporations (which expression where used in this section includes either of them and the joint committee) on the one hand and the Tyne Commissioners on the other hand apply:—

For protec-
tion of Tyne
Improve-
ment Com-
missioners.

- (1) The two Corporations shall not construct so much of the bridge as is situate over the River Tyne so as to leave a less headway thereunder than eighty-four feet above high-water mark of ordinary spring tides nor shall they in constructing or maintaining the bridge place any permanent work in the waterway of the River Tyne:
- (2) Before the two Corporations commence to construct any of the piers of the bridge they shall cause cylinders to be sunk and borings to be made below such cylinders on the site of the two main piers and borings to be made on the site of each of the other piers to such depth for each such cylinder and boring as shall be agreed upon between the two Corporations and the Tyne Commissioners or as failing agreement shall be fixed by arbitration as hereinafter provided and particulars of the sinking of such cylinders and borings shall be communicated by the two Corporations to the Tyne Commissioners and the two Corporations shall submit to the Tyne Commissioners plans and sections in duplicate of the bridge including the piers thereof and showing the strata through and the depth to which it is proposed to carry down the foundations of the said piers and the manner in which it is proposed to construct the said foundations If within two months after the submission

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to them of such plans and sections as aforesaid the Tyne Commissioners intimate in writing to the two Corporations their disapproval of the proposed site size depth and method of construction of and any other particulars shown on such plans and sections with reference to the piers of the bridge or the foundations of such piers the construction of the said foundations shall not be commenced until the matters in difference between the Tyne Commissioners and the two Corporations shall have been settled by arbitration as hereinafter provided and no approval of such plans and sections either by the Tyne Commissioners or by any arbitrator to whom any such matter as aforesaid may be referred shall impose any responsibility on the Tyne Commissioners :

- (3) The two Corporations shall not commence any temporary work (including any of the works and conveniences mentioned in the section of this Act of which the marginal note is "Subsidiary works affecting River Tyne") affecting adjoining or passing over or under or interfering with the tidal area or waterway of the River Tyne or any property of the Tyne Commissioners or over or in relation to which the Tyne Commissioners have jurisdiction without previously delivering to the Tyne Commissioners for their use plans and sections thereof in duplicate and obtaining their approval of such plans and sections and no such approval shall impose any responsibility on the Tyne Commissioners Provided that if there shall be any inconsistency between the approval of the Board of Trade under the provisions of the section of this Act of which the marginal note is "Works below high-water mark to be subject to approval of Board of Trade" and the approval of the Tyne Commissioners under the provisions of this subsection the approval of the Board of Trade shall prevail :
- (4) Notwithstanding anything in this Act contained the two Corporations shall not construct place

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and maintain in upon or over the River Tyne and the banks bed and foreshore thereof any temporary works or conveniences or do any acts or things therein thereunder thereupon or thereover which shall totally obstruct the navigation of the River Tyne and in the execution of any works or conveniences or the doing of any acts or things therein thereunder thereupon or thereover which shall partially obstruct or interfere with the navigation of the River Tyne the two Corporations shall comply with all the requirements of the Tyne Commissioners made with the approval of the Board of Trade and refund to the Tyne Commissioners on demand the expenses incurred by them in carrying out such special regulations as the Tyne Commissioners may with the approval of the Board of Trade make for control of the traffic on the River Tyne during the construction existence and removal of such works or conveniences as aforesaid :

- (5) All materials placed on or in the banks bed or foreshore of or carried or suspended over the River Tyne in the execution of any works authorised by this Act and not required permanently shall be carefully removed with all practicable expedition by and at the expense of the two Corporations and shall not be allowed to fall or to be washed into the River Tyne :
- (6) The two Corporations shall during the whole time of the construction of any of the works authorised by this Act exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade and the Tyne Commissioners or (failing agreement between the Board of Trade and the Tyne Commissioners) the Board of Trade shall from time to time require or approve :

If the two Corporations fail to comply in any respect with the provisions of this subsection they shall for each day on which they so fail be liable to a penalty of not exceeding twenty pounds :

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- (7) All responsibility in connection with any of the works authorised by this Act whether temporary or permanent and whether of construction or maintenance or of damage caused thereby or therefrom shall as between the two Corporations and the Tyne Commissioners be and remain with the two Corporations :
- (8) The two Corporations shall be liable for all injury or damage to the Tyne Commissioners or their property happening through any act neglect failure or default by them or by their servants or agents in connection with or by reason or in consequence of the construction and maintenance of the bridge or the works connected therewith or occasioned by any failure of the bridge or any such works and such liability shall include any loss of dues rates tolls or charges and the two Corporations shall indemnify the Tyne Commissioners collectively and individually and their officers and servants against all claims demands and costs of third parties in respect of any accidents damages and injuries happening through any such act neglect failure or default as aforesaid Provided that the Tyne Commissioners shall not without the consent in writing of the two Corporations make any admission offer promise or payment in connection with any claim or matter in respect of which the two Corporations are pursuant to this subsection to indemnify the Tyne Commissioners or compromise any action or proceedings taken or instituted against the Tyne Commissioners relating to any such claim or matter :
- (9) Any difference which shall arise between the Tyne Commissioners and the two Corporations under the provisions of this section shall be referred to and determined by a single arbitrator to be agreed upon between the parties in difference or failing such agreement to be nominated on the application of either party (after notice in writing to the other of them) by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration :

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(10) Save as in this Act provided nothing in this Act contained shall in any manner prejudice diminish alter or take away any of the rights or privileges or any power jurisdiction or authority now vested in or enjoyed by the Tyne Commissioners but all such rights and privileges and every such power jurisdiction and authority shall save as aforesaid continue and be in force as if this Act had not been passed. A.D. 1924.

18. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the two Corporations or either of them may for the purposes of and in connection with the powers granted to them respectively by this Act alter and pull down any houses buildings and erections and may stop up and appropriate the site and soil of any streets ways roads courts passages or alleys shown upon the said plans making all reasonable compensation to any person who suffers damage by any such alteration. Power to alter and pull down buildings and to stop up streets.

19. Subject to the provisions of this Act the two Corporations or either of them for the purposes of the powers granted to them respectively by this Act and during the making of the improvement may in or upon the lands shown in connection therewith upon the deposited plans stop up interfere with alter or divert temporarily all or any part of any road street bridge stairs footpath way wharf stream or watercourse which they shall think necessary for such purposes to be stopped up or interfered with altered or diverted and may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such road street bridge stairs footpath way or wharf open for traffic and may make such orders for regulating the traffic as to them shall seem proper Provided that the two Corporations or either of them shall provide reasonable access for all persons bonâ fide going to or returning from any house in any such road street or place and shall in each case do as little damage as possible and shall make full compensation to all persons injuriously affected by the exercise of the powers of this section. Power temporarily to stop up or interfere with roads &c. for purposes of the improvement.

20. On the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Vesting of soil of

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A.D. 1924. Act all rights of way over the same shall be extinguished and the site and soil thereof shall vest (as respects any street or part of a street in the city) in the Newcastle Corporation and (as respects any street or part of a street in the county borough) in the Gateshead Corporation but the two Corporations or either of them shall not stop up any street or portion thereof or appropriate the site and soil thereof unless they are owners in possession of all houses and lands on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree.

streets
stopped up.

Underpin-
ning of
houses near
works.

21. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the improvement it may be necessary to underpin or otherwise strengthen the same Therefore the two Corporations or either of them at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

- (1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the two Corporations or either of them shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk of the city or the town clerk of the county borough (as the case may require) :
- (3) If any owner lessee or occupier of any such house or building or the two Corporations or either of them (as the case may require) shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the

arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference : A.D. 1924.

(4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may be) may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may be) shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the two Corporations or either of them such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the two Corporations or either of them then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may be) shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

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- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the two Corporations or either of them from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to
alter sewers
and drains.

22. The two Corporations or either of them as the case may require may raise lower divert alter remove arch over or fill up or otherwise interfere with all such sewers or drains or parts thereof which are in or near the streets or roads to be interfered with for the purposes of the improvement as shall appear necessary for executing the purposes of this Act but so that no sewer or drain (unless the same becomes unnecessary by reason of the purchase of the property entitled to the use thereof) shall be interfered with without another sewer or drain being made in lieu thereof equally serviceable and convenient:

Provided that before removing or filling up any sewer or drain or part thereof as aforesaid the two Corporations or the Corporation doing the work shall where necessary cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be removed or filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains for which they are substituted.

Alteration
of position
of water
gas and
other pipes.

23. Subject to the provisions of this Act the two Corporations or either of them may for any purpose in connection with the improvement upon the lands acquired by them respectively under the powers of this Act and also in any street road or way within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down or

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placed for telegraphic postal or other purposes or for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company or person who suffers damage by any such alteration. Provided that before the two Corporations or either of them alter the position of any main pipe tube wire or apparatus laid down or used by any such company or person they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Corporation effecting such alteration) of the company or person to whom such main pipe tube wire or apparatus belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the two Corporations or such Corporation as aforesaid shall execute such work to the reasonable satisfaction of the engineer of such company or person. Provided also that the two Corporations or either of them shall not cause any street road or way to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main or pipe in any part a covering of less than two feet where the covering now existing is not less than two feet unless the two Corporations or the Corporation doing such work shall in such case protect such main or pipe from frost or injury by artificial covering to the reasonable satisfaction of the engineer of the company or person to whom the same belongs or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the two Corporations or the Corporation doing such work in such case provide special means of access to the same to the reasonable satisfaction of the engineer of such company or person. Provided further that the provisions of this section shall not apply to any wire or apparatus of any company supplying electricity under statutory authority.

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If any difference arises between the two Corporations or either of them or their respective engineers and any such company or person touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the two Corporations or the Corporation doing such work to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the two Corporations or either of them or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the two Corporations or the Corporation doing such work and such company or person or failing agreement by such engineer as shall on the application of the two Corporations or the Corporation doing such work or such company or person be named by the President of the Institution of Civil Engineers whose decision shall be final and binding and the expenses of the reference shall be borne as the referee may direct.

Owners of certain pipes may execute works.

24. If within seven days after a notice under the preceding section of this Act has been served upon any company that company so elect they shall themselves execute all such alterations to their mains and pipes as may be necessary for the purposes of this Act and the reasonable costs of executing such alterations shall be repaid to them by the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require) Provided that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the Corporations or Corporation requiring such alterations.

For protection of works of certain electrical companies.

25. For the protection of the Newcastle-upon-Tyne Electric Supply Company Limited the County of Durham Electric Power Supply Company the Newcastle and District Electric Lighting Company Limited and the County of Durham Electrical Power Distribution Company Limited (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Newcastle Corporation or the Gateshead Corporation (as the case may require) and the company apply and have effect:—

Section 71 (For protection of works of Newcastle-upon-Tyne Electric Supply Company Limited) of the Newcastle-upon-Tyne Corporation Act

1904 shall extend and apply to any electric line as defined in the Electricity (Supply) Acts 1882 to 1922 of the Company as if the improvement by this Act authorised were works executed under the powers of Parts III. IV. and V. of that Act and as if the expression "the Corporation" and "the company" in that section meant the two Corporations or the Newcastle Corporation or the Gateshead Corporation as the case may be and the company as defined in this section respectively.

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26. If the two Corporations or the Newcastle Corporation or the Gateshead Corporation widen or alter any street in which an electric line (other than an electric line of any of the companies referred to in the section of this Act of which the marginal note is "For protection of works of certain electrical companies") is laid under the powers of any Act or Order the owners of such line may make such alteration in the position of such line as may be reasonably necessary for the purposes of this Act subject to such provisions (so far as applicable) as apply in the case of altering such line under their existing powers and any costs reasonably incurred by the owners of such line in such alteration shall be defrayed by the two Corporations or the Newcastle Corporation or the Gateshead Corporation (as the case may require).

Alteration
of electric
lines.

27. The two Corporations or the Corporation doing the work may within the limits of deviation defined on the deposited plans and for the purposes of and in connection with the improvement—

Power to
alter steps
areas pipes
&c. and
execute
protective
works.

- (a) raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps pavement lights gratings boundary walls railings fencings windows watercourses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the two Corporations or the Corporation doing the work shall make reasonable compensation to any person who suffers damage by any such alteration;
- (b) execute any works and do any things necessary for the protection of any adjoining land or

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buildings and for the strengthening and supporting of any walls of such buildings.

Carriage-ways foot-ways sewers and other works.

28. Subject to the provisions of this Act the Newcastle Corporation and the Gateshead Corporation may each within their respective areas cause such part of the improvement (other than the part thereof referred to in the section of this Act of which the marginal note is "Power to two Corporations to execute works") to be laid out for carriageway and such part thereof for footway as they may think proper and may upon the lands acquired by or vested in them respectively under the powers of this Act and within the limits of deviation shown on the deposited plans construct erect and provide such vault cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of the improvement and in laying out or forming such carriageways and footways and works the Corporation doing the work may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any urban or road authority when they stop up temporarily any road or thoroughfare or any part thereof in the repairing or repaving of any street.

Improvement to form public streets.

29. When the improvement or any part thereof is completed a certificate thereof shall be issued under the seals of the two Corporations or the seal of the Newcastle Corporation or of the Gateshead Corporation (as the case may require) and any copy of such certificate certified under the hands of the town clerks of the city and of the county borough respectively or of one of them (as the case may require) shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement to which such certificate relates as has been laid out as carriageway or footway shall form part of the street and may be used by the public accordingly.

Power to sell materials.

30. The two Corporations or either of them may sell or dispose of all building and other materials of any houses buildings or structures acquired by them respectively under the powers of this Act and not required for the purposes of the improvement and also all materials in

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under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the two Corporations or either of them under the powers of this Act. A.D. 1924.

31. If the improvement is not completed within six years from the passing of this Act then on the expiration of that period the powers of the two Corporations and of the Newcastle Corporation and the Gateshead Corporation respectively under this Act for the execution of the improvement shall cease except so far as the same shall have been completed. Period for completion of improvement.

32. Subject to the provisions of this Act the Newcastle Corporation as to lands within the city and the Gateshead Corporation as to lands within the county borough may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which the two Corporations or either of them may require for the purposes of the improvement or for providing space for the erection of houses and buildings adjoining or near to the improvement or for the purposes of recoupment or exchange or for other purposes of this Act: Power to take lands.

Provided that all lands so taken and used which are situate within the city shall subject to the provisions of this Act vest in and belong to the Newcastle Corporation and that all lands so taken and used which are situate within the county borough shall subject to the provisions of this Act vest in and be the property of the Gateshead Corporation.

33.—(1) The Newcastle Corporation or the Gateshead Corporation may in lieu of acquiring any lands for the purposes of the bridge where the same is intended to be constructed above the level of the ground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Power to acquire easements only in certain cases.

(2) As regards any lands in respect of which the Newcastle Corporation or the Gateshead Corporation

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A.D. 1924. have acquired easements only under the provisions of this section the Corporation acquiring such easements shall not be entitled to any greater or other extent than shall be provided for in the grant of such easements to alter or interfere with any buildings erected on such lands but the owners or occupiers for the time being shall subject to such easements have at all times the same rights to use and deal with the said buildings and the lands upon which they are erected as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Newcastle Corporation or the Gateshead Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require them to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Compensation in case of recently acquired interest.

34. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):—

(1) The arbitrator shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the first day of April one thousand nine hundred and twenty-four and before the date of the passing of this Act if in the opinion of the arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act:

(2) The arbitrator shall not except as hereinafter provided award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the date of the passing of this Act. Provided that if any person being the owner of or having any estate

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or interest in any lands which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Corporation authorised to acquire the lands of his intention to carry out or execute any improvement alteration or building of or upon or to create any new interest in those lands (such improvement alteration building or new interest being specifically described in the notice) and the Corporation authorised to acquire the lands do not within two months after receiving any such notice serve upon the person giving the same notice to treat for the acquisition of his estate or interest in the said lands—

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(a) the provisions of this subsection shall not apply with respect to the improvement alteration building or new interest described as aforesaid; and

(b) in the event of any subsequent acquisition by the Corporation authorised to acquire the lands under the powers of this Act of the said estate or interest the provisions of subsection (1) of this section shall apply with respect to the compensation payable in respect thereof notwithstanding that the improvement alteration or building was made or erected or the new interest was created after the date of the passing of this Act:—

Provided that public notice of the effect of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and in the county borough and otherwise in such manner as the two Corporations think sufficient.

35. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the two Corporations or either of them of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans or of the houses or other buildings or manufactories of which those properties form part will be sufficient for the required purposes and that such portions or some other portions less than the whole can be severed from the remainder

Owners may be required to sell parts only of certain lands and buildings.

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A.D. 1924. of the said properties without material detriment thereto
— Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the two Corporations or either of them or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Newcastle Corporation or the Gateshead Corporation (as the case may require) that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Newcastle Corporation or to the Gateshead Corporation (as the case may be) such portion only without the Corporation being obliged or compellable to purchase the whole the Newcastle Corporation or the Gateshead Corporation (as the case may require) paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Newcastle Corporation or the Gateshead Corporation (as the case may require) allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which such Corporation have compulsory powers of purchase) can be so severed:
- (4) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can

be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Newcastle Corporation or to the Gateshead Corporation (as the case may be) the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Newcastle Corporation or the Gateshead Corporation (as the case may require) paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :

- (5) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Newcastle Corporation or the Gateshead Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Newcastle Corporation or the Gateshead Corporation (as the case may require) in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in

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consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in, or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Correction
of errors
in deposited
plans and
book of
reference.

36. If there is any omission, misstatement or wrong description of any lands or of the owners, lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Newcastle Corporation or the Gateshead Corporation (as the case may require) after giving ten days notice to the owners, lessees and occupiers of the land in question may apply to two justices acting for the city or for the county borough (as the case may require) for the correction thereof and if it appears to the justices hearing the application that the omission, misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificates shall be deposited with the clerk of the peace for the county of Northumberland or the clerk of the peace for the county of Durham (as the case may require) and a duplicate thereof shall also be deposited with the town clerk of the city or the town clerk of the county borough (as the case may require) and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Newcastle Corporation or the Gateshead Corporation (as the case may require) may take the lands and execute the works in accordance with such certificate.

37. The Newcastle Corporation or the Gateshead Corporation (as the case may require) and their respective surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk of the city or the town clerk of the county borough (as the case may require) may at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards twelve hours previous notice enter upon and into the lands and buildings by this Act authorised to be taken and used as aforesaid for the purpose of surveying and valuing the same without being deemed trespassers and without being subject or liable to any fine penalty or punishment for entering or continuing upon any part of the said lands and buildings.

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Power to two Corporations to enter upon property for survey and valuation.

38. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Newcastle Corporation or the Gateshead Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable shall extend and apply to such easements rights and privileges.

Power to certain persons to grant easements &c. by agreement.

39. Subject to the provisions of this Act the Newcastle Corporation or the Gateshead Corporation may in connection with the powers granted to them respectively by this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the improvement with respect to the sale or purchase by such Corporation of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the two Corporations or either of them under the powers of this Act and not required for the improvement) or any rights or easements in or affecting the same for such consideration as may be agreed upon between the Corporation entering into the agreement and such person and such Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes of this Act.

Agreements with owners of property &c.

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Limitation
of time for
purchase of
lands.

40. The powers of the Newcastle Corporation and the Gateshead Corporation for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of December one thousand nine hundred and twenty-seven.

Purchase of
lands by
agreement.

41. In addition to the lands shown on the deposited plans and described in the deposited book of reference the Newcastle Corporation and the Gateshead Corporation respectively may purchase take on lease or acquire by agreement and may hold any lands not exceeding in the whole five acres in connection with and for the purposes of the improvement or for providing substituted sites or facilities for any persons whose lands may be required by the two Corporations or either of them for the said purposes.

Application
of provi-
sions of
existing
Acts.

42.—(1) The following sections of the following Acts so far as the same are applicable and not inconsistent with the provisions of this Act shall extend and apply mutatis mutandis to and in relation to the lands to be acquired by the Newcastle Corporation or the Gateshead Corporation under the powers of this Act as if the Newcastle Corporation or the Gateshead Corporation (as the case may require) had been referred to in those sections instead of "the Corporation" (that is to say):—

The Newcastle-upon-Tyne Improvement Act 1892—

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

Section 121 (Power to retain sell &c. lands) except the proviso; and

Section 123 (As to consent of Local Government Board to sale &c. of lands):

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).

(2) The said section 121 of the Newcastle-upon-Tyne Improvement Act 1892 in its application to this Act shall extend and apply to any vaults cellars or arches constructed by the two Corporations or either of them under the powers of this Act and all sums received under the provisions of that section in respect of any sale lease

exchange or other disposition by the Newcastle Corporation or the Gateshead Corporation of lands or interests in lands acquired by them under the powers of this Act or of any such vaults cellars or arches as aforesaid shall be paid to the Newcastle Corporation who shall account for and apply the same as provided by this Act.

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43.—(1) If and when the Gateshead Corporation shall acquire the lands numbered on the deposited plans 151 in the county borough or any part thereof they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in so much of the said lands as shall be so acquired :

Removal of
human
remains.

Provided that a Secretary of State on the application of the Gateshead Corporation and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(2) Before proceeding to remove any such remains the Gateshead Corporation shall publish a notice for three successive days in two local newspapers circulating in the county borough to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in so much of the said lands as shall be acquired by the Gateshead Corporation may give notice in writing to the Gateshead Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of Durham to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Gateshead Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the

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(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Gateshead Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Gateshead Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Gateshead Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Gateshead Corporation think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Gateshead Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the county borough as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Gateshead Corporation and that Corporation shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county borough.

As to vesting of bridge.

44. The bridge together with the approaches thereto shall be vested in and be the property of the Newcastle

Corporation and the Gateshead Corporation respectively in the manner and to the extent following (that is to say):—

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(a) So much of the bridge and the approaches thereto as is northward of an imaginary line drawn across the bridge at right angles to the centre line thereof at the point at which the bridge is over the centre of the River Tyne shall be vested in and under the control of the Newcastle Corporation; and

(b) So much of the bridge and the approaches thereto as is southward of the said imaginary line shall be vested in and under the control of the Gateshead Corporation.

45. Unless and except so far as may from time to time be otherwise agreed in writing between the Newcastle Corporation and the Gateshead Corporation—

As to watching lighting and maintenance of improvement.

(a) The bridge and the approaches thereto with the roads over the same shall be watched lighted and cleansed as to so much of the bridge approaches and roads as is situate on the northern side of an imaginary line drawn across the bridge at right angles to the centre line thereof at the point at which the bridge is over the centre of the River Tyne by and at the expense of the Newcastle Corporation and as to so much of the bridge approaches and roads as is situate on the southern side of such imaginary line as aforesaid by and at the expense of the Gateshead Corporation:

(b) The Newcastle Corporation shall maintain and repair the bridge and the approaches thereto and the roads over the same and the Gateshead Corporation shall from time to time repay to the Newcastle Corporation on demand by them sums representing a proportion of the cost incurred by the Newcastle Corporation in connection with such maintenance and repair (excluding from such cost the cost incurred by the Newcastle Corporation as owners of tramways laid in such roads in carrying out their

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obligations under the Tramways Act 1870 to maintain and repair part of such roads and any sums received by the Newcastle Corporation from the owners of any electric lines mains pipes wires or works in respect of the maintenance of the accommodation provided for such lines mains pipes wires or works) equal to the proportion in which the Gateshead Corporation are for the time being liable under the provisions of the section of this Act of which the marginal note is "Contributions by Gateshead Corporation towards interest and sinking fund charges on loans for joint works" to contribute towards such instalments appropriations and payments as are referred to in that section.

No mains or pipes to be laid on new bridge except with consent of two Corporations.

46.—(1) Subject to the provisions of the sections of this Act of which the marginal notes are respectively "Provision for electric lines on bridge" and "For protection of Newcastle-upon-Tyne and Gateshead Gas and Water Companies" no person shall notwithstanding any other enactment enter upon break up or interfere with the bridge and approaches (Work No. 1) by this Act authorised or the carriageway and footways over the same for the purpose of laying down any main pipe or wire or executing any work therein thereon or thereunder except with the consent of the two Corporations in writing and in accordance with such terms and conditions either as to the payment of rent or other valuable consideration or otherwise as the two Corporations may determine. Provided that nothing in this section contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1922.

(2) Any sums to be paid pursuant to this section shall be paid to the Newcastle Corporation who shall account for and apply the same as provided by this Act.

For protection of Postmaster-General.

47.—(1) Notwithstanding anything shown on the deposited plans or contained in this Act the two Corporations or the Newcastle Corporation or the Gateshead Corporation shall not except with the consent in writing of the Postmaster-General enter upon take or use the

property numbered on the said plans 61 in the city and county of Newcastle-upon-Tyne or any part thereof. A.D. 1924.

(2) The two Corporations or either of them shall not raise sink alter divert or otherwise interfere with any telegraphic line or other apparatus belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

(3) Notwithstanding the stopping up of any street or road or any part thereof under the provisions of this Act the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from any such street or road or any part thereof any telegraphic line of the Postmaster-General which is in under upon along over or across the same and the Newcastle Corporation and the Gateshead Corporation (as the case may be) shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other position as shall be satisfactory to the Postmaster-General.

(4) The two Corporations shall in constructing the improvement provide for the accommodation of the telegraphic lines of the Postmaster-General a space not less than three feet wide by two feet deep in the footway of the bridge and approaches (Work No. 1) or of such other dimensions affording a cross sectional area of not less than six square feet as may be agreed between the Postmaster-General and the two Corporations or failing agreement be determined in manner provided by section 6 of the Telegraph Act 1878.

48. For the protection of the Newcastle-upon-Tyne Electric Supply Company Limited and the County of Durham Electric Power Supply Company (in this section collectively and severally referred to as "the company") the following provisions shall unless otherwise agreed between the two Corporations and the company apply and have effect:—

Provision
for electric
lines on
bridge.

(1) In this section the expression "electric lines" has the same meaning as in the Electricity (Supply) Acts 1882 to 1922:

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- (2) The two Corporations in carrying out the construction of the bridge and approaches (Work No. 1) by this Act authorised (which bridge and approaches are in this section included in the expression "the bridge") shall make and maintain provision in a convenient position (having regard to the accommodation available for the company and other undertakers) to be selected by the two Corporations for the accommodation of electric lines of the company consisting of not more than four high tension cables and five auxiliary cables either in the footways of or by attachment to the bridge and the company shall at all reasonable times be entitled to lay down and erect in the accommodation so provided and to maintain renew repair and inspect such electric lines. Provided always that the company shall pay to the Newcastle Corporation (who shall account for and apply the same as provided by this Act) the reasonable cost incurred by the two Corporations in adapting the structure of the bridge for the accommodation of the said electric lines or in providing and fixing and maintaining any racks brackets or other apparatus or works required for the purpose of such accommodation:
- (3) In laying down erecting maintaining renewing or repairing any electric line in the accommodation provided as aforesaid the company shall take all reasonable precautions for preventing any injury or damage to the bridge or any interruption of the tramway service thereon and if any injury damage or interruption arises from the exercise by the company of the powers conferred upon them by this section or from the leakage or failure of any electric line of the company laid or erected thereunder the two Corporations may make good all such injury or damage at the reasonable expense of the company and the company shall indemnify them from all claims for or arising out of any such injury damage or interruption and shall make compensation to the person for the time

[14 & 15 GEO. 5.] *Newcastle-upon-Tyne* [Ch. xcvi.]
and Gateshead Corporations (Bridge) Act, 1924.

being owning or working the tramways on the bridge for and in respect of any such interruption : A.D. 1924.

- (4) If any difference shall arise between the company and the two Corporations or either of them under the provisions of this section the same shall be referred to and determined by an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

49. For the protection of the Newcastle-upon-Tyne and Gateshead Gas Company (in this section called "the gas company") and the Newcastle and Gateshead Water Company (in this section called "the water company") the following provisions shall unless otherwise agreed in writing between the two Corporations and the gas company and the water company respectively apply and have effect (that is to say) :—

For protection of Newcastle-upon-Tyne and Gateshead Gas and Water Companies.

- (1) The two Corporations shall at least one month before they commence the construction of the bridge and approaches (Work No. 1) by this Act authorised (which bridge and approaches are in this section included in the expression "the bridge") give to the gas company and the water company respectively notice of their intention to commence the construction thereof and of the amount of the additional expense not exceeding in the case of the gas company four thousand pounds and in the case of the water company four thousand pounds which the two Corporations require the companies respectively to pay for the provision by the two Corporations in the construction of the bridge under the footways thereof of accommodation for two mains of the gas company each having an internal diameter of twenty-four inches and two mains of the water company each of like diameter :

- (2) The gas company and the water company respectively shall within fourteen days after

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receiving such notice from the two Corporations state in writing to the two Corporations whether they require the two Corporations to provide such accommodation and the two Corporations shall on being so required make provision under the footways of the bridge in a convenient position (having regard to the accommodation available for the gas company and the water company and other undertakers) to be selected by the two Corporations for the accommodation of such two mains of the gas company and the water company respectively or either of them (as the case may be) and the said companies respectively shall at all reasonable times be entitled to lay down in the accommodation so provided and to maintain renew repair and inspect such mains but except as expressly provided by this subsection nothing in this section shall relieve the gas company or the water company from the restrictions imposed by the section of this Act of which the marginal note is "No mains or pipes to be laid on new bridge except with consent of two Corporations":

- (3) On the completion of the bridge the gas company and the water company respectively shall pay to the Newcastle Corporation the additional expense reasonably incurred by the two Corporations in providing such accommodation as aforesaid not exceeding in the case of each company the sum mentioned in subsection (1) of this section with reference to that company and all sums paid to the Newcastle Corporation pursuant to this subsection shall be accounted for and applied by them as provided by this Act:
- (4) In laying down maintaining renewing or repairing any main in the accommodation provided as aforesaid the gas company and the water company shall respectively take all reasonable precautions for preventing any injury or damage to the bridge or any interruption of the tramway service thereon and if any injury damage or interruption arises from the exercise by the gas

company or the water company of the powers conferred upon them respectively by this section or from the leakage or failure of any main of either of the said companies laid thereunder not attributable to any act or omission of the two Corporations or either of them the two Corporations may make good all such injury or damage at the reasonable expense of the company exercising such powers or owning such main and that company shall indemnify the Corporation from all claims for or arising out of any such injury damage or interruption and shall make compensation to the person for the time being owning or working the tramways on the bridge for and in respect of any such interruption :

- (5) Section 35 of the Newcastle-upon-Tyne Corporation Act 1911 except subsections (1) and (3) thereof shall extend and apply to any apparatus of the gas company or of the water company affected by any works authorised by this Act as if such apparatus were apparatus in that section mentioned and as if the bridge and the tramways and any works in connection therewith by this Act authorised were an authorised work or a tramway therein referred to and as if the expression "the Corporation" in that section meant the two Corporations :
- (6) In the event of it becoming necessary by reason of the existence of any of the tramways in any street road or place where any such apparatus shall have been laid before the construction of such tramway for the gas company or the water company respectively to incur any expense in executing any work or laying down repairing altering or removing any apparatus which but for the existence of such tramway it would not have been necessary for them to incur the two Corporations shall from time to time repay to the gas company or the water company (as the case may be) any such expense :
- (7) If any difference shall arise between the two Corporations or either of them and the gas

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company or the water company under the foregoing provisions of this section such difference shall be settled by an engineer to be agreed upon by the two Corporations and the gas company or the water company as the case may be or failing agreement by an engineer appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference after notice to the other of them.

Power to
make tram-
ways.

50. Subject to the provisions of this Act the Newcastle Corporation may lay down use and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways hereinafter described with all necessary and proper works appliances apparatus and conveniences connected therewith or for making working and using the same respectively.

The tramways hereinbefore referred to and authorised by this Act are the following (that is to say):—

Tramway No. 1 A double line (3 furlongs 4·5 chains or thereabouts in length) commencing in the city in Pilgrim Street by a junction with the existing tramway in that street at a point thirty yards or thereabouts south-eastward of the junction of that street with Mosley Street passing thence over the bridge and the approaches thereto and terminating in the county borough in High Street by a junction with the existing tramway of the Gateshead and District Tramways Company at a point opposite the north-easternmost corner of Hills Street:

Tramway No. 2 A double line (1·5 chains or thereabouts in length) wholly in the city commencing in City Road by a junction with the existing tramway in that road at a point 1 chain or thereabouts north-eastward of the junction of that road with Pilgrim Street and terminating in Pilgrim Street by a junction with Tramway No. 1 by this Act authorised

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at a point 1 chain or thereabouts south-eastward of the junction of that street with City Road: A.D. 1924.

Tramway No. 3 A double line (2 chains or thereabouts in length) wholly in the county borough commencing in High Street by a junction with Tramway No. 1 by this Act authorised at a point 1·25 chains or thereabouts north-westward of the junction of that street with Hills Street and terminating in Hills Street by a junction with the existing tramway of the Gateshead and District Tramways Company in that street at a point 1·25 chains or thereabouts south-westward of the junction of Hills Street with High Street.

51. Notwithstanding anything contained in this Act the Newcastle Corporation shall not construct Tramway No. 2 or Tramway No. 3 by this Act authorised until Pilgrim Street and High Street shall respectively have been widened to such an extent that a space of not less than nine feet six inches will intervene between the outside of the footpath and the nearest rail of the said tramways respectively. Tramways Nos. 2 and 3 not to be constructed until streets have been widened.

52. The tramways shall be constructed on a gauge of four feet eight and a half inches and carriages or trucks adapted to run on railways shall not be used thereon. Gauge of tramways.

53. If the tramways shall not be completed and opened for public traffic within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for constructing the same or otherwise in relation thereto shall cease except as to such of the tramways or so much thereof as shall then be completed. Period for completion of tramways.

54. Subject to the provisions of this Act the tramways shall for all purposes be deemed to form part of the tramway undertaking of the Newcastle Corporation and of the Corporation tramways. Tramways to form part of tramway undertaking of Newcastle Corporation.

55. No part of the tramways shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Ministry of Transport. Inspection by Ministry of Transport.

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and Gateshead Corporations (Bridge) Act, 1924.

A.D. 1924.

—
Incorporation of certain sections of former Acts relative to tramways.

56. The following sections of the following Acts (that is to say)—

Of the *Newcastle-upon-Tyne Tramways and Improvement Act 1877*—

- Section 15 (Traffic upon tramways);
- Section 16 (Corporation may use tramways for sanitary purposes &c.);
- Section 18 (Tolls for animals goods &c.);
- Section 19 (Regulations as to tolls);
- Section 20 (Limitation of tolls in case of demise);
- Section 26 (Lessees not to be bound to carry goods &c. unless as provided herein); and
- Section 27 (Provisions as to carriage of goods &c.):

Of the *Newcastle-upon-Tyne Improvement Act 1882*—

- Section 22 (Byelaws as to tramways);
- Section 23 (Penalty for not maintaining rails and road in good condition);
- Section 24 (Application of road materials excavated in construction of works);
- Section 25 (Provisions as to construction of tramways);
- Section 26 (As to rails of tramways);
- Section 28 (Passengers' luggage); and
- Section 29 (Penalties under the tramway provisions):

Of the *Newcastle-upon-Tyne Tramways and Improvement Act 1899*—

- Section 13 (Temporary tramways);
- Section 14 (Junctions with tramways which can be worked in connection with Corporation tramways);
- Section 19 (Provisions as to motive power);
- Section 20 (Special provisions as to use of electrical power);
- Section 25 (Powers of sale working &c.);
- Section 26 (Powers as to supply of electric energy);
- Section 27 (Power to Corporation to work tramways); and
- Section 29 (As to fares on Sundays or holidays):

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and Gateshead Corporations (Bridge) Act, 1924.

Of the Newcastle-upon-Tyne Corporation Tramways A.D. 1924.
Extensions Act 1902—

- Section 12 (Rates for passengers);
- Section 13 (Periodical revision of rates and charges);
- Section 20 (Power to construct and provide appliances);
- Section 22 (Cheap fares for labouring classes);
- Section 23 (Payment of tolls);
- Section 25 (Local authority to have access to sewers); and
- Section 35 (Penalty for malicious damage):

Of the Newcastle-upon-Tyne Corporation Act
1904—

- Section 14 (Corporation may reduce width of footway for constructing tramway);
- Section 16 (Power to lay down double or interlacing lines in place of single lines and vice versâ); and
- Section 17 (Crossovers to be constructed in certain cases):

Of the Newcastle-upon-Tyne Corporation Act
1911—

- Section 13 (Power to make additional crossings &c.);
- Section 21 (For protection of Post Office telegraph lines);
- Section 22 (Use of tramway posts by Postmaster-General); and
- Section 34 (Alteration of telegraph lines of Postmaster-General):

Of the Newcastle-upon-Tyne Corporation Act
1914—

- Section 11 (As to erection of posts &c. on carriageway);
- Section 13 (Mechanical power works to be subject to sections 30 and 33 of Tramways Act 1870);
- Section 14 (Where mains &c. require alteration owning company may do the work);

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shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways:

Provided that the powers of the said section 14 of the Newcastle-upon-Tyne Tramways and Improvement Act 1899 shall not as respects the tramways be exercised except with the consent of the Minister of Transport.

For protec-
tion of
Gateshead
and District
Tramways
Company.

57. For the protection of the Gateshead and District Tramways Company or other the owners for the time being of the tramways and light railways of that company in the borough of Gateshead (all of whom are in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company on the one hand and the Newcastle Corporation or the two Corporations (as the case may require) on the other hand have effect (that is to say):—

- (1) The junctions of Tramways Nos. 1 and 3 by this Act authorised with the existing tramway of the company shall be made at the expense of the Newcastle Corporation in such manner as that Corporation and the company may agree or as in default of agreement may be determined by a referee to be appointed in manner provided by section 33 of the Tramways Act 1870:

The said junctions and any points or crossings forming part thereof shall be and remain the property of the Newcastle Corporation and shall be maintained and repaired by them but unless and until through running between the tramways of the company and of the Newcastle Corporation shall be established the said junctions and points or crossings shall be under the control and management of the company:

- (2) If by reason of the making of the said junctions the turnout of the company in High Street shall cease to be used for the purpose of the undertaking of the company the Newcastle Corporation shall purchase from the company the said turnout upon terms of paying to the

company a sum equal to the capital moneys properly expended by the company in the construction thereof less depreciation at the rate of five per centum per annum calculated from the date of construction :

A.D. 1924.

- (3) If by reason of the carrying out of any of the joint works it shall become reasonably necessary for the protection of any cables wires ducts poles or tramways forming part of the undertaking of the company which may be interfered with by the execution of the joint works or the laying of the tramways to alter the position of such cables wires ducts poles or tramways the two Corporations or the Gateshead Corporation (as the case may require) shall (unless the work of alteration shall be carried out by the two Corporations under the powers of this Act) on demand repay to the company the cost reasonably incurred by them in making such alteration Any difference between the company on the one hand and the two Corporations or the Gateshead Corporation on the other hand under this subsection shall be determined by a referee to be appointed in manner provided by section 33 of the Tramways Act 1870.

58. The Newcastle Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

Accounts to be furnished to Minister of Transport.

59. The Gateshead Corporation shall if they so decide be entitled to purchase Tramway No. 3 and the portion of Tramway No. 1 by this Act authorised which will be situate in the county borough at the same time as they shall purchase the existing tramways in the county borough upon terms of paying to the Newcastle Corporation a sum equal to the capital moneys properly expended by the Newcastle Corporation in the construction of the said Tramway No. 3 and portion of Tramway No. 1 and the overhead equipment for the same The provisions of this section shall be in addition to and not in substitution for the provisions of section 43 of the Tramways Act 1870,

As to purchase by Gateshead Corporation of parts of tramways.

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and Gateshead Corporations (Bridge) Act, 1924.

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For protec-
tion of
London and
North
Eastern
Railway
Company
in respect of
execution of
works &c.

60. For the protection of the London and North Eastern Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Newcastle Corporation and the company be observed and have effect (that is to say) :—

(1) Except as hereinafter mentioned the Newcastle Corporation shall not without the consent in writing of the company (which consent shall not be unreasonably withheld) enter upon take or interfere with any railway of the company nor shall they take any property of the company but they may purchase and take and the company shall grant such right or easement over upon or in respect of any lands or property of the company delineated on the deposited plans as shall be necessary for the purpose of the construction and use of any of the works by this Act authorised including the tramways (hereinafter referred to as "the said works") :

(2) The extension and alteration of the company's bridge over Pilgrim Street shall be made by the Newcastle Corporation under the direction and superintendence and to the reasonable satisfaction of and at such times and in such manner as the engineer of the company may reasonably require and in accordance with plans drawings and specifications previously submitted to and reasonably approved by him and the Newcastle Corporation shall not in the construction and maintenance of the said works endanger or interfere with the safe user of the company's railway or interrupt the traffic thereon nor to a greater extent than may be unavoidable obstruct hinder or interfere with such traffic and the Newcastle Corporation shall during the construction of the said works execute all such temporary works as shall be reasonably necessary for the purpose of avoiding risk to the railway or interruption to the traffic thereon and they shall pay and make good to the company all loss and damages and all expenses which the company shall reasonably sustain or be put to by reason of the construction or

maintenance of the said works (including the cost of superintendence watching and signalling):

A.D. 1924

- (3) The Newcastle Corporation shall bear and pay the amount by which the reasonable cost incurred by the company in maintaining the altered bridge exceeds the cost which would from time to time have been incurred by the company in maintaining the existing bridge:
- (4) Notwithstanding anything contained in the section of this Act of which the marginal note is "Deviation from lines and levels" neither the Newcastle Corporation nor the two Corporations shall in constructing the said works where the same cross the company's railway deviate without the consent in writing of the company (which consent shall not be unreasonably withheld) from the centre line as shown on the deposited plans or upwards from the levels as shown upon the deposited sections:
- (5) If the company give to the Newcastle Corporation notice that the company desire to carry out the whole or any part of the alteration of the company's bridge over Pilgrim Street or to carry out such temporary works as are reasonably necessary in connection therewith the company may themselves execute any such works as are referred to in such notice and may recover from the Newcastle Corporation the reasonable cost incurred by them in so doing. The Newcastle Corporation shall afford to the company every reasonable facility including the temporary provision of such land as may be required by the company for the temporary diversion of the company's lines of railway while the alteration of the company's bridge is being carried out:
- (6) The company shall not be responsible for lateral and vertical support for the works by this Act authorised:
- (7) If the Newcastle Corporation acquire the whole or any part of the lands numbered 27 28 29 30 34 35 36 37 66 69 70 71 72 73 74 and 104 on

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the deposited plans the company shall have the option at any time within one year after the completion of the said works to purchase from the Corporation at cost price such part of the said lands as is not required for the construction or user of any of the said works of a permanent character:

- (8) In the construction of the said works the Newcastle Corporation or the two Corporations as the case may be shall make such provision as the company may reasonably require in respect of any future widening (not exceeding thirty feet on each side) of the company's existing railway where the same passes over such works so as to enable such widening to be made with an adequate headway over the said works without raising the widened railway above the level of the existing railway and the Newcastle Corporation or the two Corporations as the case may require shall afford to the company all reasonable facilities in respect of obtaining powers for and executing and maintaining any such widening and shall pay to the company any additional cost to which the company may be reasonably put in making any such widening beyond that which the company would have had to incur if the said works had not been constructed:

- (9) Nothing contained in the sections of this Act of which the marginal notes respectively are—

“ Power to stop up streets ”;

“ Incidental works ”;

“ Power to alter and pull down buildings and to stop up streets ”;

“ Power temporarily to stop up or interfere with roads &c. for purposes of the improvement ”;

shall authorise either the Newcastle Corporation or the two Corporations in carrying out any works authorised by those sections or in exercising any of the powers of those sections unreasonably to obstruct or interfere with any

street or road belonging to the company or the access to or exit from any station or depôt of the company :

A.D. 1924.

(10) The provisions of the sections of this Act of which the marginal notes respectively are—

“ Incidental works ” ;

“ Underpinning of houses near works ” ;

“ Alteration of position of water gas and other pipes ” ;

“ Owners of certain pipes may execute works ” ;

“ Power to alter steps areas pipes &c. and execute protective works ” ;

“ Carriageways footways sewers and other works ” ;

“ Power to sell materials ” ;

in so far as they may apply to or affect any railway or other property of the company shall not be exercised except in accordance with the reasonable requirements of the company :

(11) The provisions of the section of this Act of which the marginal note is “ Power to two Corporations to enter upon property for survey and valuation ” shall not be exercised in respect of any railway or other property of the company without their consent in writing (which shall not be unreasonably withheld) and the Newcastle Corporation shall indemnify the company against all claims for accident and personal injury sustained by the respective surveyors officers workmen or other persons authorised by the Newcastle Corporation in accordance with the provisions of the said section :

(12) The Newcastle Corporation shall not construct any vaults cellars or arches under the railway of the company or the bridge carrying that railway over Pilgrim Street when widened :

(13) If any difference shall arise under the foregoing provisions of this section between the Newcastle Corporation or the two Corporations and the

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company the matter in difference shall be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to any such arbitration.

For protection of London and North Eastern Railway Company in respect of construction &c. of Tramway No. 1.

61. For the further protection of the London and North Eastern Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Newcastle Corporation and the company be observed and have effect:—

The provisions of subsections (1) (3) (6) (7) and (9) of section 17 (For protection of North Eastern Railway Company as to tramways) of the Newcastle-upon-Tyne Corporation Act 1911 shall extend and apply in all respects to the construction working use and maintenance of Tramway No. 1 by this Act authorised in the same manner and to the same extent as if the provisions contained in the said subsections had been re-enacted in this Act with reference to that tramway.

For further protection of London and North Eastern Railway Company.

62. For the further protection of the London and North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Newcastle Corporation and the company apply and have effect:—

(1) From and after the opening for traffic of the tramways by this Act authorised over the bridge the Newcastle Corporation shall in lieu of the payments provided for by paragraph 2 of the agreement dated the fourth day of August one thousand nine hundred and twenty and made between the Newcastle Corporation and the company and by subsection (5) of section 11 of the Newcastle-upon-Tyne Corporation Act 1920 pay to the company a fixed annual sum of ten thousand pounds to be payable half-yearly on the first day of January and the first day of July in every year. Provided that at any time after the expiration of fifteen years from the opening for traffic of the said tramways the said annual sum shall be subject to revision at the instance

of the Newcastle Corporation or the company and failing agreement the amount thereof and the periods for subsequent revision shall be determined by an arbitrator who shall have regard to all the circumstances of the case and who shall be appointed on the application of either party by the Minister of Transport and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

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- (2) From and after the opening for traffic of the said tramways paragraphs 1 and 2 of the said agreement and subsections (5) and (6) of section 11 of the said Act of 1920 shall cease to have any force or effect :
- (3) The fare charged for any stage which includes any part of the tramway on the High Level Bridge shall exceed one halfpenny :
- (4) The Company shall not charge any toll in respect of any tramcar crossing the High Level Bridge or any passengers conveyed thereby :
- (5) So long as the Newcastle Corporation continue to work their tramways over the High Level Bridge the company shall not run any omnibuses trolley vehicles or other vehicles for the conveyance of passengers over the roadway on the said bridge and shall not apply for powers to authorise such running or agree with any other company body or person for the running of any such vehicles :
- (6) The payments to be made by the Newcastle Corporation to the company under this section shall be deemed to be in full satisfaction and discharge of all claims by the company for compensation in regard to loss of tolls arising out of the construction or use of the bridge or the tramways thereover.

63.—(1) The Newcastle Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of

Power to
Newcastle
Corporation
to borrow.

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A.D. 1924. interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely) :—

1 Purpose.	2 Amount.	3 Charges.	4 Period for repayment.
	£		
(a) For the execution of the joint works and the acquisition of lands therefor - - -	928,000	The city fund and the city rate.	Sixty years from the date or dates of borrowing.
(b) For the execution of the Newcastle approach works and the acquisition of lands therefor -	45,000		
(c) For the construction of the tramways - - -	19,000	The tramway revenue and the city fund and the city rate	Twenty years from the date or dates of borrowing.
(d) For the equipment of the tramways - - -	3,000		
(e) For paying fourteen-fifteenths of the costs charges and expenses of this Act as hereinafter defined - - -	The sum requisite.	The city fund and the city rate.	Five years from the passing of this Act.
(f) For paying the remaining one-fifteenth of the said costs charges and expenses		The tramway revenue and the city fund and the city rate.	

(2) (a) The Newcastle Corporation may also borrow such further sums as they may from time to time require for any of the purposes of this Act with the consent as respects sums to be borrowed for the purposes (a) and (b) referred to in the foregoing table of the Minister of Health and as respects sums to be borrowed for the purposes (c) and (d) referred to in that table of the Minister of Transport.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent such money is borrowed

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and that period shall be the prescribed period for the purposes of the enactments incorporated herewith. A.D. 1924.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Newcastle Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister with whose consent such money is borrowed.

64. The following sections of the following Acts (that is to say):—

Of the Newcastle-upon-Tyne Improvement Act 1892—

Section 145 (Corporation not to regard trusts).

Of the Newcastle-upon-Tyne Tramways and Improvement Act 1899—

Section 79 (Sinking fund for moneys borrowed and hereafter to be borrowed);

Section 80 (Provision as to increase and reduction of payments to sinking funds);

Section 82 (Power to borrow under Local Loans Act 1875);

Section 83 (Power to re-borrow) as amended by section 102 (Amendment of section 83 of Act of 1899) of the Act of 1904;

Section 85 (Application of borrowed moneys);

Section 86 (Appointment of receiver);

Section 87 (Saving of charges); and

Section 90 (Protection of lenders from inquiry).

Of the Newcastle-upon-Tyne Tramways Extensions Act 1902—

Section 44 (Audit of accounts).

Of the Newcastle-upon-Tyne Corporation Act 1911—

Section 85 (Provision as to mortgages);

shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to the moneys borrowed by the Newcastle Corporation under the powers of this Act and to the repayment thereof.

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Inquiries by
Minister of
Health.

65.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Newcastle Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

(3) If the Newcastle Corporation shall under the provisions of subsection (2) of this section make any payment to the Minister of Health in relation to the borrowing of money for the purposes (a) and (b) referred to in the table set forth in subsection (1) of the said section of this Act of which the marginal note is "Power to Newcastle Corporation to borrow" or for either of those purposes the Gateshead Corporation shall pay to the Newcastle Corporation a sum bearing to the amount so paid by the Newcastle Corporation the same proportion as that in which the Gateshead Corporation are for the time being liable to make contributions pursuant to subsection (2) of the section of this Act of which the marginal note is "Contributions by Gateshead Corporation towards interest and sinking fund charges on loans for joint works."

Newcastle
Corporation
to provide
money for
capital ex-
penditure by
Gateshead
Corporation
for purposes
of improve-
ment.

66. The Newcastle Corporation shall from time to time pay to the Gateshead Corporation out of money to be borrowed by the Newcastle Corporation under the powers of this Act such sums of money as the Gateshead Corporation may require for expenditure properly chargeable to capital account for the purposes of so much of the improvement as is to be executed by the Gateshead Corporation and the acquisition of land therefor.

Contribu-
tions by
Gateshead
Corporation
towards in-

67.—(1) As soon as practicable after the thirty-first day of March and the thirtieth day of September in each year after they shall have borrowed any moneys under the powers of this Act for the purposes (a) and (e) men-

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and Gateshead Corporations (Bridge) Act, 1924.

tioned in the table set forth in subsection (1) of the section of this Act of which the marginal note is "Power to Newcastle Corporation to borrow" or for either of those purposes the Newcastle Corporation shall deliver to the Gateshead Corporation an account showing (i) the total amount so borrowed (ii) the total amount of interest paid or payable thereon by the Newcastle Corporation in respect of the period of six months ending on the said date (in this section referred to as a "financial period") (iii) the total amount of the instalments or appropriations to sinking funds paid or set aside and of the cost of management of loans incurred by the Newcastle Corporation during that financial period in respect of the moneys so borrowed (iv) the amount for the time being outstanding of the moneys so borrowed and (v) the sum (to be ascertained as hereinafter provided) payable by the Gateshead Corporation pursuant to this section as a contribution towards the said amounts of interest instalments and appropriations.

A.D. 1924.
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terest and
sinking fund
charges on
loans for
joint works.

(2) (a) In respect of each financial period completed before the date on which both in the city (other than the township of Walker) and the county borough a re-assessment for rating purposes of all rateable hereditaments shall come into force the Gateshead Corporation shall pay to the Newcastle Corporation a sum bearing to the aggregate amount of the sums specified under the heads (ii) and (iii) referred to in subsection (1) of this section in the account relating to that financial period delivered by the Newcastle Corporation to the Gateshead Corporation as aforesaid the same proportion as the total rateable value of all rateable hereditaments in the county borough as ascertained at the first day of April one thousand nine hundred and twenty-four bore to the aggregate rateable value as ascertained at that date of all rateable hereditaments in the city and the county borough.

(b) In respect of the first financial period in which any such re-assessment as aforesaid comes into force and of each subsequent financial period the Gateshead Corporation shall pay to the Newcastle Corporation a sum bearing to the aggregate amount of the sums specified as aforesaid in the account relating to that financial period delivered by the Newcastle Corporation to the Gateshead Corporation as aforesaid the same proportion as the total rateable value of all rateable hereditaments

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A.D. 1924. in the county borough as ascertained at the commencement of that financial period bears to the aggregate rateable value as so ascertained of all rateable hereditaments in the city and the county borough.

If any difference shall arise between the Newcastle Corporation and the Gateshead Corporation as to the financial period in which the provisions of this paragraph are to commence to operate such difference shall be determined on the application of the two Corporations or either of them by the Minister of Health.

(3) The sum payable by the Gateshead Corporation under the provisions of this section in respect of each financial period shall be paid by them to the Newcastle Corporation within one month after the date on which the account showing the amount payable in respect of that financial period is delivered by the Newcastle Corporation to the Gateshead Corporation and if not so paid shall on the expiration of the said period of one month be a debt due from the Gateshead Corporation to the Newcastle Corporation and shall be recoverable by the Newcastle Corporation in any court of competent jurisdiction with interest thereon at the rate of five per centum per annum from the expiration of the said period of one month.

(4) All sums payable by the Gateshead Corporation under the provisions of this section shall be charged upon and payable out of the district fund and the general district rate of the county borough.

As to proceeds of sale of lands &c.

68.—(1) The Gateshead Corporation shall pay to the Newcastle Corporation (i) the net proceeds of the sale exchange or disposition by the Gateshead Corporation of any lands acquired by them under the powers of this Act and of the sale of any building or other materials of any houses buildings or structures so acquired and (ii) any sums received by the Gateshead Corporation by way of rent or other periodical payment for any such lands houses buildings or structures as aforesaid or for any vaults cellars or arches let on lease by them under the powers of this Act.

(2) (a) The Newcastle Corporation shall apply in or towards the repayment of any moneys borrowed for the purposes of the joint works or the acquisition of lands

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therefor and for the time being outstanding all such net proceeds of sale exchange or disposition as are referred to under head (i) in subsection (1) of this section and the net proceeds of the sale exchange or disposition by the Newcastle Corporation of any lands acquired by that Corporation under the powers of this Act for the purposes of the joint works and of the sale of any building or other materials of any houses buildings or structures so acquired and all sums received by the Newcastle Corporation (otherwise than by way of rent or other periodical payment or consideration) for any main pipe or wire laid in the bridge or the approaches thereto or any accommodation provided therein for any such main pipe or wire. A.D. 1924.

(b) The Newcastle Corporation shall apply in or towards the repayment of any moneys borrowed for the purposes of the Newcastle approach works or the acquisition of lands therefor and for the time being outstanding the net proceeds of sale exchange or disposition by them of any lands acquired by them under the powers of this Act for the purposes of those works and the net proceeds of the sale of any building or other materials of any houses buildings or structures so acquired.

(c) All such sums paid by the Gateshead Corporation to the Newcastle Corporation as are referred to under head (ii) of subsection (1) of this section shall be deemed to have been so paid on account and as part of the sum payable by the Gateshead Corporation to the Newcastle Corporation under the provisions of the section of this Act of which the marginal note is "Contributions by Gateshead Corporation towards interest and sinking fund charges on loans for joint works" in respect of the half-yearly periods in which such first-mentioned sums are respectively paid.

(d) All sums received by the Newcastle Corporation (i) by way of rent or other periodical payment for any lands houses buildings or structures acquired by them under the powers of this Act for the purposes of the joint works or for any vaults cellars or arches situate in or under any lands so acquired and let on lease by them or (ii) by way of rent or other periodical payment or consideration for any main pipe or wire laid in the bridge or the approaches thereto shall be applied by the Newcastle Corporation in or towards the interest on and instalments

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A.D. 1924. — or appropriations to sinking funds in respect of moneys borrowed for the purposes of the joint works and credit shall be given for any sums so received in the account delivered by the Newcastle Corporation to the Gateshead Corporation under the provisions of the section of this Act of which the marginal note is “Contributions by Gateshead Corporation towards interest and sinking fund charges on loans for joint works” next after the date of receipt of the said sums respectively.

Expenses of execution of Act.

69. All expenses incurred by the two Corporations respectively in carrying into execution the provisions of this Act (including all costs charges and expenses of and in relation to the borrowing of any moneys under the powers of this Act and all interest on and all instalments appropriations and sinking fund payments in respect of such borrowed moneys) other than such of them as are properly chargeable to capital and payable out of borrowed moneys shall except as otherwise provided by this Act be paid as follows (that is to say):—

(a) As respects the Newcastle Corporation—

(i) As to expenses of and in relation to the tramways out of the tramway revenue in manner provided by section 91 (Tramway undertaking accounts and revenue) of the Newcastle-upon-Tyne Corporation Act 1911 and if and so far as that revenue proves insufficient for the purpose out of the city fund and the city rate;

(ii) As to all other expenses out of the city fund and the city rate;

(b) As respects the Gateshead Corporation out of the borough fund and the borough rate and the district fund and the general district rate of the county borough in such proportions as the Gateshead Corporation may from time to time determine or out of either of those funds and rates.

Incorporation of section 94 of Act of 1899.

70. Section 94 (Annual estimate for tramways) of the Newcastle-upon-Tyne Tramways and Improvement Act 1899 shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways.

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71. Except with the consent of the Newcastle-upon-Tyne Electric Supply Company Limited the powers conferred upon the Newcastle Corporation by subsection (1) of section 107 of the Newcastle-upon-Tyne Corporation Act 1904 shall not apply to the parts of the tramways outside the existing city boundary so long as the Newcastle Corporation are taking a supply of electrical energy in pursuance of the provisions of subsection (3) section 101 of the Newcastle-upon-Tyne Corporation Act 1911.

A.D. 1924.

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Saving rights of Newcastle-upon-Tyne Electric Supply Company Limited.

72. Notwithstanding anything to the contrary in section 107 of the Newcastle-upon-Tyne Corporation Act 1904 or in section 101 of the Newcastle-upon-Tyne Corporation Act 1911 or in any other Act contained the Newcastle Corporation shall not without the consent in writing of the County of Durham Electric Power Supply Company and the undertakers for the time being of the Gateshead Electric Lighting Order 1899 for the purposes of this Act use within or supply within or for use within the county borough any electrical energy generated by them or supplied to them under or in pursuance of the provisions of the said section 101:

Saving for County of Durham Electric Power Supply Company and electrical undertakers in county of Durham.

Provided that nothing in this section shall authorise the said County of Durham Electric Power Supply Company to supply electricity within the city without the consent in writing of the Newcastle Corporation.

73. Subject to the provisions of this Act the two Corporations may enter into and carry into effect agreements with respect to the construction maintenance and use of the improvement or any part thereof or otherwise in relation to the exercise of the powers of this Act.

Power to two Corporations to enter into agreements for purposes of Act.

74. Nothing in this Act contained shall exempt the Newcastle Corporation or the tramways from the provisions of any general Act relating to tramways passed before or after the passing of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Provision as to general Tramway Acts.

75. Sections 77 to 85 both inclusive of the Railways Clauses Consolidation Act 1845 as amended by the

Crown minerals.

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A.D. 1924. — Mines (Working Facilities and Support) Act 1923 shall in the case of any minerals in relation to which His Majesty is the mine owner or royalty owner and which are under the management of the Commissioners of Woods apply as if those Commissioners were the mine owners or royalty owners as the case may be and so that any compensation payable by the two Corporations or either of them to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the two Corporations or either of them by His Majesty as such owner shall be payable to or by the Commissioners of Woods as the case may be.

Crown
rights.

76. Except as hereinbefore expressly provided nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the two Corporations or either of them to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of
Act.

77. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Newcastle Corporation in the first instance as to fourteen-fifteenths thereof out of the city fund and city rate and as to the remaining one-fifteenth thereof wholly or partly out of the tramway revenue and the said fund or rate and any sums so paid shall be repaid or transferred to the tramway revenue or to the city fund (as the case may be) out of moneys to be borrowed under the provisions of this Act as hereinbefore provided.

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and Gateshead Corporations (Bridge) Act, 1924.

The SCHEDULE referred to in the foregoing Act. A.D. 1924.

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Area.	Numbers on deposited Plans.
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County borough of Gateshead -	135 138 140 141 151 185 187 195 197 218 220 223 and 224.

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