

**CHAPTER xxxvi.**

An Act to make provision as to the abandonment of the tramways and tramroads of the Tyneside Tramways and Tramroads Company to enlarge the powers of the Company with respect to the provision and running of omnibuses and for other purposes.

A.D. 1929.

[20th December 1929.]

WHEREAS by the Tyneside Tramways and Tramroad Act 1901 (hereinafter referred to as "the Act of 1901") the Tyneside Tramways and Tramroads Company (hereinafter called "the Company") was incorporated and empowered to construct and maintain the tramways and tramroad therein described and to raise capital for the purpose :

And whereas by the Tyneside Tramways and Tramroads Act 1902 (hereinafter referred to as "the Act of 1902") the Company was empowered to construct additional tramways and tramroads and to raise further capital :

And whereas by the Tyneside Tramways and Tramroads Act 1904 (hereinafter referred to as "the Act of 1904") further powers were conferred upon the Company with respect to the alteration construction and maintenance of works and an agreement (hereinafter referred to as "the agreement of 1904") dated the twenty-first day of July one thousand nine hundred and four and made between the Company of the one part and the mayor aldermen and citizens of the city

A.D. 1929. and county of Newcastle-upon-Tyne (hereinafter referred to as "the Newcastle Corporation") of the other part set forth in the Second Schedule to that Act and providing for through communication between certain of the tramways of the Company and certain of the tramways of the Newcastle Corporation in the said city was confirmed and made binding on the parties thereto :

And whereas by the Tyneside Tramways and Tramroads Act 1905 (hereinafter referred to as "the Act of 1905") powers were conferred upon the Company with respect to the issue of preference capital :

And whereas by the Tyneside Tramways and Tramroads Act 1920 (hereinafter referred to as "the Act of 1920") further powers were conferred upon the Company with respect to the borrowing of money and with respect to the running of omnibuses but such last mentioned powers are limited to running omnibuses in extension of or in connection with the Company's tramways or when the running of carriages thereon is impracticable or during the construction alteration or repair of the tramways or any of them :

And whereas under the provisions of the said Acts the Company has constructed and opened for public traffic and is operating a system of tramways and tramroads in the boroughs of Tynemouth and Wallsend the urban districts of Longbenton and Gosforth and the rural district of Castle Ward and the Company and the Newcastle Corporation are respectively operating the through services of tramcars over their respective systems provided for by the agreement of 1904 as varied by subsequent agreements :

And whereas as a result of the greatly increased cost to the Company of the maintenance of so much of the roads whereon the Company's tramways and tramroads are laid and of the severe competition with such tramways and tramroads from omnibuses the owners of which make no equivalent contribution to such maintenance and are otherwise not subject to the same liabilities and burdens as the Company the Company have for some years been unable to pay any dividends upon their capital or to make any reserve for depreciation and have recently been compelled to resort to their reserve fund in order to provide for their standing charges :

And whereas it is expedient having regard to the financial results of maintaining and working the Company's tramways and tramroads that the Company be authorised to abandon the same or such part or parts thereof as are not to be transferred to the Newcastle Corporation under this Act :

And whereas it is expedient that the Company be authorised to provide and run services of omnibuses on the routes of their said tramways and tramroads (whether before or after the abandonment thereof) on the routes on which the Company are now operating the through services of tramcars hereinbefore referred to and on other routes :

And whereas it is expedient that the agreement between the Company and the Newcastle Corporation a copy of which is set forth in the schedule to this Act be confirmed :

And whereas under the powers of the said Acts the Company have created and issued share capital to the extent of one hundred and fifty-seven thousand nine hundred and forty pounds out of the total authorised share capital of two hundred thousand pounds by the issue of thirteen thousand three hundred and ninety ordinary shares of ten pounds each and two thousand four hundred and four five per cent. preference shares of ten pounds each all of which have been fully subscribed :

And whereas the Company have borrowed on mortgage of the undertaking the sum of fifty-two thousand six hundred pounds out of the total sum of fifty-two thousand six hundred and forty-six pounds which they are under the said Acts authorised to borrow in respect of the capital already raised as aforesaid by means of an issue of mortgages in multiples of fifty pounds each ranking *pari passu* as regards both principal and interest which mortgages fall due for repayment on the thirtieth day of June one thousand nine hundred and thirty-four :

And whereas it is expedient that further facilities should be granted to the Company with respect to the raising of further moneys by borrowing as in this Act provided and that such other powers be conferred upon the Company and such other provisions be made as are in this Act more particularly set forth :

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And whereas the grant to the Company of such further facilities with respect to the raising of further moneys by borrowing and to the postponement of the repayment of the said mortgages has been approved by more than two-thirds in number of the holders of the mortgages affected who together hold more than four-fifths of the aggregate amount of the said mortgages :

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

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

Short title.

1. This Act may be cited as the Tyneside Tramways and Tramroads Act 1929 and this Act and the Tyneside Tramways and Tramroads Acts 1901 to 1920 may be cited together as the Tyneside Tramways and Tramroads Acts 1901 to 1929.

Incorporation of parts of general Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond and with respect to the provision to be made for affording access to the special Act by all parties interested so far as they are applicable to and are not varied by or inconsistent with the provisions of this Act are hereby incorporated with this Act.

Interpretation.

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

“The Company” means the Tyneside Tramways and Tramroads Company;

“The Act of 1901” “the Act of 1902” “the Act of 1904” “the Act of 1905” and “the Act of 1920” mean respectively the Tyneside Tramways and Tramroad Act 1901 the Tyneside Tramways and Tramroads Act 1902 the Tyneside Tramways and Tramroads Act 1904 the

Tyneside Tramways and Tramroads Act 1905 A.D. 1929.
and the Tyneside Tramways and Tramroads
Act 1920; —

“ The existing Acts ” means the Tyneside Tramways
and Tramroads Acts 1901 to 1920;

“ The existing tramways and tramroads ” means the
tramways and tramroads constructed by the
Company under the powers of the existing Acts
and the expressions “ the existing tramways ”
and “ the existing tramroads ” shall be construed
accordingly;

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

“ 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 agreement of 1904 ” means the agreement
dated the twenty-first day of July one thousand
nine hundred and four and made between the
Company of the one part and the Newcastle
Corporation of the other part and scheduled
to and confirmed by the Act of 1904 as varied
by subsequent agreements;

“ The agreement of 1924 ” means the agreement
dated the fifteenth day of April one thousand
nine hundred and twenty-four and made between
the Newcastle Corporation of the one part and
the Company of the other part;

“ Tramway A ” “ Tramway B ” “ Tramway C ”
“ Tramway D ” and “ Tramway E ” mean re-
spectively the tramways so described or referred
to in the agreement of 1904 (that is to say):—

Tramway A The tramway of the Company
commencing in Shields Road at the western-
most point of the boundary between the
city and the borough of Wallsend passing
thence along High Street (West) and High
Street (East) to Park Road Wallsend;

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Tramway B The tramway of the Company commencing at the termination of the tramway of the Newcastle Corporation in Neptune Bank at the boundary between the city and the borough of Wallsend passing thence along Neptune Bank Buddle Street Hadrian Road and Park Road to the junction of such last-mentioned road with High Street Wallsend;

Tramway C The tramway of the Company commencing at the termination of the tramway of the Corporation in High Street Gosforth passing thence along the North Road to the main entrance gate into Gosforth Park;

Tramway D The tramway of the Newcastle Corporation commencing in the Shields Road at the westernmost point of the boundary between the city and the borough of Wallsend in that road passing thence generally in a westerly and southerly direction along Shields Road Byker Hill Long Row Shields Road Byker Bridge Ridley Terrace Ridley Villas and New Bridge to the Earl Grey Monument and thence along Bläckett Street and Stanhope Street;

Tramway F The tramway of the Newcastle Corporation commencing in High Street Gosforth at or near its junction with Henry Street passing thence generally in a southerly direction along High Street (Gosforth) North Road (Gosforth and Newcastle) to the Central Station of the London and North Eastern Railway Company in the city;

“The tramway of 1914” means the tramway of the Newcastle Corporation so described or referred to in the agreement of 1924 (that is to say) the tramway constructed under the Newcastle-upon-Tyne Corporation Act 1914 from the boundary of the city along the Benton and Whitley main road and Benton Lane and the Great Lime Road to a point near Gosforth East Lodge entrance to Gosforth Park in the said Great Lime Road in the urban district of Longbenton;

“The light railway” means the light railway of the Newcastle Corporation so described or referred

to in the agreement of 1924 (that is to say) the light railway constructed under the Newcastle-upon-Tyne Light Railway Order 1922 in the parish of North Gosforth commencing by a junction with and at the termination of Tramway C proceeding thence along the North Road and thence through High Gosforth Park and terminating by a junction with and at the termination of the tramway of 1914;

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“The Wallsend and North Shields section” means so much of the existing tramways as lies between the eastern terminus of the Company’s tramway system at North Shields and the eastern terminus of Tramway A;

“The Gosforth and Wallsend section” means so much of the existing tramways and tramroads as lies between the junction of the North Road Gosforth with an un-named road connecting the same with Rothwell Road Gosforth and the point of junction between Tramroad No. 1A authorised and confirmed by the Acts of 1901 and 1904 and Tramway A at Wallsend;

“The east and west route” means the route comprising and consisting of the Wallsend and North Shields section (including as an alternative route to part of the said section Route No. 2 described in the section of this Act of which the marginal note is “Enlargement of powers to run omnibuses”) the route of Tramway A and Route No. 1 described in the last-mentioned section of this Act;

“The Coast Road” means the new arterial road between Newcastle-upon-Tyne and Tynemouth;

“The Gosforth Council” means the urban district council of Gosforth in the county of Northumberland;

“Omnibus routes” means the routes upon which the Company are for the time being authorised to work and run omnibuses;

“The undertaking” means the undertaking authorised by the Tyneside Tramways and Tramroads Acts 1901 to 1929;

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“The omnibus undertaking” means the omnibus undertaking by the Act of 1920 and this Act authorised;

“The tramways undertaking” means the tramways of the Company authorised by the Acts of 1901 1902 and 1904 and includes so much of the tramroads of the Company as are laid along any public road;

“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 or any part thereof;

“Licensing authority” means an authority having jurisdiction to grant licences for an omnibus to ply for hire;

“Omnibus” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;

“The existing mortgages” means the mortgages of the Company for the amount of fifty-two thousand six hundred pounds existing at the passing of this Act;

“The Minister” means the Minister of Transport.

Objects of
Company.

4.—(1) After the passing of this Act the Company shall be deemed to be incorporated for the purposes of the existing Acts as amended by this Act and of this Act and of any other Act or Order from time to time relating to the Company.

(2) So much of section 4 (Company incorporated) of the Act of 1901 as is inconsistent with subsection (1) of this section is hereby repealed.

As to abandon-
ment of
existing
tramways
and tram-
roads other
than Tram-
ways B
and C.

5.—(1) The Company shall prior to the expiration of the period of three years after the passing of this Act (or of such extended period as the local authority of the area in which the existing tramways or tramroads to be abandoned are situate may approve as regards any part or parts thereof) abandon and discontinue the whole of the existing tramways and tramroads other

than Tramway B and Tramway C and shall give to the local and road authority not less than one month's previous notice (in this section referred to as "the notice") of their intention to abandon and discontinue the same respectively. Provided that the Company shall not abandon and discontinue Tramway A prior to the thirty-first day of January one thousand nine hundred and thirty without the previous consent in writing of the Newcastle Corporation.

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(2) As from the expiration of the notice (in this section and in the section of this Act of which the marginal note is "As to agreements of 1904 and 1924 in relation to certain tramways of Company" referred to as "the prescribed date") the Company shall discontinue the working of the tramways and tramroads to which the notice relates and (except as hereinafter provided and as in subsection (7) of this section expressly mentioned) all powers obligations and liabilities of the Company in relation to or in respect of such tramways and tramroads or the maintenance of the roadways in which the same are situate or otherwise existing under or by virtue of the existing Acts or any other Act Order lease agreement or other instrument whatsoever shall cease and determine and the provisions of the existing Acts and of any Acts incorporated therewith shall cease to apply to such tramways and tramroads:

Provided that notwithstanding anything in this subsection the powers obligations and liabilities of the Company in relation to the maintenance of the roadways in which such tramways and tramroads are situate shall continue until the Company shall have complied with their obligations under subsection (3) of this section.

(3) Subject to the provisions of subsections (6) and (7) of this section and except as may be otherwise agreed in pursuance of the section of this Act of which the marginal note is "Agreements with local and road authorities" the Company shall—

- (i) within one year from the prescribed date or within such longer period as may be agreed between the Company and the road authority concerned and after giving to the road authority not less than fourteen days previous notice of the date upon which the work will be commenced take up and remove the tramways and

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tramroads to which the notice relates and all rails paving setts and equipment thereof save and except any such equipment (in this section referred to as "reserved equipment") as is used or required for the supply of electricity to any of the existing tramways and tramroads not for the time being to be abandoned or to any tramways of the Newcastle Corporation connected therewith; and

- (ii) with all convenient speed after any such taking up and removal fill in the ground and make good the surface and (where the rails paving setts or equipment so taken up and removed were laid or placed in the carriageway or metalled footpath of any public road) restore to the reasonable satisfaction of the road authority the portion of the carriageway or footpath disturbed by such taking up and removal to as good a condition as that in which it was before such rails paving setts and equipment 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 carriageway or footpath is opened or broken up to be fenced and watched and properly lighted at night.

(4) If the Company fail to comply with their obligations under paragraph (i) of subsection (3) of this section within the period of one year from the prescribed date or such longer period as may be agreed with the road authority or fail to comply with their obligations under paragraph (ii) of that subsection within the period of one month after the expiration of the said one year 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.

(5) Notwithstanding anything contained in the existing Acts the Company may appropriate use sell lease or otherwise dispose of any lands belonging to them upon which any tramroads to be abandoned under the provisions of this Act are situate at such time or times and

upon such terms and conditions as they may think fit and may also subject to the provisions of subsection (6) of this section appropriate use sell or otherwise dispose of any rails paving setts and equipment of any of the existing tramways and tramroads so taken up and removed by them.

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(6) 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 carriageway all or any part of the rails and paving setts forming part of the existing tramways and tramroads;
- (b) If at any time before or within one month after the prescribed date any local authority shall give notice to the Company that they desire that any of the overhead equipment of any tramway or of any tramroad which is laid on or above any public road or footpath in the area of such local authority shall not be removed by the Company then the Company shall sell and the local authority giving the notice shall purchase the overhead equipment to which the notice given by the local authority relates (other than any reserved equipment) upon terms to be agreed between the Company and the local authority or failing agreement to be determined by arbitration under this Act;
- (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 lines or cables in any road in or over which any part of the equipment may be laid or placed or with the Postmaster-General 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 overhead) and on the execution of any such agreement any part of the equipment comprised therein shall

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vest in the purchaser 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 or over such road or footpath by the authorised undertakers or the Postmaster-General as the case may be.

(7) (a) If any rails and paving setts be left in any roadway by agreement with the road authority under paragraph (a) of subsection (6) of this section then as from the date of such agreement; or

(b) If any part of the overhead equipment be purchased by any local authority under paragraph (b) of the said subsection (6) or by any authorised undertakers or the Postmaster-General under paragraph (c) of that subsection then as from the date of such purchase;

any and every obligation or liability imposed on the Company under or by virtue of the existing Acts or this Act or any other Act Order lease agreement or other instrument whatsoever with respect to the maintenance of or the taking up and removal of or otherwise relating to such rails and paving setts or equipment shall cease and determine and the provisions of the existing Acts and Orders and of any Acts incorporated therewith shall cease to apply to such equipment or rails and paving setts as the case may be.

(8) If any difference shall arise between the Company and any road authority under subsection (3) or subsection (4) or paragraph (c) of subsection (6) of this section the difference shall on the application of either party be referred to and determined by the Minister whose decision shall be final.

(9) The Company shall have power subject to the provisions of the existing Acts to fix renew use and maintain in or upon any post standard or bracket forming part of the reserved equipment any additional wires or apparatus required for securing the supply of electricity for the purposes of any of the existing tramways and tramroads not for the time being to be abandoned or of any tramways of the Newcastle

Corporation connected therewith and the provisions of the existing Acts with respect to the maintenance and repair of equipment shall continue to apply to any reserved equipment and shall apply to any additional wires and apparatus provided by the Company in connection therewith. A.D. 1929.

6.—(1) Upon notice being given by the Company under the provisions of the section of this Act of which the marginal note is “As to abandonment of existing tramways and tramroads other than Tramways B and “C” of their intention to abandon and discontinue any of the existing tramways and tramroads in this section specified then as from the prescribed date the following provisions shall have effect with respect to the tramways and tramroads to which the notice relates (that is to say) :—

As to agreements of 1904 and 1924 in relation to certain tramways of Company.

- (a) in the case of the abandonment and discontinuance of the Wallsend and North Shields section or of Tramway A or of any part or parts thereof respectively all powers obligations and liabilities of the Company under the agreement of 1904 with respect to the operation of through services over Tramway D to Stanhope Street in the city or some point between Stanhope Street and the Earl Grey Monument shall cease and determine;
- (b) in the case of the abandonment and discontinuance of Tramway A all powers obligations and liabilities of the Newcastle Corporation under the agreement of 1904 with respect to the operation of through services of cars between the eastern terminus of Tramway A and the point or points upon the Newcastle Corporation's system of tramways referred to in the said agreement shall cease and determine; and
- (c) in the case of the abandonment and discontinuance of so much of the Gosforth and Wallsend section as lies between its junction with the tramway of 1914 and its junction with Tramway A all powers obligations and liabilities of the Newcastle Corporation under the agreement of 1924 with respect to the running of tramcars over so much of the said section as aforesaid

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shall cease and determine and all powers obligations and liabilities of the Company under the agreement of 1924 with respect to the running of tramcars over the tramway of 1914 and the light railway shall cease and determine :

Provided always that except upon the happening of the said events respectively and except to the extent aforesaid the agreement of 1904 and the agreement of 1924 shall remain binding upon the parties thereto and in full force and effect but upon the happening of all the said events the agreement of 1904 shall cease to have effect in all respects.

(2) Any cesser and determination under this section of the powers obligations and liabilities of the Company and the Newcastle Corporation respectively shall be without prejudice to any rights or remedies which may then have accrued to either of the said parties in respect of anything done or omitted to be done by the other of them under the agreements of 1904 and 1924 or either of them.

As to Tram-
ways B
and C.

7.—(1) Subject to the provisions of this section the Company shall prior to the expiration of three years after the passing of this Act discontinue the working of Tramway B and Tramway C and shall give one month's previous notice (in this section referred to as "the notice") of the date on which the working of the same respectively will be discontinued to the local and road authority of the area in which the tramway to which the notice relates is situate and to the Newcastle Corporation.

(2) Upon the date specified in the notice as the date of such discontinuance (in this section referred to as "the date of transfer") the tramway to which the notice relates shall by virtue of this section be transferred to and vested in the Newcastle Corporation without any monetary consideration being paid therefor.

(3) As from the date of transfer—

(i) All the rights powers authorities obligations and liabilities of the Company in respect of the tramways transferred shall be transferred to vested in and may be exercised by and shall attach to the Newcastle Corporation and the said tramways may be worked by the

Newcastle Corporation with and as part of the Corporation tramways as defined in the Newcastle-upon-Tyne Tramways and Improvement Act 1899; A.D. 1929.

- (ii) All powers obligations and liabilities of the Company in relation to or in respect of the tramways transferred existing under or by virtue of the existing Acts or any other Act Order lease agreement or other instrument whatsoever shall cease and determine and the provisions of the existing Acts and of the Acts incorporated therewith shall cease to apply to such tramways:

Provided that notwithstanding anything in this subsection any obligations or liabilities in respect of occurrences prior to the date of transfer (other than obligations or liabilities in respect of the maintenance and repair of the tramways transferred) shall not be transferred or attach to the Newcastle Corporation but shall continue to attach to the Company.

(4) As from the date of transfer of Tramway B all powers obligations and liabilities of the Newcastle Corporation under the agreement of 1904 with respect to the operation of through services of cars between the eastern terminus of Tramway B and the point or points upon the Newcastle Corporation's system of tramways referred to in the said agreement shall cease and determine.

(5) As from the date of transfer of Tramway C all powers obligations and liabilities of the Newcastle Corporation under the agreement of 1904 with respect to the operation of through services of cars over the whole or any part of Tramways F and C shall cease and determine.

(6) Notwithstanding anything in this section the local authorities of the districts in which the tramways transferred under this section are situate shall be respectively entitled to purchase from the Newcastle Corporation the tramways in their respective districts under and in accordance with the provisions of section 43 of the Tramways Act 1870 and in construing the said section 43 for the purposes of this section the Corporation shall be deemed to be the promoters of such tramways:

Provided that notwithstanding anything contained in any other enactment or in any agreement the notice

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(a) in the case of the mayor aldermen and burgesses of the borough of Wallsend the thirty-first day of December one thousand nine hundred and fifty-one; and

(b) in the case of the Gosforth Council the thirty-first day of December one thousand nine hundred and fifty-nine;

and the said dates shall respectively be deemed for the purposes of the said section 43 to be in substitution for the expiration of a period of twenty-one years from the time when the promoters of the tramways were empowered to construct the same.

(7) The cesser and determination under this section of the powers obligations and liabilities of the Newcastle Corporation and the Company under the agreement of 1904 shall be without prejudice to any rights or remedies which may then have accrued to the Company or the Newcastle Corporation in respect of anything done or omitted to be done by the Newcastle Corporation or the Company under that agreement:

Provided that all existing obligations and liabilities in respect of the maintenance and repair of the tramways transferred under this section shall be transferred to and attach to the Newcastle Corporation.

Agreements
with local
and road
authorities.

8. The Company on the one hand and any local or road authority on the other hand may enter into and carry into effect agreements for and with respect to the removal of the existing tramways and tramroads to be abandoned and the rails paving setts and equipment forming part thereof or connected therewith and the reinstatement of the roadway or footpath in which any such tramway tramroad rails paving setts or equipment is or are situate and for and with respect to any other of the purposes or provisions of the section of this Act of which the marginal note is “As to abandonment of existing tramways and tramroads other than “Tramways B and C.”

For protec-
tion of gas
and water
companies.

9. The provisions of section 30 of the Tramways Act 1870 with respect to mains or pipes for the supply of gas or water shall apply and extend to any works

carried out by the Company in connection with the taking up or removal of tramways or tramroads or the filling in and making good of the surface of the ground or the restoration of carriageways or footpaths disturbed by such taking up or removal under the powers of this Act or otherwise in the exercise of such powers and to the mains or pipes of the Newcastle-upon-Tyne and Gateshead Gas Company and the Newcastle and Gateshead Water Company as if such provisions as so extended were herein repeated (*mutatis mutandis*) and as if the Company were the promoters referred to in the said section. A.D. 1929.

10. Notwithstanding anything contained in this Act if the Company shall sell the portions of the overhead equipment which are attached to bridges belonging to the London and North Eastern Railway Company the provisions of section 51 for the protection of the North Eastern Railway Company of the Act of 1901 shall so far as those provisions relate to the overhead equipment remain in force so long as the said equipment remains attached to the said bridges and have effect as if the purchaser of the equipment were referred to therein instead of the Company. For protection of London and North Eastern Railway Company.

11. For the protection of the council of the administrative county of Northumberland and of the Gosforth Council (each of which is in this section referred to in relation to any road of which they are for the time being the road authority as "the council") the following provisions shall (unless otherwise agreed in writing between the Company and the council) apply and have effect (that is to say):— For protection of Northumberland County Council and Gosforth Urban District Council.

Notwithstanding anything contained in the section of this Act of which the marginal note is "As to abandonment of existing tramways and tramroads other than Tramways B and C" the council shall be at liberty (if they think fit) within one month after the service upon them of any notice under subsection (1) of that section of the intention of the Company to abandon and discontinue so much of the tramways of the Company as are situate in the Gosforth district other than Tramway C to give notice in writing to the Company that they desire to reconstruct the road in which

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the same is situate Upon the giving of such last-mentioned notice the Company shall in lieu of carrying out the works necessary for the restoration of the road pay to the council such sum as would have represented the cost to which the Company would have been put in restoring the portion of the said road on which the rails paving setts and equipment of the said tramway were laid or placed to as good a condition as that in which the road or ground (as the case may be) was before the rails paving setts and equipment were laid or placed thereon Provided that the Company shall not be required to bear any part of any additional cost which the council may incur in putting the road or ground (as the case may be) into a condition better than it was at the time when the rails paving setts and equipment were laid or placed thereon.

Amendment
of section 82
(Agreements
with other
companies
&c.) of Act
of 1901.

12. Section 82 (Agreements with other companies &c.) of the Act of 1901 shall be read and have effect as if the first proviso thereto were omitted therefrom and as if the following purpose were added to those specified in the said section as purposes for which agreements may be entered into and carried into effect thereunder (namely) :—

“ The exercise performance and observance by the working company authority or person under and during the continuance of any such agreement as aforesaid of any powers liabilities and obligations of the Company for or with respect to the abandonment and discontinuance of any of the tramways and tramroads of the Company to which the agreement relates the taking up and removal of the same and the rails paving setts and equipment forming part thereof or connected therewith and the reinstatement of the roadway or footpath in which any such tramway tramroad rails paving setts or equipment is or are situate.”

Enlarge-
ment of
powers to
run omni-
buses.

13.—(1) The Company may in addition and without prejudice to the exercise of their powers with respect to the provision and running of omnibuses under the Act of 1920 as amended by this Act and either as part of

or separately from any other service of omnibuses which they are authorised to run provide maintain work and run omnibuses along the following routes (that is to say) :—

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- (i) Along the routes of the existing tramways and tramroads other than the route of Tramway B;
- (ii) Along the following route (Route No. 1) in the city—

From the point in Shields Road where the boundary between the city and the borough of Wallsend crosses that road passing thence generally in a westerly and southerly direction along Shields Road Byker Hill Long Row Shields Road Byker Bridge Ridley Terrace and New Bridge Street to Pilgrim Street;

- (iii) Along the following route (Route No. 2) in the borough of Wallsend—

From the junction of Coach Open and Bewick Street along Bewick Street to and terminating at the junction of that street with Potter Street;

- (iv) Along the following route (Route No. 3) in the county borough of Tynemouth and the borough of Wallsend—

From the junction of Prudhoe Street and Waterville Road in the county borough of Tynemouth along Waterville Road to its junction with Tynemouth Road and along Tynemouth Road and terminating at the junction of Tynemouth Road with Rose Hill and Church Bank in the borough of Wallsend;

- (v) Along the following route (Route No. 4) in the city the borough of Wallsend and the urban district of Longbenton—

From the point in Shields Road where the boundary of the city crosses that road along Shields Road to the junction of that road with Holme Avenue along Holme Avenue Appletree Gardens and Little Benton Road near the Walkergate Station of the London and North Eastern Railway Company along Little Benton Road (crossing the Coast Road) along Dark Lane (crossing Benton Road)

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along Craster Terrace Weldon Crescent and Newton Road to and terminating at the boundary between the urban districts of Longbenton and Gosforth at Haddrick's Mill Bridge :

Provided that except with the consent of the Newcastle Corporation the Company shall not on any one journey both take up and set down the same passenger within the city otherwise than in accordance with the provisions of any working agreement between the Company and the Newcastle Corporation for the time being subsisting.

(2) The provisions of subsections (4) (5) (6) (7) (8) and (10) of section 14 (Power to run omnibuses) of the Act of 1920 shall extend and apply (*mutatis mutandis*) to and in relation to the omnibuses provided and run by the Company under the authority of this section and to the Company in respect thereof.

(3) The Town Police Clauses Acts 1847 and 1889 so far as they apply to omnibuses shall (subject to the provisions of this Act) apply to any omnibus provided by the Company under this section.

(4) Subsection (5) of section 14 (Power to run omnibuses) of the Act of 1920 shall for the purposes of this Act be read and have effect as if for the words "the Company may make byelaws for regulating the travelling and for the prevention of nuisances in or upon such omnibuses" therein there were substituted the words "the Company may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Company in connection therewith."

Amendment
of Act of
1920.

14. The Act of 1920 shall be read and have effect as if the words from "or when the running of carriages" to the end of subsection (1) of section 14 (Power to provide and run omnibuses) of that Act were omitted therefrom and as if for the reference in the said subsection (as so altered) to any road in the county of Northumberland in extension of or in connection with the tramways there were substituted a reference to any road in the said county in extension of or in connection with any of

the existing tramways or tramroads or any of the routes described or referred to in the section of this Act of which the marginal note is "Enlargement of powers to run omnibuses" : A.D. 1929.
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Provided that the Company shall not under the powers of the Act of 1920 as amended by this section run omnibuses outside the area comprised within a circle having a radius of eight miles measured from the point of junction of the Company's existing tramroad between Wallsend and Gosforth with High Street West in Wallsend.

15.—(1) Subject to the provisions of this section the Company may demand and take for passengers and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister. Fares and charges.

Any application for a revision of such maximum fares and charges may be made by the Company or by the local authority of any district in which such omnibuses are run.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

(3) The Company may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such persons and in such manner as the Company may by notice annexed to the list of fares and charges appoint.

16. The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses Provision as to Company's omnibuses.

A.D. 1929. — provided by the Company as if they were carriages used on tramways.

As to
revision of
fares and
charges.

17. In considering any application made in pursuance of the section of this Act of which the marginal note is "Fares and charges" for a revision of the fares and charges referred to therein the Minister shall have regard to the capital of the Company and the provision of a reasonable return thereon subject to such adjustment as the Minister may think fit in respect of any capital expended upon works which have been abandoned in exercise of the powers of this Act.

Obligatory
omnibus
services.

18.—(1) On the date on which services of tramcars on the Wallsend and North Shields section or any part or parts thereof are discontinued in exercise of the powers conferred upon the Company by the section of this Act of which the marginal note is "As to abandonment of existing tramways and tramroads other than Tramways B and C" the Company shall provide and shall thereafter (subject to the provisions of this Act) continue to provide in lieu of the services of tramcars so discontinued adequate and satisfactory services of omnibuses on the east and west route.

(2) The licensing authorities for the areas in which the east and west route is situate shall (subject to any rights possessed by them to approve or disapprove the fitness of vehicles for which a licence to ply for hire is desired and subject as hereinafter provided) grant to the Company such number of licences for omnibuses to ply for hire as the Company may require for the purposes of complying with their obligations under this section.

(3) The adequate and satisfactory services of omnibuses to be provided by the Company under this section shall be such services as may from time to time be agreed between the Company and the local authorities concerned or in case of difference settled on the application of the Company or the local authority by the Minister. Provided that if the Company shall at any time satisfy the Minister that the whole of the services of omnibuses then being run by the Company in pursuance of the foregoing provisions of this section and of the section of this Act of which the marginal note is "Services for labouring classes" does not yield a reasonable profit (after paying all proper expenses of and in connection

with the working of those services and all other costs charges and expenses properly chargeable to revenue in connection with those services and making proper allowance for depreciation) the Minister may authorise such variation of those services or any of them or the discontinuance of such one or more of those services as he may think fit in order that the whole of the said services to be provided by the Company under this section shall yield a reasonable profit and if the Company satisfy the Minister that no adequate and satisfactory services can be provided in accordance with the provisions of this section so as to yield a reasonable profit the Minister may declare that the Company's obligations and liabilities under this section and the section aforesaid shall cease and determine.

A.D. 1929.

19.—(1) If and so long as the Company provide a service of tramcars or omnibuses or services of tramcars and omnibuses along the east and west route and such service is or such services are adequate and satisfactory it shall not be lawful except as in this Act provided or in pursuance of a working agreement to which the Company is a party for any company (other than the Company or a railway company in pursuance of their statutory powers) or for any local authority (other than the Newcastle Corporation in the case of so much of the east and west route as is identical with Route No. 1 described in the section of this Act of which the marginal note is "Enlargement of powers to run omnibuses") body or person to run omnibuses along the east and west route or along any other route in competition with such service or services of the Company :

Restricting
running of
omnibuses
in com-
petition.

Provided—

- (i) that the running of omnibuses along the Coast Road shall for the purposes of this section be deemed not to be in competition with any such services as aforesaid provided by the Company along the east and west route; and
- (ii) that the running of omnibuses either along Route No. 3 described in the section of this Act of which the marginal note is "Enlargement of powers to run omnibuses" or in the county borough of Tynemouth along Tynemouth Road eastward of its junction

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with Waterville Road shall for the purposes of this section be deemed not to be in competition with any such services as aforesaid provided by the Company along so much of the east and west route as is situate within the said county borough and the borough of Wallsend.

(2) (a) The licensing authority of any area in which the east and west route or any part thereof is situate shall on receiving any application (otherwise than from the Company) for a licence for an omnibus to ply for hire on any road in that area (other than any application by a railway company for a licence for the plying for hire of any omnibus in pursuance of their statutory powers or than any application for a licence for the plying for hire of any omnibus the running of which is to be deemed not to be in competition with the services of the Company referred to in subsection (1) of this section or than any application as to the plying for hire in the city of any omnibus operating or licensed as described in subsection (6) of this section) forthwith give notice in writing to the Company of the application and the Company shall be entitled to submit to the licensing authority either in writing or in person any objections to or representations on the grant of the licence which they may think fit.

(b) The licensing authority when considering such an application as aforesaid shall have regard to the provisions of subsection (1) of this section and shall also consider any objections or representations submitted by the Company with reference to such application and if they decide to grant the licence they shall attach thereto such conditions as to the routes along which the omnibus shall or shall not ply for hire and such other conditions as may be necessary to give effect to the provisions of this section. Provided that the right of the applicant for the licence of appeal to the Minister from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the Minister in making any order under that section shall have regard to the provisions of this section.

(3) (a) The licensing authority shall on making their decision with respect to any application for such a licence as is referred to in subsection (2) of this section forthwith give notice in writing to the Company of their decision.

(b) If the Company object to the decision of the licensing authority or to any conditions attached or to the non-attachment of any conditions to the licence the Company shall have a right of appeal to the Minister within a period of fourteen days after receiving notice of the decision of the licensing authority and if the Company so appeal to the Minister with respect to any such licence as aforesaid the licence shall not come into force until the matter has been determined by the Minister under subsection (4) of this section.

(4) Any appeal by the Company to the Minister under the foregoing provisions of this section and any question at any time arising as to whether the Company are providing an adequate and satisfactory service along the east and west route shall be determined by the Minister on the application of any interested party and the Minister shall have power to make such order thereon as he thinks fit. In determining any question as to whether the Company are providing an adequate and satisfactory service along the east and west route the Minister shall have regard to whether or not any service along that route additional to that which is then being provided by the Company would yield a reasonable profit after paying all proper expenses of and in connection with the working of such service and all other costs charges and expenses properly chargeable to revenue in connection therewith and making proper allowance for depreciation. Any order made by the Minister under this section shall be final and binding on the parties affected thereby and not subject to appeal to any court and shall be enforceable at the instance of the Minister or of the Company or of the licensing authority or of the applicant for a licence by writ of mandamus.

(5) Any failure on the part of the Company to provide an adequate and satisfactory service along the east and west route which is due to the refusal by any licensing authority to grant any licences to omnibuses to ply for hire for which the Company have applied or to any strike unforeseen accident or circumstance beyond the control of the Company shall not entitle any other company or any local authority body or person to run omnibuses along such route or along any other route in competition therewith or deprive the Company of any benefit or protection conferred on them by this section.

A.D. 1929.

(6) Nothing in this section shall be deemed—

(a) to restrict the running of any omnibus by any such company authority body or person along the east and west route or any other route in competition therewith if—

(i) such omnibus serves a district or districts beyond the districts in which the east and west route is situate and is not used so as to compete with the services of the Company on the east and west route; and

(ii) no passenger conveyed by such omnibus is both taken up and set down on any one journey on the east and west route or any route in competition therewith; or

(b) to prevent the renewal in the name of the licensee or his personal representative by a licensing authority of any licence to ply for hire with an omnibus if the licence was on the nineteenth day of November one thousand nine hundred and twenty-eight in force and applicable to and used for a service of omnibuses which has since that date been regularly in operation on the whole or any part of the east and west route for which the licence to be renewed was granted or of any route in competition therewith and which serves districts beyond the districts in which the east and west route is situate or to prevent the grant of a licence to ply for hire with an omnibus substituted by the licensee or his personal representative for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last-mentioned omnibus or substituted omnibus along any such route. Provided that no omnibus proprietor (other than the Company) shall be entitled to operate along the east and west route or any part thereof or along any route in competition therewith a greater number of omnibuses than were required to operate the services which were worked along that route by that omnibus proprietor on the

said nineteenth day of November one thousand nine hundred and twenty-eight and which have been regularly in operation along that route since that date; or A.D. 1929.

- (c) to prevent the grant or renewal by a licensing authority of any licence to ply for hire with an omnibus on condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on the east and west route or any route in competition therewith.

(7) The provision of adequate and satisfactory services by any company local authority body or person operating under a working agreement with the Company shall for the purposes of this section be deemed to be the provision of such services by the Company.

20.—(1) The Company shall at all times after the date on which services of tramcars on the Wallsend and North Shields section or any part or parts thereof are discontinued run on the east and west route or any portion thereof where they are for the time being required to provide services of omnibuses under this Act a proper and sufficient service of omnibuses for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and bank and other public holidays excepted) at such times not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work and shall be entitled (subject as hereinafter provided) to charge in respect of such services fares not exceeding one penny for every mile or fraction of that distance Provided that on Saturdays the Company instead of running such omnibuses after five o'clock in the evening shall run them at such times between noon and two o'clock in the afternoon as may be most convenient for the said purposes. Services for labouring classes.

(2) If complaint is made to the Minister that such proper and sufficient service is not provided the Minister after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to him to be reasonable.

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Working
and other
agreements.

21.—(1) The Company and any local authority empowered to run omnibuses in the county of Northumberland may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts and Orders under which such omnibus services are authorised.

(2) The Company and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services which the Company are empowered to provide.

(3) The Company and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Company may subscribe for purchase hold and dispose of shares stock or securities in any company with whom the Company may have entered into any agreement under the provisions of this section or in any company manufacturing or dealing in any omnibuses

vans and other road vehicles or appliances and articles used in or in connection with the manufacture provision or running of road vehicles and may lend money on mortgage bond or other security to any such company or to any firm or person manufacturing or dealing in such vehicles appliances or articles Provided that the amount subscribed and lent by the Company under this subsection shall not at any time exceed twenty-five thousand pounds.

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(5) No agreement made under the authority of this section shall be operative unless or until such agreement shall have been confirmed by the Minister after such inquiry as he shall think fit to direct Provided that this subsection shall not apply to the agreement of which a copy is set forth in the schedule to this Act.

(6) Nothing in this section or in any agreement made in pursuance of this section shall authorise any local authority to run omnibuses except—

- (a) upon routes along which the local authority have powers under or in pursuance of an Act or Order to provide omnibus services; and
- (b) subject to any statutory limitations restrictions or obligations imposed on the local authority in respect of the exercise of such powers.

22. The agreement between the Company of the one part and the Newcastle Corporation of the other part dated the twenty-first day of November one thousand nine hundred and twenty-nine of which a copy is set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto and shall be given effect to as between the parties accordingly notwithstanding any other provision in this Act.

Confirma-
tion of
scheduled
agreement.

23. Nothing in this Act shall diminish or affect the right of the corporation of the borough of Tynemouth to give or withhold their consent under section 57 of the Newcastle-upon-Tyne Corporation Act 1920 to the running of omnibuses in the borough of Tynemouth by the Newcastle Corporation.

For pro-
tection of
Tynemouth
Corporation.

24. For the protection of the Tynemouth and District Electric Traction Company Limited (in this section referred to as "the Tynemouth Company") the following provisions shall notwithstanding anything

For pro-
tection of
Tynemouth
and District
Electric

A.D. 1929. in this Act contained and unless otherwise agreed in
writing between the Company and the Tynemouth
Traction Company apply and have effect (that is to say):—
Company Limited.

(1) The Tynemouth Company shall be at liberty at any time to use any omnibus (in respect of which they are for the time being the holders of a licence to ply for hire in the city) for the purpose of picking up and setting down passengers on so much of the east and west route as is within the city and as was on the first day of September one thousand nine hundred and twenty-eight traversed by the omnibuses employed in the service then provided by the Tynemouth Company between Gateshead Newcastle Wallsend and Tynemouth. Provided that the Tynemouth Company shall not be entitled—

(i) to use for such purpose any greater number of omnibuses than were in use on the said service on that date; or

(ii) to provide for such purpose any more frequent service than was provided by them on the said service on that date:

(2) Paragraph (b) of subsection (6) of the section of this Act of which the marginal note is "Restricting running of omnibuses in competition" shall in its application to any service of omnibuses of the Tynemouth Company apply and have effect as if the words "first day of September" were inserted therein in lieu of the words "nineteenth day of November" wherever such last-mentioned words occur in the said paragraph:

(3) Nothing in this section shall affect the jurisdiction of any licensing authority.

For further
protection
of Northum-
berland
County
Council.

25. The Company shall not run omnibuses under the powers of section 14 (Power to provide and run omnibuses) of the Act of 1920 as amended by the section of this Act of which the marginal note is "Amendment of Act of 1920" along any road which is maintained by the council of the administrative county of Northumberland (in this section referred to as "the county council") or to the maintenance of which the county council contribute except with the consent in writing of the county council

Provided that such consent shall not be unreasonably withheld and that any question whether such consent has been unreasonably withheld shall be determined by the Minister. A.D. 1929.

26. Notwithstanding anything in the existing Acts or this Act the following provisions shall (unless otherwise agreed between the Company and the local authorities) have effect with reference to the purchase by the local authorities of the portion of the omnibus undertaking in this section referred to :—

Power to local authorities to purchase omnibus undertaking.

(1) Subject as hereinafter provided it shall be lawful for the local authorities if by resolution passed at a special meeting of each local authority they so decide to purchase on the thirty-first day of December one thousand nine hundred and fifty-one or the thirty-first day of December in every subsequent seventh year (but at no other date) so much of the omnibus undertaking as is carried on within their respective districts upon terms of paying the fair market value of such portion of the undertaking as a going concern but without any addition in respect of compulsory purchase which value shall be determined in case of difference by arbitration in manner provided by section 43 of the Tramways Act 1870 and any question arising as to the portion of the omnibus undertaking so purchaseable by the local authorities shall be determined by the referee hereinafter referred to :

(2) The powers of compulsory purchase conferred on the local authorities by this section shall be exerciseable only upon and subject to the following terms and conditions (that is to say) :—

(a) The Company shall not be required to sell any part of the omnibus undertaking unless each of the local authorities in whose districts the said undertaking is carried on purchases at one and the same time the portion of the undertaking which is carried on in their district ;

(b) If the local authorities decide to purchase the undertaking they shall give to the

A.D. 1929.

Company notice in writing of such their decision not later than the thirty-first day of December in the year preceding the date of purchase;

(c) The sum to be paid to the Company in respect of such purchase shall if not agreed be determined by one and the same referee nominated under the said section 43 of the Tramways Act 1870 and in one and the same proceeding but the said referee shall by his award determine separately as respects each of the local authorities the value of the undertaking situate in the district of that local authority including all lands buildings works materials and plant of the Company suitable to and used by them for the purposes of the undertaking within such district;

(d) The respective sums to be paid to the Company by each of the local authorities shall together be equal to the fair market value of the undertaking as a going concern but without any allowance for compulsory purchase :

- (3) Subject to the foregoing provisions of this section the said section 43 of the Tramways Act 1870 shall apply to the purchase of the omnibus undertaking by the local authorities under this section as if the said section 43 with any necessary modifications were re-enacted in this Act :
- (4) On any sale to the local authorities such arrangements as may be approved by the Minister shall be made for vesting in each local authority the portion of the omnibus undertaking situate in their district and for a scheme or schemes for the future maintenance management and working of the undertaking and the sale shall not take effect until an instrument has been properly executed in a form approved by the Minister for carrying into effect such arrangements :
- (5) After the completion of the purchase of the said portion of the omnibus undertaking by

the local authorities the powers of the Company under this Act to provide maintain work or run omnibuses in the districts of the local authorities shall cease to such extent as the Minister may after inquiry by order determine and the provisions of the section of this Act whereof the marginal note is "Restricting running of omnibuses in competition" shall enure for the protection of the local authorities in respect of the portion of the undertaking purchased by them :

A.D. 1929.

(6) Any sale to the local authorities of the said portion of the omnibus undertaking shall be subject to and with the benefit of any working agreement relative to the said undertaking which may be subsisting at the date of such sale and in making any order or arrangement for a scheme under the provisions of this section the Minister shall have regard to the terms of any such agreement :

(7) In this section "the local authorities" means the local authorities which were entitled under the Act of 1901 or under the Act of 1902 and the Act of 1904 and the provisions of the Tramways Act 1870 incorporated therewith to require the Company to sell to them the tramways undertaking.

27. The Company may run through cars along any of the existing tramways and tramroads and through omnibuses along any omnibus route or any specified portion of any such route and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Company and they may demand and take for every passenger carried by such cars and omnibuses a fare or charge not exceeding the maximum fare or charge for the time being authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such cars or omnibuses Provided that the Company shall during the running of such through cars or omnibuses maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

Through cars and omnibuses.

A.D. 1929.

—
Power to
reserve
tramcars
and omni-
buses for
special
purposes.

28.—(1) Notwithstanding anything in this or any other Act to the contrary the Company may on any occasion run and reserve cars on any of the existing tramways and tramroads or omnibuses on any omnibus route for any special purpose which the Company may consider necessary or desirable provided that such special cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as the Company may direct and that during the running of such special cars or omnibuses the Company shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

(2) The Company may make byelaws and regulations for prohibiting the use of any such cars or omnibuses by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in the existing Acts or this Act as to fares or charges for passengers shall not extend to any special cars run upon the existing tramways or tramroads or omnibuses run for special purposes and in respect thereof the Company may demand and take such fares or charges as they shall think fit.

Stopping
and starting
places.

29. The Company may appoint the stations and places from which cars on the existing tramways and tramroads and the omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations fixing the time during which such cars and omnibuses shall be allowed to remain at any such station or place but any such stations places and regulations shall be subject to the previous approval of the road authority which approval shall not be unreasonably withheld. Any question which may arise between the Company and the road authority as to whether or not any such approval has been unreasonably withheld shall be determined by the Minister :

Provided always that the Company shall not appoint any such stations or places so as to interfere with or render less convenient the access to or exit from any station or dépôt belonging to a railway company or so as to contravene any regulations made by the Newcastle Corporation under section 9 (Regulations

for controlling traffic) of the Newcastle-upon-Tyne Corporation Act 1927. A.D. 1929.

30. The following sections of the Act of 1901 shall so far as the same are applicable extend and apply to the omnibuses of the Company and to the omnibus routes and to the Company in respect of the purposes of the Act of 1920 as amended by this Act and of this Act in as full and complete a manner as if the said sections (with all necessary alterations) were re-enacted in this Act (that is to say):—

- Section 47 (As to removal of snow &c.);
- Section 64 (Fares not to be raised on Sundays or holidays);
- Section 66 (List of rates to be exhibited);
- Section 88 (Form and delivery of notices).

31.—(1) The Company may at any time after the passing of this Act and without obtaining the certificate of a justice under the fortieth section of the Companies Clauses Consolidation Act 1845 raise on mortgage of the undertaking in respect of the existing share capital of the Company amounting to one hundred and fifty-seven thousand nine hundred and forty pounds any sum or sums not exceeding in the whole twenty-six thousand three hundred and seventy pounds being the amount necessary to increase their borrowing powers to one-half of the amount of the said existing share capital.

(2) The powers of borrowing conferred by this section shall be in substitution for and not in addition to any powers conferred by the existing Acts of borrowing moneys in respect of the existing share capital of the Company.

32. The Company may with the sanction of the holders of the existing mortgages present in person or by proxy at a meeting of the Company specially convened for the purpose and holding not less than three-fourths in value of such existing mortgages represented at the meeting from time to time raise on mortgage of the undertaking the whole or any part of the sums which they are authorised to borrow under the section of this Act of which the marginal note is "Borrowing powers"

Application to omnibuses of certain provisions of Act of 1901.

Borrowing powers.

Power to borrow by mortgages having priority to existing mortgages.

A.D. 1929. — by means of mortgages (in the next succeeding section of this Act referred to as “prior mortgages”) which shall both as regards principal and interest have priority over the existing mortgages.

Holders of existing mortgages to have votes.

33. Notice of any meeting or meetings of the Company called for the purposes of sanctioning the raising of moneys by means of prior mortgages shall be sent by the secretary ten days before the meeting to every holder of the existing mortgages and such holders shall be entitled to be present at such meeting or meetings. At any such meeting the votes of the holders of existing mortgages shall be taken separately and such holders may vote in person or by proxy and the provisions of sections 76 to 80 (both inclusive) of the Companies Clauses Consolidation Act 1845 with respect to the giving of votes to shareholders shall (*mutatis mutandis* and as modified in relation to the Company by the sections of this Act of which the marginal notes are “Appointment of proxies” and “Joint holders” respectively) apply to the giving of votes by the holders of the existing mortgages at such meeting.

Extension of period for repayment of existing mortgages.

34. The period prescribed by the existing mortgages for the repayment of the principal money and interest secured thereby may with the sanction of the holders of the existing mortgages present in person or by proxy at a meeting of the Company specially convened for the purpose and holding not less than three-fourths in value of such existing mortgages represented at the meeting be postponed until such date as may be sanctioned at such meeting and the provisions of the section of this Act of which the marginal note is “Holders of existing mortgages to have votes” shall extend and apply for the purposes of this section.

Application of sections of Acts of 1901 and 1920.

35. The following sections of the Acts of 1901 and 1920 shall so far as applicable and not varied by or inconsistent with the provisions of this Act extend and apply to the provisions and for the purposes of this Act (that is to say):—

Act of 1901—

Section 91 (Deposit for future Bills not to be paid out of capital).

Act of 1920—

A.D. 1929.

Section 7 (Arrears to be enforced by appointment of receiver);

Section 8 (Priority of mortgages over other debts);

Section 10 (Receipt in case of persons not sui juris);

Section 11 (Application of money).

36. The existing mortgages shall during the continuance thereof rank *pari passu* with any mortgages to be granted by virtue of this Act save and except any such mortgages as shall be granted under and in pursuance of the section of this Act of which the marginal note is "Power to borrow by mortgages having priority to existing mortgages."

Priority of mortgages.

37.—(1) Every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authorities under the authority of this Act of a portion of the omnibus undertaking and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Provisions as to mortgages.

(2) Every mortgage deed granted by the Company under this Act shall be endorsed with a note that such mortgage will not be a charge upon the portion of the omnibus undertaking which the Company may be required to sell to the local authorities under the authority of this Act.

38. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any Act relating to the Company the Company may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine and the Company may from time to time in like manner alter or rescind any such resolution.

Meetings of Company.

39. If and so long as the ordinary meetings of the Company shall be held once only in each year—

Interim dividends and annual accounts.

(a) it shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend

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out of the profits of the Company without the sanction or direction of a general meeting;

- (b) the balance sheet and accounts made by them in accordance with section 16 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Appoint-
ment of
proxies.

40. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any holder of ordinary or preference shares in the capital of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of such holder and for that purpose may execute on behalf of the holder the necessary form of proxy. Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint
holders.

41. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any ordinary or preference shares in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares of the same class are entitled to vote) either personally or by proxy in respect of the shares as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any shares stand shall for the purposes of this section be deemed joint holders thereof.

Power to
apply
existing
funds.

42. The Company may from time to time apply towards any of the purposes of this Act or to the general purposes of the undertaking (being purposes to which capital is properly applicable) any moneys which they have raised or may hereafter raise under any Act or Order and which may not be required for the purposes to which by the respective Act or Order such moneys are made applicable.

43. The Company shall in every year within three months after the close of their financial year or such longer period as the Minister may allow furnish to the Minister a copy of the annual accounts of their tramway and omnibus undertakings.

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—
Accounts to
be furnished
to Minister.

44. In respect of the exercise of any powers or duties conferred or imposed on the Minister or the giving by him of any consents under this Act or any of the existing Acts 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" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by
Minister.

45. Any byelaws and regulations made by the Company under the provisions contained in this Act shall be made subject to and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Byelaws.

46. All orders regulations and byelaws made by the Minister under the authority of this Act or the existing Acts shall be signed by a secretary or an assistant secretary of the Ministry of Transport.

Orders &c.
of Minister.

47. Proceedings for the recovery of any demand made under the authority of this Act or the existing Acts or any subsequent Act relating to the Company or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of
demands.

48. Save as otherwise by the existing Acts or this Act expressly provided all offences against the existing Acts and this Act or any incorporated enactment and all penalties forfeitures costs and expenses imposed or recoverable under the existing Acts or this Act or any incorporated enactment or under any byelaw made thereunder respectively may be prosecuted and recovered in a summary manner. Provided that costs or expenses

Recovery of
penalties &c.

A.D. 1929. (except such as are recoverable along with a penalty) shall not be recovered as penalties but may be recovered summarily as civil debts.

References
to arbitra-
tion.

49. Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator appointed by the Minister.

Repeal.

50.—(1) Without prejudice to the generality of any repeal effected by the foregoing provisions of this Act the following provisions of the existing Acts are hereby repealed to the extent mentioned (namely):—

The Act of 1901—

Section 83	(As to purchase of undertaking).	The whole section.
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Section 85	(Orders and byelaws)	The whole section.
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Section 86	(Recovery of penalties).	The whole section.
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The Act of 1902—

Section 37	(As to purchase of tramways by local authorities).	The whole section.
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The Act of 1904—

Section 18	(Exercise of running powers not to enhance value of Company's tramways on purchase by local authorities).	The whole section.
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The Act of 1920—

Section 5	(Mortgages to comprise purchase money paid on compulsory sale).	The whole section.
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Section 6	(Endorsement of notice of power of future purchase by local authority).	The whole section.
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Section 14	(Power to provide and run omnibuses).	Subsection(11).	A.D. 1929.
Section 15	(Fares and charges) -	The whole section.	
Section 16	(Contributions towards road maintenance and adaptation of roads).	So much of the section as relates to contributions towards maintenance of roads.	
Section 17	(For protection of Northumberland County Council).	The whole section.	
Section 18	(Agreements with other authorities &c.).	The whole section.	

(2) So much of section 30 (Incorporation of certain sections of recited Act) of the Act of 1902 and so much of section 9 (Incorporation of certain sections of recited Acts) of the Act of 1904 as incorporates any of the sections referred in subsection (1) of this section and so much of section 7 (Tramway to form part of undertaking authorised by Act of 1902) of the Act of 1904 as makes applicable to the tramways authorised by that Act the provisions of section 37 of the Act of 1902 are also hereby repealed.

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

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The SCHEDULE referred to in the
foregoing Act.

AN AGREEMENT made the twenty-first day of November one thousand nine hundred and twenty-nine between the TYNESIDE TRAMWAYS AND TRAMROADS COMPANY (hereinafter called "the Company") of the one part and the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY AND COUNTY OF NEWCASTLE-UPON-TYNE (hereinafter called "the Newcastle Corporation") of the other part.

WHEREAS under the provisions of the Tyneside Tramways and Tramroads Acts 1901 to 1920 the Company has constructed and is operating a system of tramways and tramroads in (inter alia) the county borough of Tynemouth and the borough of Wallsend :

And whereas the Newcastle Corporation under the authority of certain Acts of Parliament own and operate a system of tramways within and in the neighbourhood of the city :

And whereas the Company and the Newcastle Corporation are respectively operating through services of tramcars over parts of their respective systems in accordance with the provisions of an agreement between them dated the twenty-first day of July one thousand nine hundred and four (hereinafter called "the agreement of 1904") which was set out in the Second Schedule to the Tyneside Tramways and Tramroads Act 1904 and by that Act confirmed and made binding on the parties to the agreement of 1904 :

And whereas the Company are promoting in Parliament in the present session of 1929 a Bill (hereinafter called "the Bill") intituled the Tyneside Tramways and Tramroads Company Bill by which the Company seek powers (inter alia) to abandon and discontinue the whole of the existing tramways and tramroads of the Company including the tramways of the Company over which the Newcastle Corporation have powers of running tramcars under the agreement of 1904 and to provide and run services of omnibuses on part of the routes of their said existing tramways and tramroads and on part of the routes of the tramways of the Newcastle Corporation over which the Company are now running tramcars under the said agreement :

And whereas the Newcastle Corporation and the Company are by virtue of the Newcastle Corporation Act 1927 respectively

empowered to enter into working agreements with each other with regard (inter alia) to the provision of omnibus services and the Company seek further powers by the Bill for the same purpose : A.D. 1929.
—

And whereas the Newcastle Corporation have presented to the House of Commons a petition against the Bill and it has been agreed between the Company and the Newcastle Corporation that the Newcastle Corporation shall withdraw their said petition and shall not further oppose the progress of the Bill in consideration of (a) the Company undertaking subject to the approval of Parliament to make certain amendments in the Bill which have been agreed between the parties and which provide for the vesting without payment therefor of Tramways B and C (hereinafter defined) in the Newcastle Corporation as part of their tramways and for the date before which Tramway A (hereinafter defined) shall not be abandoned as well as for certain alterations in connection with the provisions affecting the Newcastle Corporation as omnibus licensing authority and their control of traffic in the city and other matters and (b) the provision herein contained being made (i) for services of omnibuses to be substituted for the through services of tramcars over Tramway A (hereinafter defined) of the Company and the tramways of the Newcastle Corporation respectively established under the agreement of 1904 and (ii) in connection with the said vesting of Tramways B and C in the Newcastle Corporation and (iii) for other matters :

And whereas the Newcastle Corporation are empowered by the Newcastle-upon-Tyne Corporation Act 1920 to run omnibuses in the borough of Wallsend and the county borough of Tynemouth with the sanction of the Minister of Transport and the consent in writing of the mayor aldermen and burgesses of those respective boroughs (hereinafter respectively called "the Wallsend Corporation" and "the Tynemouth Corporation").

Now it is hereby agreed as follows :—

1. For the purposes of this agreement—

The expression "the city" "Wallsend" and "Tynemouth" shall respectively mean "the city and county of Newcastle-upon-Tyne" "the borough of Wallsend" and "the county borough of Tynemouth" as at present constituted ;

The expression "the east and west route" shall mean the east and west route as defined in the Bill :

Provided however that—

- (1) the western terminus of the said route shall be in the centre of the city at or near Pilgrim Street and unless the Newcastle Corporation otherwise agree for the

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first six months from the commencement of the services under this agreement shall be at Croft Street but thereafter the Corporation of Wallsend the Corporation of Tynemouth the Newcastle Corporation or the Company may apply to the Minister of Transport from time to time to fix the said terminus at some other point in the centre of the city at or near to Pilgrim Street Any of the said parties making such application shall at the same time give notice in writing thereof to the others of them who shall be entitled to make representations to the said Minister with reference thereto :

- (2) if at any time after the commencement of the said services any other omnibus service serving an area external to the existing Newcastle tramway radius is allowed by the Newcastle Corporation as licensing authority or otherwise obtain the right to pick up or set down passengers in Pilgrim Street a similar right shall attach to the services under this agreement.

The expression "the area" in relation to the area of the Newcastle Corporation shall mean the city area served by the existing tramways of the Newcastle Corporation and in relation to the area of the Company shall mean the area served by the existing tramways of the Company the boundary between such areas being the westernmost extremity of Tramway A hereinafter defined.

The expressions "Tramway A" "Tramway B" and "Tramway C" shall bear the following meanings :—

Tramway A The tramway of the Company commencing in Shields Road at the westernmost point of the boundary between the city and Wallsend and passing thence along High Street (west) and High Street (east) to Park Road Wallsend ;

Tramway B The tramway of the Company commencing in Neptune Bank at the boundary between the city and Wallsend and passing thence along Neptune Bank Buddle Street Hadrian Road and Park Road to the junction of Park Road with High Street Wallsend ;

Tramway C The tramway of the Company commencing at the termination of the tramway of the Newcastle Corporation in High Street Gosforth and passing thence along the Great North Road to the main entrance gate into Gosforth Park.

2. The Company shall subject to the approval of Parliament amend the Bill in accordance with the amended print of the Bill as introduced into the House of Commons which is in the

possession of the parliamentary agents of the Newcastle Corporation and initialled by them and the parliamentary agents of the Company. A.D. 1929.

3. The Newcastle Corporation shall indemnify the Company against any statutory liabilities (including maintenance and reinstatement of roads and provision of services) which may continue to attach to the Company in relation to Tramways B and C after and notwithstanding the transfer of those tramways to the Newcastle Corporation under the provisions in the Bill in that behalf.

4. The Company and the Newcastle Corporation shall provide and run a joint service of omnibuses in each direction on so much of the east and west route as lies between Park Road Wallsend and the western terminus of the said route (such joint service being hereinafter referred to as "the Wallsend and Newcastle service" and also (subject as hereinafter provided in clause 9 hereof) a joint service of omnibuses in each direction on the east and west route between the eastern and western termini thereof (such service being hereinafter called "the North Shields and Newcastle service") and the following provisions shall have effect with respect to such services :—

- (i) The omnibuses on both of the said services may pick up and set down passengers in any part of their respective routes ;
- (ii) The Wallsend and Newcastle service shall not be commenced before the thirty-first day of January one thousand nine hundred and thirty without the consent of the Newcastle Corporation ;

The rights of the Newcastle Corporation as to abandonment of tramways and substitution of omnibuses shall be unaffected by this agreement and they shall be at liberty at any time after the abandonment of Tramway A and the consequential effects under the amended Bill to exercise those powers as to the whole or any part of their tramway service between the western terminus of the east and west route and the boundary in Shields Road between the area of the Newcastle Corporation and the area of the Company ;

- (iii) The Wallsend and Newcastle service shall be a ten minutes' service in each direction until abandonment by the Newcastle Corporation of any of their tramways in the city in Shields Road east of Walkergate and thereafter shall be of the same frequency or such other frequency if any as shall be agreed ;
- (iv) The North Shields and Newcastle service shall be a ten minutes' service in each direction or such frequency as shall be agreed ;

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(v) Provided that increased traffic requirements arising through holidays or local attractions (such as football matches in Newcastle) which in the opinion of the Newcastle Corporation justify extra omnibuses in the Wallsend and Newcastle service or special through omnibuses in such service to the attraction shall be held also to justify a proportionate increase in the North Shields and Newcastle service by way of extra omnibuses or of special through omnibuses to such attraction. For this purpose the North Shields and Newcastle service shall be held to mean omnibuses in either direction starting from or terminating at any point east of the point where Western Road passes under the Riverside branch of the London and North Eastern Railway Company and the Wallsend and Newcastle service shall be held to mean omnibuses in either direction starting from or terminating at any point in the city at the said boundary or any point between the said boundary and Park Road Wallsend;

(vi) Notwithstanding the foregoing provisions of this clause the frequency of either or both the said services as the case may require shall at the request of the Company be increased so far as may failing agreement be determined by the Ministry of Transport to be necessary to meet the obligations of the Company contained in the Bill in the form in which it becomes law.

5. (a) The services to be provided under clause 4 hereof shall be provided jointly by the Company and the Newcastle Corporation respectively in proportions for each service as near as may be to the lengths of the sections of the routes which are situate in the areas of the Company and the Newcastle Corporation so that each party runs an equal number of omnibus miles in the other's area and each party shall bear its own expenses.

(b) In the case of the Wallsend and Newcastle service each party shall take all receipts earned in its own area.

(c) In the case of the North Shields and Newcastle service—

(i) all fares for journeys made wholly within the area of one of the parties hereto shall be the property of that party and where collected by the other party shall be paid over to that party accordingly;

(ii) all fares for journeys extending into the areas of both parties that is to say all fares in respect of passengers or goods carried over the boundary between the said areas shall be pooled and equally divided,

6. The Company and the Newcastle Corporation may respectively run such additional omnibus services as they think fit on the whole or any part of so much of the east and west route as lies in their respective areas but subject and without prejudice to the provisions of clause 4 (v) hereof relating to increased traffic requirements arising through holidays or local attractions and save in this respect such services shall not be affected by or affect this agreement. No services other than those last mentioned shall be run by either party on the east and west route except those provided for by clauses 4 and 5 hereof.

7. The fares to be charged in respect of the services referred to in clause 4 hereof shall be such as (subject to the provisions contained in the Bill and any other statutory provisions affecting the same) shall failing agreement be settled by arbitration and shall provide for reasonable protection of tramways in respect of passengers eligible to be both taken up and set down in any one journey by the tramways existing from time to time over any part of the city of the east and west route. Until such time as the Company abandons Tramway A the above protective fare provision shall apply to Tramway A as if it were a part of the east and west route.

8. Each party shall use its best endeavours to secure that the omnibus services herein provided for shall as a whole yield satisfactory commercial results to both parties.

9. In the event of the Newcastle Corporation failing to obtain the sanction of the Tynemouth Corporation and the Ministry of Transport to run omnibuses over so much of the east and west route as lies in Tynemouth the Company shall provide the North Shields and Newcastle service. In such event (a) the fares received in respect of such service shall be dealt with as provided in paragraph (c) of clause 5 and (b) the total services provided under this agreement shall be adjusted so that as far as possible each party runs an equal number of miles in the other's area in accordance with the principle of the provisions of paragraph (a) of clause 5 and the Newcastle Corporation shall pay to the Company the amount of the reasonable expenses incurred by the Company (including interest and depreciation) in respect of the omnibus miles run by the Company in the city in excess of the omnibus miles run by the Newcastle Corporation in Wallsend. Provided that if the Company so require the Newcastle Corporation shall provide to the Company's specification the additional omnibuses required for such excess in lieu of paying the interest and depreciation charges.

Any application made by the Newcastle Corporation for sanctions as aforesaid shall be made forthwith and the Company shall support the same.

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10. It is a condition of the foregoing provisions of this agreement that the Company will obtain the withdrawal by the Newcastle-upon-Tyne Electric Supply Company Limited of any veto which the said company can at present enforce against the Newcastle Corporation as to running omnibuses over Tramway C.

11. The parties will use their best endeavours to obtain such sanctions and consents as shall be necessary to give effect to this agreement.

12. This agreement shall remain in force for a period of ten years from the date hereof unless and until terminated by either party by two years' notice in writing to the other expiring at the end of the said period of ten years or at the end of any subsequent period of three years.

13. Any question or difference hereinbefore referred to arbitration or as to any matter which under the terms hereof are expressed to be the subject of agreement between the parties or their officials or as to any amount payable thereunder by either party to the other or as to the intention or meaning of this agreement shall be determined by a single arbitrator to be appointed (failing agreement) by the Minister of Transport on the application of either of the parties hereto upon notice as aforesaid. The provisions of the Arbitration Act 1889 or of any statutory modification or re-enactment thereof for the time being in force shall apply for the purposes of any such arbitration.

(Signed) L. H. BOOTH

For the Company.

A. M. OLIVER

For the Newcastle Corporation.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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Acts of Parliament.

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