

[19 & 20 GEO. 5.] *Jarrow and South Shields* [Ch. lxvii.]  
*Light Railways (Abandonment) Act, 1929.*



## CHAPTER lxvii.

An Act to provide for the abandonment of the railways authorised by the Jarrow and South Shields Light Railways Order 1901 to repeal the said Order and for other purposes.

A.D. 1929.

[10th May 1929.]

**W**HEREAS by the Jarrow and South Shields Light Railways Order 1901 (hereinafter referred to as "the Order of 1901") the British Electric Traction Company Limited (hereinafter referred to as "the Traction Company") were authorised to construct a system of light railways in the borough of Jarrow and the borough (now county borough) of South Shields :

And whereas the Traction Company constructed the railways authorised by the said Order of 1901 other than the railways numbered 1B 2 and 2A and by an order of the Board of Trade dated the sixteenth day of May nineteen hundred and eleven it was directed that the powers of the Traction Company under the Order of 1901 should cease so far as regards the said railways 1B 2 and 2A :

And whereas the undertaking authorised by the Order of 1901 and the lands and other property of the Traction Company forming part of that undertaking (including the railways so constructed as aforesaid) were transferred by the Traction Company to the Jarrow and District Electric Traction Company Limited (hereinafter referred to as "the Company") by a deed of

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A.D. 1929. conveyance dated the thirteenth day of February nineteen hundred and twelve and made with the approval of the Board of Trade under section 77 of the Order of 1901 :

—  
And whereas the railways so constructed as aforesaid are situate in public roads except a portion of the railway numbered 4 authorised by the Order of 1901 which portion of railway is situate in lands belonging to the Company and on a bridge constructed by the Company over the river Don and the said railways constitute a tramway system which is worked by the Company by means of electricity supplied by the overhead system :

And whereas it is expedient that the said railways be abandoned and that the other provisions of this Act be enacted :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 :—

Short title.

1. This Act may be cited as the Jarrow and South Shields Light Railways (Abandonment) Act 1929.

Interpretation.

2. In this Act the following expressions have the meanings hereinafter mentioned (that is to say) :—

“ The Company ” means the Jarrow and District Electric Traction Company Limited ;

“ The Order of 1901 ” means the Jarrow and South Shields Light Railways Order 1901 ;

“ The railways ” means the railways constructed under the powers of the Order of 1901 ;

“ Equipment ” means posts standards brackets cables wires works and apparatus forming part of or provided and used in connection with the railways but does not include the rails and paving setts thereof ;

“ The Don Bridge ” means the bridge carrying railway No. 4 authorised by the Order of 1901 over the river Don and includes the piers and abutments of the bridge ;

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- “ The Don section ” means the portion of the said railway No. 4 which is situate in lands of the Company on the north-east side of the new public road recently constructed from Church Bank Jarrow to Swinburne Street South Shields and extends from St. Paul’s Churchyard Jarrow across the river Don to the point where the said railway re-enters the said new road eastwards of the junction of Swinburne Street aforesaid and the Causeway and includes the portion of the said railway No. 4 situate on the Don Bridge; A.D. 1929.
- “ The South Shields Corporation ” means the mayor aldermen and burgesses of the county borough of South Shields;
- “ The Jarrow Corporation ” means the mayor aldermen and burgesses of the borough of Jarrow;
- “ The two corporations ” means the South Shields Corporation and the Jarrow Corporation;
- “ The county council ” means the county council of the administrative county of Durham;
- “ The date of abandonment ” means the date on which the working of the railways shall be discontinued under the next succeeding section of this Act;
- “ The Minister ” means the Minister of Transport;
- “ Road authority ” means with reference to any road or bridge with the immediate approaches thereto or any part thereof the authority company or person charged with or liable to contribute to the maintenance of such road or bridge with the immediate approaches thereto or any part thereof.

3.—(1) The Company shall at a date (to be determined by them) not later than the thirty-first day of December nineteen hundred and twenty-nine abandon and discontinue the working of the railways. Abandonment of railways.

(2) As from the date of abandonment all powers obligations and liabilities of the Company in relation to the railways and the rails paving setts and equipment thereof or the maintenance of the roads and footpaths

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A.D. 1929. — in which the railways or the equipment are situate existing under or by virtue of the Order of 1901 or any other Order Act lease agreement or other instrument whatsoever shall (except as otherwise expressly provided in this Act) cease and determine and the provisions of the next succeeding section of this Act shall have effect.

(3) The Company shall not less than one month before the date of abandonment give notice in writing to the South Shields Corporation the Jarrow Corporation and the county council of their intention to abandon and discontinue the working of the railways on that date.

Provisions  
consequent  
on abandon-  
ment of  
railways.

4.—(1) Subject to the provisions of subsections (4) and (5) of this section and except as may be otherwise agreed between the Company and the two corporations and the county council or any of them under the next succeeding section of this Act the Company—

- (i) shall within six months from the date of abandonment or within such longer period as may be agreed between the Company and the road authority concerned take up and remove the railways and the rails and paving setts thereof and the equipment other than any underground cables wires works and apparatus; and
- (ii) may within the said period of six months or such longer period as aforesaid take up and remove any underground cables wires works and apparatus forming part of the equipment.

(2) The Company shall with all convenient speed after any such taking up and removal under subsection (1) of this section fill in the ground and make good the surface of and to the reasonable satisfaction of the road authority restore the portion of the road or footpath disturbed by such taking up and removal to as good a condition as that in which it was in the year nineteen hundred and five before the rails paving setts and equipment so taken up and removed were laid or placed therein and clear away all surplus paving metalling or other material or rubbish occasioned by such work and in the meantime cause the place where the road or footpath is opened or broken up to be fenced and watched and properly lighted at night.

(3) If the Company fail to comply with their obligations under paragraph (i) of subsection (1) of this section

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within the period of six months from the date of abandonment or such longer period as may be agreed with the road authority or fail to comply with their obligations under subsection (2) of this section within the period of one month after the expiration of the said six months or longer period as aforesaid or after compliance with the said paragraph (i) (whichever is the earlier) the road authority may at any time after such respective periods themselves do the works and things necessary for complying with such obligations and may recover from the Company the cost reasonably incurred by them in so doing. A.D. 1929.  
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(4) Notwithstanding anything in the foregoing provisions of this section the following provisions shall have effect :—

- (a) The Company may with the approval of the road authority concerned leave in the roadway all or any part of the rails and paving setts of the railways ;
- (b) If at any time before or within one month after the date of abandonment either of the two corporations shall give notice to the Company that they desire for the purpose of supplying electricity or of supporting any overhead wires or cables or for any other purpose that any of the overhead equipment on any road or footpath in their borough shall not be removed by the Company then the Company shall sell and the corporation giving the notice shall purchase the overhead equipment to which the notice relates on terms to be agreed between the corporation and the Company or failing agreement to be determined by a single arbitrator to be agreed between the parties or (failing agreement) to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Electrical Engineers ;
- (c) Subject to the provisions of paragraph (b) of this subsection the Company may enter into and carry into effect agreements with any authorised undertakers (as defined in the Electricity (Supply) Act 1919) empowered to lay electric wires or cables in any road or footpath in which any



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part of the equipment is situated for the sale subject to the approval of the road authority (which approval shall not be unreasonably withheld) of any part of the equipment (whether underground or overground) and on the execution of any such agreement any part of the equipment comprised therein shall vest in the authorised undertakers subject nevertheless to the provisions of any Act or Order which would have applied to such part of the equipment if it had been laid or placed in such road or footpath by the authorised undertakers;

(d) The Company may subject to the provisions of paragraph (b) of this subsection appropriate and use for the purposes of their business any rails and paving setts of the railways and any equipment taken up and removed by them and may sell or otherwise dispose of any such rails paving setts and equipment whether or not so taken up and removed.

(5) (i) If any underground cables wires works and apparatus forming part of the equipment be not taken up and removed by the Company under the provisions of this section then as from the date of abandonment or (ii) if any rails and paving setts be left in any roadway by agreement with the road authority under paragraph (a) of subsection (4) of this section then as from the date of such agreement or (iii) if any part of the overhead equipment be purchased by either of the two corporations under paragraph (b) of the said subsection (4) or by any authorised undertakers under paragraph (c) of that subsection then as from the date of such purchase any and every obligation or liability imposed on the Company by the Order of 1901 or this Act or any other Act Order lease agreement or instrument whatsoever with respect to the maintenance or the taking up and removal of or otherwise relating to such equipment or rails and paving setts (as the case may be) shall cease and the provisions of the Order of 1901 (except as otherwise expressly provided by this Act) and of the Acts incorporated with that Order shall cease to apply to such equipment or rails and paving setts.

(6) If any difference shall arise between the Company and any road authority under subsection (2) of this

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section or under paragraph (c) of subsection (4) of this section as to whether any approval of any road authority has been unreasonably withheld the difference shall on the application of any party thereto be referred to and determined by the Minister whose decision shall be final. A.D. 1929.  
—

5. The Company on the one hand and the two corporations and the county council or any of them on the other hand may enter into and carry into effect agreements for and with respect to the removal or non-removal of any of the railways and the rails paving setts and equipment forming part thereof or connected therewith and the reinstatement of the road or footpath in which any such railway rails paving setts or equipment is or are situate and for and with respect to any other of the purposes or provisions of the immediately preceding section of this Act. Agreements with corporations and county council.

6.—(1) Notwithstanding anything in the Order of 1901 or any enactment incorporated therewith the Company may at any time after the date of abandonment do all or any of the following things (as and when they think fit) (namely)— As to Don section and lands.

- (i) take up and remove the Don section and all rails paving setts sleepers and equipment belonging to them and situate on the lands forming the site of the Don section;
- (ii) appropriate and use for any purposes of their business or sell and dispose of any such rails paving setts sleepers and equipment and whether or not taken up and removed;
- (iii) take down and remove the Don Bridge and appropriate and use for any purposes of their business or sell and dispose of any works apparatus materials and things forming part of the Don Bridge either before or after the same shall have been taken down and removed; and
- (iv) retain hold and use for such time and for such purpose as they may think fit or sell lease mortgage exchange or otherwise dispose of in such manner and for such consideration as they may think fit any lands or any interest in lands (including the lands forming the site of the Don section) acquired by or transferred to them for the purposes of the Order of 1901 or as part of

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the undertaking authorised by that Order and may sell exchange or dispose of any interest in lands reserved on the sale lease mortgage exchange or disposition of such lands or interest and may make do and execute any deed act or thing proper for effectuating any such sale lease mortgage exchange or disposition. Provided that nothing in this paragraph shall affect or authorise anything to the prejudice of any covenant restriction or trust relating to any such lands.

(2) The provisions of section 4 (Provisions consequent on abandonment of railways) of this Act shall not apply to the Don section or the site thereof.

Don Bridge  
not to be  
removed  
except with  
consent of  
Board of  
Trade.

7. If the Company elect to take down and remove the Don Bridge under the provisions of the immediately preceding section of this Act they shall before commencing such taking down and removal submit to the Board of Trade particulars of the manner in which such taking down and removal will be executed and shall send to the Board of Trade such plans in connection therewith as they shall require and the taking down and removal of the Don Bridge shall not be commenced until the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade shall have expressed approval of such particulars and plans.

Repeal of  
Order of  
1901.

8.—(1) As from the date of abandonment section 26 subsection (2) of section 28 and sections 32 36 37 38 39 50 53 64 to 73 and 75 to 79 (inclusive) of the Order of 1901 shall (except as otherwise in this Act expressly provided) become and be repealed.

(2) As from the date when the Company have complied with their obligations under paragraph (i) of subsection (1) and under subsection (2) of section 4 (Provisions consequent on abandonment of railways) of this Act all the provisions (except as otherwise in subsection (3) of this section provided) of the Order of 1901 not already repealed shall become and be repealed.

(3) If the Company shall sell the portion of the overhead equipment which is attached to the bridges belonging to the London and North Eastern Railway Company the provisions of section 35 (For the protection of the North Eastern Railway Company) of the Order of 1901



shall so far as those provisions relate to the overhead equipment remain in force so long as the said overhead equipment remains attached to the said bridges and have effect as if the expression "the Company" in those provisions meant the purchaser of the equipment.

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9. For the protection of the Tyne Improvement Commissioners (in this section referred to as "the commissioners") the following provisions shall except so far as may be otherwise agreed in writing between the Company and the commissioners have effect as from the date of abandonment (that is to say):—

For  
protection  
of Tyne  
Improve-  
ment Com-  
missioners.

- (1) The Company in executing any works in connection with the taking down and removal of the Don Bridge shall not erect any staging scaffolding or other structure which would interfere with the waterway of the river Don or lessen the clear headway of the Don Bridge above high tide :
- (2) The Company before they commence to take down and remove the Don Bridge shall submit to the commissioners particulars of the manner in which such taking down and removal will be executed and the taking down and removal of the Don Bridge shall not be commenced until those particulars have been approved in writing by the commissioners or settled by arbitration as hereinafter provided. Provided that if the commissioners fail to signify their approval or disapproval of the particulars so submitted within two months after the receipt thereof they shall be deemed to have approved of the particulars and if they signify their disapproval and the particulars cannot be agreed between the commissioners and the Company the particulars shall be referred to arbitration as hereinafter provided. Provided further that if there shall be any inconsistency between any particulars approved by the commissioners or settled by arbitration under this section and the particulars approved by the Board of Trade under the section of this Act of which the marginal note is "Don Bridge not to be removed except with consent of Board of Trade" the taking down and removal of the Don Bridge

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shall be executed in accordance with the particulars so approved by the Board of Trade :

- (3) All works in connection with the taking down and removal of the Don Bridge shall be done to the reasonable satisfaction of the commissioners :
- (4) All responsibility in connection with the taking down and removal of the Don Bridge and the erection or maintenance of any staging scaffolding or other structure for the purposes of such taking down or removal or in connection with damage caused thereby shall remain with the Company and the commissioners shall not be liable for any damage or injury to the Don Bridge or any such staging scaffolding or other structure caused by any of the operations of the commissioners for the improvement of the river Don or arising from the navigation of any craft vessel or dredger belonging to the commissioners unless such damage or injury shall arise from the wilful or negligent conduct of the commissioners or their agents or servants :
- (5) No materials used in the taking down and removal of the Don Bridge and no works apparatus materials and things so taken down shall be placed or allowed to be or remain in the river Don :
- (6) The Company shall at all times when occasion may arise prior to the completion of the taking down and removal of the Don Bridge take all reasonable measures for preventing the accumulation of ice or other substance on or against any works forming part of the Don Bridge or erected for the purpose of the taking down and removal thereof and shall remove and cause to pass down the stream so as not to obstruct the flow of water such substance as may be found on or against any of those works and if the Company shall not effectually remove the same the agents or workmen of the commissioners may remove such obstructions and the commissioners may recover from the Company the costs or expenses reasonably incurred by the neglect of the Company :

(7) Any difference which shall arise under this section between the Company and the commissioners shall be referred to a single arbitrator to be agreed between the Company and the commissioners or failing agreement appointed by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference : A.D. 1929.

(8) The Company shall if so required by the commissioners within two months from the submission to the commissioners of the particulars referred to in subsection (2) of this section transfer to the commissioners without payment therefor the piers and abutments of the Don Bridge or any of them and on the execution of any such transfer all liabilities and obligations of the Company with respect to the property so transferred whether under the Order of 1901 or this Act or otherwise shall absolutely cease and determine.

10.—(1) Notwithstanding anything in the foregoing provisions of this Act the Company instead of taking down and removing the Don Bridge may at any time after the date of abandonment sell to the county council and the South Shields Corporation jointly and the county council and the South Shields Corporation jointly may purchase from the Company the Don Bridge for such price or other consideration and on and subject to such terms and conditions as may be agreed. Power to sell Don Bridge.

(2) If the county council and the South Shields Corporation jointly purchase the Don Bridge they may maintain and use it for the purpose of any street widening or any other purpose approved by the Minister of Health.

(3) If the county council and the South Shields Corporation jointly shall purchase the Don Bridge under the powers of this section then (notwithstanding anything in this Act) the provisions of section 36 (For the protection of the Tyne Improvement Commissioners) of the Order of 1901 shall not be repealed but shall continue in force and have effect after the completion of the purchase as if the expression "the Company" in that section meant the county council and the South Shields Corporation.

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(4) If the county council and the South Shields Corporation jointly shall purchase the Don Bridge as aforesaid they shall not alter or reconstruct the bridge without obtaining the previous consent of the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plans and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any work by way of alteration or reconstruction of the Don Bridge shall be commenced or completed contrary to the provisions of this subsection the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the county council and the South Shields Corporation jointly and the amount of such charges shall be a debt due to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Cancellation of agreement with South Shields Corporation.

11. As from the date of abandonment the agreement dated the fifteenth day of July nineteen hundred and twenty between the South Shields Corporation on the one hand and the Company on the other hand shall become and be repealed without prejudice to any claims of either party accrued thereunder up to the date of abandonment and the South Shields Corporation shall repay to the Company the sum of fifty pounds referred to in clause 7 of that agreement with interest thereon at the rate of five per centum per annum from the date of abandonment until payment.

Inquiries by Minister of Transport.

12. In respect of the exercise of any powers or duties conferred or imposed on the Minister under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Copy of Act to be registered.

13.—(1) The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register it. If such copy is not delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds

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for every day after the expiration of the said three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty. A.D. 1929.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the said registrar by the Company on such copy being registered the fee of five shillings.

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

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