CHAPTER lxxviii.

An Act to alter the constitution of the Tyne Improvement Commission to consolidate with amendments the enactments relating to the appointment and election of the Tyne Improvement Commissioners and the auditors of their accounts to confer further powers on and to amend the Acts relating to the Commissioners and for other purposes. [25th July 1934.]

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WHEREAS by the Tyne Improvement Acts 1850 to 1929 (hereinafter called "the existing Acts" and a list of which Acts is set out in the First Schedule to this Act) the Tyne Improvement Commissioners (hereinafter called "the Commissioners") were constituted and incorporated and empowered to execute extensive works for the improvement of the river Tyne within the limits of the port of Newcastle-upon-Tyne and to construct and maintain docks piers and other works:

And whereas the Tyne Improvement Commission (hereinafter called "the commission") is now composed of thirty-four members of whom two are appointed for life by the Minister of Transport sixteen are appointed annually by certain local municipal authorities fifteen are elected triennially by shipowners coalowners and traders and one is co-opted triennially by the elected members of the commission:

And whereas the accounts of the Commissioners are audited by five auditors of whom four are appointed

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annually by certain local municipal authorities and one is elected triennially by shipowners coalowners and traders :

And whereas it is expedient to make provision as in this Act contained for the addition of two members of the commission to amend the provisions of the existing Acts relating to the terms of office of members of the commission appointed by the said Minister and by local municipal authorities and of the auditors of the Commissioners' accounts appointed by local municipal authorities to alter the dates relating to the election of the elected members of the commission and the elected auditor and to consolidate with these and other alterations the provisions of the existing Acts relating to the appointment election and co-option of the members of the commission and the appointment and election of the said auditors :

And whereas certain lands at South Shields belonging to the Commissioners are held by the South Shields Corporation as lessees or tenants of the Commissioners under the provisions of and subject to the conditions stated in section 73 of the Tyne Improvement Act 1897 and it is expedient to confer further powers on the Commissioners with respect to the sale or leasing to the South Shields Corporation of these lands and certain adjacent lands or any parts thereof :

And whereas it is expedient to extend the time limited for the completion of works authorised by the existing Acts :

And whereas by section 7 of the Tyne Improvement Act 1925 the Commissioners were authorised to demand collect and recover for a period of ten years and such further period as Parliament might allow certain dues or charges in respect of coal coke culm and cinders conveyed to and unloaded at any quay wharf jetty staith or other work of the Commissioners and it is expedient that such dues and charges be continued in force until Parliament shall otherwise determine :

And whereas it is expedient to enlarge the powers of the Commissioners with respect to the removal of wrecks and the control and regulation of foyboatmen :

And whereas it is expedient to authorise the Commissioners to enter into and carry into effect agreements

with certain county councils and local authorities for assistance in case of fire as by this Act provided:

And whereas the Commissioners in pursuance of provisions contained in section 63 of the Tyne Improvement Act 1861 and sections 20 and 21 of the Tyne General Ferry Act 1862 acquired in 1863 from the North and South Shields Ferry Company their undertaking rights and powers including the ferries between North Shields and South Shields known respectively as the Market Place Ferry the Direct Ferry and the Whitehill Point Ferry:

And whereas it is expedient that further powers be conferred on the Commissioners and that the existing Acts and the Acts relating to the Commissioners' ferries be amended as by this Act provided and that the other provisions of this Act be enacted:

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

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

PART I.

GENERAL.

Short and collective titles.

1.—(1) This Act may be cited as the Tyne Improvement Act 1934.

(2) The Tyne Improvement Acts 1850 to 1929 and this Act may be cited together as the Tyne Improvement Acts 1850 to 1934.

Definitions.

2.—(1) In this Act unless the subject or context otherwise requires—

Words and expressions to which meanings are assigned by the Harbours Docks and Piers Clauses Act 1847 have the same respective meanings except as otherwise in this Act expressly provided;

" the Commissioners " means the Tyne Improvement Commissioners;

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"the existing Acts" means the Tyne Improvement Acts 1850 to 1929 (being the Acts mentioned in the First Schedule to this Act) and each of which Acts except the Tyne Coal Dues Act 1872 is referred to in this Act as the Act of the year in which it was passed into law;

"the Ferry Act 1829" means the local and personal Act 10 Geo. 4 cap. xcviii intituled "An Act for "establishing a Ferry across the River Tyne "between North Shields in the County of "Northumberland and South Shields in the "County of Durham and for opening and "making proper Roads Avenues Ways and "Passages to communicate therewith";

"the Ferry Act 1848" means the Tyne Direct Ferry Company Act 1848;

"the river" and "the Tyne" respectively mean the parts of the river Tyne from time to time within the jurisdiction of the Commissioners;

"the secretary" means the secretary of the Commissioners;

"the Minister" means the Minister of Transport;

"the Newcastle Corporation" means the lord mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne;

"the South Shields Corporation" means the mayor aldermen and burgesses of the county borough of South Shields.

(2) In the Tyne Improvement Acts 1850 to 1934 the following words and expressions shall unless the subject or context otherwise requires have the following respective meanings:—

the expression "the port" shall mean the port of Newcastle-upon-Tyne as defined by section 3 of the Act of 1850 and extended by the Act of 1861 the Act of 1867 the Act of 1872 and the Act of 1907;

the word "goods" shall include animals wares merchandise commodities and articles of every description;

the word "vessel" shall include ship lighter keel hulk barge tug boat wherry raft and craft of

every class or description however navigated or propelled and also except in Part II of this Act seaplane hydroplane and similar craft;

the several expressions "steam vessel" "steamship" and "steamboat" shall include every vessel navigated or propelled otherwise than by sails or oars;

the word "owner" where used with reference to a vessel shall include any charterer to whom the vessel is demised; and

the words "shipped" and "unshipped" shall respectively include loaded on or discharged from any vessel.

The meanings given in this subsection to the words and expressions aforesaid shall respectively supersede any meanings given to the same word or expression in any of the existing Acts so far as the last-mentioned meanings are inconsistent therewith.

(3) The word "ship" in Schedule C to the Act of 1877 shall mean "vessel" as defined in subsection (2) of this section.

(4) In the existing Acts the word "clerk" where it refers to the clerk to the Commissioners shall mean the secretary.

Incorporation and application of Harbours Docks and Piers Clauses Act 1847.

3.—(1) The Harbours Docks and Piers Clauses Act 1847 (in this section referred to as "the Act of 1847") except sections 31 47 and 85 to 90 thereof shall (subject to the provisions of subsection (3) of this section) be deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1934 so far as applicable to the provisions of those respective Acts and not varied by or inconsistent with those Acts or any of them.

(2) The provisions of the Act of 1847 with respect to—

the appointment of harbour masters dock masters and pier masters and their duties;

the protection of the harbour dock and pier and the vessels therein from fire or other injury; and

the recovery of damages not specially provided for and of penalties and the determination of any other matter referred to justices or the sheriff;

shall (subject to the provisions of subsection (3) of this section) be deemed to be incorporated with the Ferry

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Act 1829 and the Ferry Act 1848 so far as applicable to the provisions of and not inconsistent with those respective Acts.

(3) (*a*) For the purposes of the incorporation of any provisions of the Act of 1847 with the Tyne Improvement Acts 1850 to 1934 and with the Ferry Act 1829 and the Ferry Act 1848 and in the application of any provisions of the Act of 1847 to the Commissioners the following words and expressions in the Act of 1847 shall have the following respective meanings:—

(i) The expression "special Act" shall mean and include each and every Act with which the Act of 1847 or any part thereof is incorporated by this section;

(ii) The expression "the prescribed limits" shall mean the port;

(iii) The expression "harbour dock or pier" shall mean (as the circumstances require) the port or the harbour dock or pier authorised by any Act with which the Act of 1847 or any part thereof is so incorporated;

(iv) The expression "the undertakers" shall mean the Commissioners;

(v) The words "goods" "vessel" "shipped" and "unshipped" and the word "owner" where used with reference to a vessel shall have the respective meanings given to these words by section 2 (Definitions) of this Act;

(vi) The expressions "packet boat" and "Post Office packet" shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" shall mean a mail bag as defined by the same Act.

(*b*) Nothing in the Act of 1847 or in any of the Tyne Improvement Acts 1850 to 1934 shall extend to exempt from rates or duties any vessel mentioned in sub-paragraph (vi) of the foregoing paragraph (*a*) if the vessel also conveys passengers or goods for hire.

(*c*) Sections 16 to 19 of the Act of 1847 shall not be incorporated with any of the Tyne Improvement Acts

1850 to 1934 or apply to the Commissioners unless and except only so far as the Commissioners shall be required by the Board of Trade to provide and maintain a lifeboat and tide and weather gauge.

(*d*) Sections 23 50 and 83 of the Act of 1847 shall in their application to the Commissioners have effect as follows :—

(i) Section 23 shall have effect as if the proviso thereto were omitted;

(ii) Section 50 shall have effect as if the words " three months " were substituted for the words " one month ";

(iii) Section 83 shall have effect as if the words " as herein provided " at the end of the section meant as provided by Part V of this Act.

(4) The provisions of subsections (1) and (3) of this section shall supersede any provision of any of the existing Acts which incorporates or implies the incorporation therewith of the Act of 1847 or any part or provisions of that Act and the provisions of the existing Acts mentioned in Part I of the Second Schedule to this Act (which provisions relate to the incorporation with those Acts of the Act of 1847 or some parts or provisions of that Act) are hereby repealed.

(5) Nothing in this section shall affect the application to the Newcastle Corporation of so much of the Act of 1847 as is applied to the corporation by sections 6 and 8 of the Act of 1850.

Incorporation of Commissioners Clauses Act 1847.

4. The provisions of the Commissioners Clauses Act 1847 which by section 3 of the Act of 1925 are deemed to be incorporated with each of the Tyne Improvement Acts 1850 to 1925 are (subject to the provisions of the Tyne Improvement Acts 1850 to 1934 and so far as not varied by or inconsistent with those Acts or any of them) hereby incorporated with this Act so far as applicable to the purposes of this Act :

Provided that notwithstanding anything in the said section 3 or in the Tyne Improvement Acts 1850 to 1934 sections 8 9 10 and 16 of the Commissioners Clauses Act 1847 shall not be incorporated with this Act and shall cease to be incorporated with the existing Acts or any of them or to apply to the Commissioners.

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Part II.

Constitution of Commissioners.

General.

Definitions for Part II.

5. In this Part of this Act unless the subject or context otherwise requires—

"the Tyne district" means the district situate within five miles from any part of the port;

"Tyne dues" means dues rates tolls and charges payable to the Commissioners under their Acts;

"the three ports" means the ports for custom house purposes of Newcastle North Shields and South Shields;

"the three custom houses" means the respective custom houses of the three ports;

"shipowner" means a person residing or carrying on business in the Tyne district and registered in the books of one of the three ports as the owner or part owner of any vessel not being a vessel to which Schedule D to the Act of 1861 applies;

"coalowner" means a person being the owner lessee or occupier of a colliery who delivers to or ships on vessels in the Tyne or in any dock or at any staith coal coke culm or cinders;

"trader" means a person residing or carrying on business in the Tyne district and paying any of the dues rates tolls or charges hereinafter mentioned or any composition in lieu of payment of any of those dues rates tolls and charges The dues rates tolls and charges referred to in this definition are those specified in Schedule C to the Act of 1852 (other than the dues on coals coke culm and cinders specified therein) and those specified in Schedule D to the Act of 1861 Schedules A B C D E and G to the Act of 1867 section 3 of the Tyne Coal Dues Act 1872 section 6 of the Act of 1877 and Schedule B to that Act as such schedules and sections are respectively amended by subsequent Acts;

"dues payers" means shipowners coalowners and traders;

"co-ownership" means any number of persons not exceeding five who are registered as joint owners of a vessel or of any share or shares therein;

"the Newcastle Council" "the Gateshead Council" "the Tynemouth Council" "the South Shields Council" "the Jarrow Council" and "the Wallsend Council" respectively mean the respective councils of the city and county of Newcastle-upon-Tyne the county boroughs of Gateshead Tynemouth and South Shields and the boroughs of Jarrow and Wallsend;

"the municipal councils" means the said six councils;

"the nominated commissioners" means the persons from time to time nominated as commissioners by the Minister under section 10 (Nominated commissioners) of this Act and includes the persons holding office at the passing of this Act as commissioners appointed by the Minister under the Act of 1850 so long as they shall hold that office;

"the appointed commissioners" means the persons from time to time appointed as commissioners by the municipal councils under section 11 (Appointed commissioners) of this Act and includes the persons holding office at the passing of this Act as commissioners appointed by any of the municipal councils so long as they shall hold that office;

"the elected commissioners" means the persons from time to time elected as commissioners by the dues payers under the provisions of this Part of this Act and includes the persons holding office at the passing of this Act as commissioners elected by the dues payers so long as they shall hold that office;

"the co-opted commissioners" means the persons from time to time co-opted as commissioners by the elected commissioners under section 38 (Co-opted commissioners) of this Act and includes the person holding office at the passing of this Act as the commissioner co-opted by the elected commissioners so long as he shall hold that office;

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" year of election " means the year nineteen hundred and thirty-six and every subsequent third year;

" the revisers " means the persons from time to time appointed in pursuance of the provisions of this Part of this Act as revisers of the lists of electors.

For the purposes of this Part of this Act the owner of one sixty-fourth share in a vessel shall be deemed to be the owner of one sixty-fourth part of the registered tonnage of that vessel.

Repeal.

6. The enactments mentioned in Part II of the Second Schedule to this Act and relating to the appointment and election of the Commissioners and the auditors of their accounts are hereby repealed so far as not previously repealed.

Present commissioners continued in office.

7. Notwithstanding any repeal effected by this Act each of the persons holding office as a commissioner at the passing of this Act shall continue to hold that office during the remainder of his term of office under the enactments so repealed unless he shall previously die or resign or become disqualified to be a commissioner (namely) :—

The nominated commissioners during their respective lives;

The appointed commissioners until and including the eighth day of November nineteen hundred and thirty-four;

The elected commissioners and the co-opted commissioner until and including the eighth day of November nineteen hundred and thirty-six.

Constitution of commission.

8.—(1) Notwithstanding any repeal effected by this Act the Tyne Improvement Commission shall continue until and including the eighth day of November nineteen hundred and thirty-four to be constituted of—

Two nominated commissioners;

Sixteen appointed commissioners;

Fifteen elected commissioners;

One co-opted commissioner.

(2) On the ninth day of November nineteen hundred and thirty-four there shall be added to the Tyne Improvement Commission two commissioners of whom one shall

be an additional commissioner appointed by the Gateshead Council and the other shall be an additional commissioner co-opted by the elected commissioners and accordingly on and after that ninth day of November the Tyne Improvement Commission shall be constituted of—

Two nominated commissioners;

Seventeen appointed commissioners appointed as follows:—

By the Newcastle Council	6
By the Gateshead Council	3
By the Tynemouth Council	3
By the South Shields Council	3
By the Jarrow Council	1
By the Wallsend Council	1

Fifteen elected commissioners elected as follows:—

By shipowners	5
By coalowners	5
By traders	5

Two co-opted commissioners.

Notwithstanding repeals Commissioners to continue incorporated.

9. Notwithstanding any repeal effected by this Act the several persons who from time to time are under this Act or any subsequent Act amending or extending this Act holding office as commissioners shall (subject to the provisions of any such subsequent Act) continue incorporated by the name of "the Tyne Improvement Commissioners" and by that name continue and be a body corporate with perpetual succession and a common seal and by that name may sue and be sued and shall have power to purchase take on lease hold and dispose of land and other property for the purposes of the Tyne Improvement Acts 1850 to 1934 and to put into execution the provisions of those Acts so far as they are to be executed by the Commissioners.

Nominated commissioners.

Nominated commissioners.

10.—(1) (*a*) On the death or resignation or disqualification which shall first happen of either of the persons holding office at the passing of this Act as commissioners appointed by the Minister under the Act of 1850 the Minister may nominate some person to be a commissioner in place of the commissioner so dying or resigning or becoming disqualified and on the death

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or resignation or disqualification of the other of the persons holding office as aforesaid the Minister may nominate some person to be a commissioner in the place of that commissioner.

(*b*) Each person nominated under paragraph (*a*) of this subsection shall hold office on and from the date of his nomination until and including the eighth day of November in the year of election next after the year in which he is nominated (whether that year be or be not a year of election) unless he shall previously die or resign or become disqualified to be a commissioner and on the expiry of his term of office shall if qualified be eligible for re-nomination.

(2) (*a*) The Minister shall on or before the ninth day of November in every year of election after the year in which the first nomination is made under subsection (1) of this section nominate a person or persons to be a commissioner or commissioners as follows:—

(i) in each such year of election until the year of election occurring next after the year in which the second nomination is made under subsection (1) of this section the Minister shall nominate one person as aforesaid; and

(ii) in the last-mentioned year of election and every subsequent year of election the Minister shall nominate two persons as aforesaid.

(*b*) Every person nominated as a commissioner under this subsection shall hold office on and from the ninth day of November in the year of election in which he is so nominated until and including the eighth day of November in the next year of election unless he shall previously die or resign or become disqualified to be a commissioner and on the expiry of his term of office shall if qualified be eligible for re-nomination.

(3) If any person nominated as a commissioner under this section shall during his term of office as a commissioner die or resign or become disqualified to be a commissioner the Minister shall with all convenient speed nominate another person to be a commissioner and the person so nominated shall be entitled to hold office so long only as the commissioner in whose stead he is nominated would have been entitled to have

continued in office but shall if qualified be eligible for re-nomination. A.D. 1934.

(4) All nominations by the Minister under this section shall be made in writing under the hand of the secretary or an assistant secretary of the Ministry of Transport.

Appointed commissioners.

Appointed commissioners.

11.—(1) (*a*) Each of the municipal councils shall on the ninth day of November in the year nineteen hundred and thirty-four and every subsequent year respectively appoint the number of persons mentioned in subsection (2) of section 8 (Constitution of commission) of this Act opposite the name of such municipal council to be commissioners or a commissioner for the ensuing year.

(*b*) If on any ninth day of November on which an appointment should be made under paragraph (*a*) of this subsection any of the municipal councils fail to appoint a person to be a commissioner that council shall make such appointment within seven days next after that day.

(2) Every person from time to time appointed under this section to be a commissioner shall be a member of the municipal council by which he is appointed.

(3) Every person appointed as a commissioner under this section shall hold office on and from the date of his appointment until and including the eighth day of November in the year after his appointment unless he shall previously die or resign or become disqualified to be a commissioner and on the expiry of his term of office shall if qualified be eligible for re-appointment.

(4) Notwithstanding the foregoing provisions of this section any of the municipal councils may on making an appointment under subsection (1) of this section by resolution determine that the persons or person then appointed shall be commissioners or a commissioner for the ensuing three years and if and whenever any such resolution be passed subsection (3) of this section shall with respect to every person to whom the resolution relates have effect as if the words "the third year" were substituted therein for the words "the year."

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Elected commissioners.

Shipowners to send statement of registered tonnage to Commissioners.

12. The secretary shall on one day during the first week in July in every year of election cause to be inserted in at least two newspapers published in the Tyne district an advertisement requiring every shipowner to make and deliver to him at the principal office of the Commissioners not later than the thirty-first day of July in that year a statement—

(i) showing the name and registered tonnage of every vessel of which such shipowner is owner or part owner and which was registered on the thirty-first day of December next preceding the year of election at any one of the three custom houses and the proportion of the registered tonnage of every such vessel in respect of which such shipowner was the registered owner on such thirty-first day of December; and

(ii) containing a declaration that in respect of every such vessel Tyne dues on the vessel or on ballast shipped on or unshipped from the vessel in the Tyne have been paid during the year ended on such thirty-first day of December;

and every shipowner shall on or before the said thirty-first day of July make and deliver such statement accordingly.

Coalowners to send statement of coal &c. shipped to Commissioners.

13. The secretary shall on one day during the first week in July in every year of election cause to be inserted in at least two newspapers published in the Tyne district an advertisement requiring every coalowner to make and deliver to him at the principal office of the Commissioners not later than the thirty-first day of July in that year a statement—

(i) showing the total number of tons of coal coke culm and cinders which such coalowner has delivered to or shipped on vessels in the Tyne or in any dock or at any staith during the year ended on the thirty-first day of December next preceding the year of election; and

(ii) containing a declaration that Tyne dues on such coal coke culm and cinders have been paid;

and every coalowner shall on or before the said thirty-first day of July make and deliver such statement accordingly. A.D. 1934.

Register of traders to be compiled.

14. The secretary shall on or before the thirty-first day of July in every year of election make a register to be called "the register of traders" and therein enter—

(i) the name of every trader who paid during the year ended on the thirty-first day of December next preceding the year of election any of the dues rates tolls and charges mentioned in the definition of "trader" in this Part of this Act to the amount in the whole of ten pounds; and

(ii) the total sums paid by every such trader during the year ending as aforesaid.

Scale of votes.

15.—(1) Every shipowner who appears by any statement made and delivered under section 12 (Shipowners to send statement of registered tonnage to Commissioners) of this Act to have been registered at any one of the three custom houses on the thirty-first day of December next preceding the year of election as owner of vessels or shares in vessels of the amount or aggregate amount of not less than one hundred tons of registered tonnage and in respect of which tonnage or in respect of any ballast shipped on or unshipped from any such vessel in the port Tyne dues have been paid during the year ended on such thirty-first day of December shall be entitled to one vote for the first hundred tons of such tonnage and to one additional vote for every additional two hundred and fifty tons of such tonnage up to a maximum number of eighteen votes.

(2) Every coalowner who appears by any statement made and delivered under section 13 (Coalowners to send statement of coal &c. shipped to Commissioners) of this Act to have delivered to or shipped on any vessel in the Tyne or in any dock or at any staith during the year ended on the thirty-first day of December next preceding the year of election any coal coke culm or cinders in respect of which Tyne dues have been paid shall be entitled to one vote for the first ten thousand tons of coal coke culm or cinders so delivered or shipped and to one additional vote for every additional twenty-five

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thousand tons of coal coke culm or cinders so delivered or shipped up to a maximum number of eighteen votes.

(3) Every trader who paid during the year ended on the thirty-first day of December next preceding the year of election any of the dues rates tolls or charges mentioned in the definition of "trader" in this Part of this Act shall be entitled to one vote in respect of the first ten pounds of such dues rates tolls or charges appearing by the register of traders to have been paid by him and to one additional vote for every additional twenty-five pounds of such dues rates tolls or charges as aforesaid up to a maximum number of eighteen votes.

Lists of electors and votes to be compiled.

16.—(1) The secretary shall on or before the twenty-first day of August in every year of election make up from the statements and register aforesaid separate lists of the persons entitled to vote as shipowners coalowners and traders respectively with the number of votes to which they are respectively entitled and shall cause each such list to be printed and a printed copy thereof to be posted during the period of ten days next succeeding the said twenty-first day of August on the outer door of each of the three custom houses.

(2) Printed copies of each such list shall be kept at the principal office of the Commissioners for public inspection and on payment of such sum as the Commissioners think reasonable (not exceeding sixpence for each copy of any one list) the Commissioners shall supply copies of any such list to every person requiring copies.

Revisers of lists of electors.

17. The Commissioners shall on or before the twentieth day of August in every year of election appoint two of their number to be two of the revisers of the lists of electors prepared in that year under the last preceding section of this Act and those two commissioners shall not later than the twenty-fourth day of the same month appoint a third person being a person on one of the said lists or a member of a partnership or co-ownership or a director secretary or manager of a company on one of those lists to be a third reviser and to be their chairman If such two commissioners fail to appoint such third reviser or if the reviser appointed by such two commissioners be unable or unwilling to act the chairman of the Commissioners may appoint some person qualified as aforesaid to be such third reviser.

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Revision of lists of electors.

18.—(1) The secretary shall on or before the thirty-first day of August in every year of election cause to be inserted in at least two newspapers published in the Tyne district an advertisement stating the date which shall not be earlier than the fourth day after the date of publication of the advertisement and the time and place of the meeting of the revisers to revise the lists of electors in pursuance of subsection (2) of this section.

(2) The revisers shall on or before the fourth day of September in every year of election revise at the principal office of the Commissioners the lists of electors for the year but if one or two of the revisers shall die or fail to act the others or other of them shall and if all the revisers shall die or fail to act a person appointed by the chairman of the Commissioners shall make or complete the revision.

(3) The revisers shall not be bound to sit for the purposes of subsection (2) of this section longer than from eleven o'clock in the forenoon to three o'clock in the afternoon in any day.

Claims and objections before revisers.

19.—(1) On every such revision—

Any person whose name is not inserted in a list of electors may in person or by his agent claim to have his name inserted therein; and

Any person whose name is inserted in a list of electors may in person or by his agent claim to have the number of votes attributed to him in that list corrected and object to any other person as not being entitled to have his name retained in that list or as not being entitled to the number of votes attributed to him in that list.

(2) Any shipowner or coalowner who in the opinion of the revisers has without reasonable excuse failed to make any statement lawfully and properly required from him under the foregoing provisions of this Part of this Act shall not be entitled to make any such claim or objection as is mentioned in subsection (1) of this section.

Revisers to correct lists.

20. The revisers shall—

(1) retain in any list of electors the name of every person to whom and every number of votes to which an objection is not made; and

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(2) retain in any list of electors any name or number of votes objected to if the objection is not established to their satisfaction; and

(3) strike out from any list of electors the name of every person shown to their satisfaction to be dead or not to be entitled to have his name inserted therein; and

(4) insert in any list of electors the name of any person shown to their satisfaction to be entitled to have his name inserted therein and the number of votes to which such person is entitled; and

(5) correct in any list of electors the number of votes attributed to any person shown to their satisfaction to be entitled to any other number of votes than the number attributed to him.

Revisers may substitute principals for agents.

21. If on any revision of the list of traders application be made to the revisers by any person alleging that Tyne dues appearing by the register of traders to have been paid by persons therein named as payers of the dues have been paid by such persons as agents for and on behalf of other persons as principals and actual payers of such dues and the revisers shall be satisfied of the truth of such allegation they shall alter the list of persons entitled to vote as traders by—

(*a*) striking off from such agents any votes attributed to them in that list in respect of such dues; and

(*b*) inserting therein the names of the principals with such number of votes as such principals would have been entitled to have attributed to them in the list if their names had been entered in the register of traders as the persons paying such dues:

Provided that no such alteration shall be made unless the agents whose names appear in the register shall have had notice in writing at least two days prior to such revision from the person intending to make such application of his intention to make it.

Revisers to sign lists.

22. The decision of the revisers or the majority of them with respect to a list of electors shall be final and conclusive and the revisers shall forthwith after

every revision sign their names at the foot of each revised list and deliver the list to the secretary.

Production to revisers of books &c.

23. For the revision of the lists of electors the Commissioners shall produce at their principal office to the revisers the books and accounts of the Commissioners and the statements and register aforesaid and shall afford to them all reasonable and proper facilities in that behalf.

Evidence of revised lists.

24. Every list of electors purporting to be a list revised and signed as by this Part of this Act provided shall be prima facie evidence of the list being a list duly made and revised.

Revised lists to continue till next revision.

25. Every revised list of electors shall be in force until the revision of the then next list and (except as otherwise provided by this Part of this Act) the persons whose names appear on the revised lists from time to time in force shall be the persons entitled to vote at elections of commissioners under this Part of this Act and shall at every such election be respectively entitled to such number of votes as appears by the revised lists.

Revised lists to be printed and published.

26. Every revised list of electors shall forthwith after the revision thereof be printed and published by the Commissioners and on payment of such sum as the Commissioners think reasonable (not exceeding sixpence for each copy of any one list) the Commissioners shall supply copies of any such list to every person requiring copies.

Advertisement asking for nominations.

27. The secretary shall on or before the twelfth day of September in every year of election cause to be inserted in at least two newspapers published in the Tyne district an advertisement stating the manner in which and time by which nominations of persons as candidates for election as commissioners in that year may and shall be made and delivered as hereinafter provided and what persons are qualified to be such candidates.

Qualification for and manner of nomination.

28.—(1) Each of the following persons (but no other person) shall (subject to the provisions of section 39 (Disqualification of commissioners) of this Act) be qualified to be a candidate for election as a commissioner :—

Every person (being an individual) on the list of any class of electors in his own name; and

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Every person (being an individual) trading under any name other than his own and on the list of any class of electors in the name under which he is trading Provided that previously to the time fixed for the nomination of candidates for election he has produced or given to the Commissioners such satisfactory evidence of his so trading as the Commissioners shall require; and

Every person who is a member of a partnership co-ownership or company which is on the list of any class of electors.

(2) Any person on the list of any class of electors may by a nomination paper duly completed and signed in accordance with the provisions of this Part of this Act propose or second as a candidate for election as a commissioner any person who is qualified under subsection (1) of this section and is on the list of the same class of electors either in his own name or in the name under which he is trading or is a member of a partnership co-ownership or company on such list Provided that a person whose name appears on the list of more than one class of electors shall not exercise the right of proposing or seconding in more than one class and if any person sign either as proposer or seconder more than one nomination paper then all nomination papers so signed by him shall be void.

(3) Notwithstanding anything in this section a person shall be eligible for election as a commissioner only if he has been proposed by one elector and seconded by another elector and intimated his willingness to be elected by a nomination paper under the hands of his proposer and seconder and himself and delivered to the secretary before five o'clock in the afternoon on the twenty-first day of September in the year of election.

(4) The nomination paper of any person who is a member of a partnership co-ownership or company on a list of electors and is nominated in that capacity as a candidate for election as a commissioner shall contain a statement under the hand of the proposer the seconder and the person so nominated that such person is a member of such partnership co-ownership or company.

(5) A person who is nominated in more than one class of electors shall only be eligible for election as a commissioner by the class in respect of which he accepts nomination by signing a nomination paper and if he shall accept nomination in more than one class then all his nominations shall be void.

Withdrawal from candidature.

29. Any person who has been nominated for election as a commissioner may by writing under his hand delivered to the secretary before five o'clock in the afternoon on the twenty-second day of September in the year of election withdraw from his candidature and a person who has so withdrawn shall for the purposes of this Part of this Act relating to the election of commissioners be deemed not to have been nominated for election.

Procedure when no contest.

30. If the number of persons nominated for election as commissioners in any one class of electors be equal to or less than the number of vacancies to be filled in that class—

(*a*) the secretary shall certify the fact under his hand and thereupon the persons so nominated shall be deemed to be elected as commissioners for that class; and

(*b*) the secretary shall on or before the thirtieth day of September in the year of election cause to be inserted in at least two newspapers published in the Tyne district an advertisement stating the fact of their election and their names addresses and designations; and

(*c*) it shall not be necessary to hold a meeting of that class of electors.

And if the number of persons nominated for election as commissioners in any one class of electors be less than the number of vacancies to be filled in that class the remaining vacancies shall not be filled until the next triennial election of commissioners under this Part of this Act or until the election to fill the next extraordinary vacancy occurring in the elected commissioners representing the same class of electors whichever election shall first occur.

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Meetings for election of commissioners when a contest.

31. If in any year of election the number of persons nominated for election as commissioners in any one class of electors be more than the number of vacancies to be filled in that class—

(1) the secretary shall on or before the thirtieth day of September in that year cause to be inserted in at least two newspapers published in the Tyne district an advertisement (i) giving a list of the names addresses and designations of the persons nominated for election as commissioners in that class (ii) convening a meeting of the electors in that class and (iii) specifying the time and place and object of the meeting; and

(2) a meeting of the electors in that class shall be held on the third Wednesday in October in the year of election between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon at such place in the Tyne district as the Commissioners appoint:

Provided that if at any such meeting all of the electors on the list relevant to the meeting have voted or if one hour elapses during which no vote is tendered the chairman of the meeting may thereupon declare the election to be closed and any vote which may be subsequently tendered shall not be receivable:

Provided also that if in any year of election the third Wednesday in October be a day appointed for a public fast or thanksgiving any meeting of electors required to be held under this section shall be held on the day following that Wednesday.

Procedure at meetings.

32. At every meeting held under the last preceding section of this Act the persons present at the commencement of the meeting shall forthwith appoint a chairman and the person so appointed shall receive the votes and act in all other respects as chairman of the meeting and the only business to be transacted or discussed at the meeting shall be the election of the persons to be elected as commissioners thereat.

Printed copies of list to be conclusive.

33. The secretary shall cause to be supplied to each such meeting a printed copy of the list of electors qualified to vote thereat with his signature appended

thereto in writing or in print and that copy shall for all purposes of the meeting be conclusive evidence of the matters therein appearing.

Regulations as to voting.

34.—(1) Each elector in any class may vote for as many candidates as are required to fill the vacancies in that class or for any less number of candidates and may give to each candidate for whom he votes the full number of his votes or any less number.

(2) If any elector in any class vote for more candidates than are required to fill the vacancies in that class all his votes in that class shall be invalid.

As to election voting proxies &c.

35.—(1) The commissioners to be from time to time elected under this Part of this Act by each class of electors shall be elected by a majority of the votes of the electors of that class.

(2) The votes of every elector shall be given in writing under the hand of—

(i) the elector present personally; or

(ii) the person present personally and qualified as provided by section 49 (Signing of statements and other documents) of this Act to sign a voting paper for and on behalf of the elector; or

(iii) a proxy present personally and authorised to sign a voting paper for and on behalf of the elector.

(3) (*a*) If any elector shall sign more than one proxy paper or tender on his own behalf more than one voting paper in respect of an election in any one class of electors then all such proxy papers or voting papers shall be void.

(*b*) If any person qualified to sign a proxy paper or voting paper for and on behalf of an elector shall sign more than one proxy paper or tender more than one voting paper for and on behalf of the same elector in respect of an election in any one class of electors then all such proxy papers or voting papers shall be void.

(*c*) If any proxy shall tender more than one voting paper for and on behalf of the same elector in respect of an election in any one class of electors then all such voting papers shall be void.

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(4) If at any election of commissioners under this Part of this Act there be an equality of votes the chairman of the meeting shall have a second or casting vote.

Result of election to be communicated to secretary.

36. The result of every election shall immediately after the conclusion of the meeting at which it takes place be communicated in writing by the chairman of the meeting to the secretary.

Term of office of elected commissioners.

37. Every person elected or deemed to be elected as a commissioner under the foregoing provisions of this Part of this Act shall hold office on and from the ninth day of November in the year of election until and including the eighth day of November in the next year of election unless he shall previously die or resign or become disqualified to be a commissioner and on the expiry of his term of office shall if qualified be eligible for re-election.

Co-opted commissioners.

Co-opted commissioners.

38.—(1) (*a*) The elected commissioners shall at a meeting to be held on the ninth day of November in the year nineteen hundred and thirty-four or within seven days thereafter co-opt a person to be a commissioner in addition to the person holding office on that day as the commissioner co-opted by the elected commissioners.

(*b*) If two or more persons be nominated for co-option at the meeting to be held in pursuance of paragraph (*a*) of this subsection the person to be co-opted as a commissioner at that meeting shall be determined by a majority of the votes of the elected commissioners present at the meeting and if there be an equality of votes the person to be so co-opted shall be chosen by lot.

(2) (*a*) The elected commissioners shall at a meeting to be held on the ninth day of November in every year of election or within seven days thereafter co-opt two persons to be commissioners.

(*b*) If in any year of election the number of persons nominated for co-option as commissioners be more than two the persons to be so co-opted shall be determined by a majority of the votes of the elected commissioners present at the meeting held in that year of election in pursuance of paragraph (*a*) of this subsection.

(*c*) If at any election held in pursuance of paragraph (*b*) of this subsection there be an equality of votes

between three or more persons who shall have received the largest number of votes the two persons to be co-opted as commissioners shall be chosen by lot from amongst the persons who have obtained such equality of votes.

(*d*) If at any such election one person only shall have received the largest number of votes and there be an equality of votes between two or more persons who shall have received the next largest number of votes the first-mentioned person shall be co-opted as a commissioner and the other person to be so co-opted shall be chosen by lot from amongst the persons who have received such an equality of votes.

(3) A person shall not be capable of being co-opted under this section to be a commissioner unless he be qualified to be a candidate for election as a commissioner nor unless notice in writing of the intention to nominate him for co-option shall have been given to the secretary—

(i) in the case of co-option under subsection (1) of this section on or before the first day of November in the year nineteen hundred and thirty-four by one of the elected commissioners; or

(ii) in the case of co-option under subsection (2) of this section on or before the first day of November in the year of election by one of the persons who shall have been elected to hold office as an elected commissioner on and from the ninth day of November in that year.

(4) Every person co-opted as a commissioner under the foregoing provisions of this section shall hold office on and from the day when he is so co-opted until and including the eighth day of November in the next year of election unless he shall previously die or resign or become disqualified to be a commissioner and on the expiry of his term of office shall if qualified be eligible for reco-option.

Disqualification and extraordinary vacancies.

Disqualification of commissioners.

39.—(1) Any person shall be disqualified to be or to continue to hold office as a commissioner—

(i) if he hold or accept any office or place of profit under the Commissioners; or

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(ii) if he be adjudged bankrupt or make a composition or arrangement with his creditors or become of unsound mind (whether so found by inquisition or not); or

(iii) if he be concerned or participate in any manner in any contract or in the profit thereof or in any work to be done under the authority of the Commissioners Provided that no person being a member of a company shall be disqualified from holding office as a commissioner by reason of any contract entered into between such company and the Commissioners but no such commissioner being a member of such company shall vote on any question relating to the execution of any such contract; or

(iv) if for six months after he comes into office he neglect to make and subscribe the declaration required by section 14 of the Commissioners Clauses Act 1847; or

(v) if for six months in succession he be absent from all meetings of the Commissioners.

(2) A person holding office as an appointed commissioner shall also become disqualified to hold that office if he cease to be a member of the municipal council by which he was appointed Provided that for the purposes of this subsection a member of any of the municipal councils shall not by reason of retirement be deemed to have ceased to be a member of that council if he has been re-elected a member thereof not later than the day of his retirement.

(3) Notwithstanding anything in subsection (1) of this section if the Commissioners shall grant to any member of their body leave of absence from all meetings of the Commissioners for a period exceeding six months such commissioner shall not cease to be a commissioner by reason of his neglect to make and subscribe the declaration required by section 14 of the Commissioners Clauses Act 1847 or of his absence from all meetings of the Commissioners during the period for which leave of absence is so granted.

Occurrence of extraordinary vacancy.

40. An extraordinary vacancy in the office of commissioner shall occur if a commissioner become disqualified under the last preceding section of this Act or die or resign.

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Filling up of extraordinary vacancies.

41.—(1) If an extraordinary vacancy shall occur in the office of an appointed commissioner the municipal council by which he was appointed shall with all convenient speed appoint a member of the council to be a commissioner in his place.

(2) (*a*) If an extraordinary vacancy shall occur in the office of an elected commissioner the secretary shall (except as mentioned in paragraph (*g*) of this subsection) within thirty days after the vacancy shall be first known to him cause to be inserted in at least two newspapers published in the Tyne district an advertisement stating the manner in which and time by which nominations of persons as candidates for election to fill the vacancy must be made and delivered to him and what persons are eligible as such candidates.

(*b*) The provisions of section 28 (Qualification for and manner of nomination) of this Act shall apply to the nomination of persons as candidates for election to fill an extraordinary vacancy except that the nomination papers shall be delivered to the secretary not later than five o'clock in the afternoon of the tenth day after the date of the advertisement published under paragraph (*a*) of this subsection.

(*c*) Any person who has been nominated for election as a commissioner under the provisions of this subsection may by writing under his hand addressed and delivered to the secretary before five o'clock in the afternoon on the day next succeeding the last day for delivering nomination papers withdraw from his candidature and a person who has so withdrawn shall for the purposes of this section be deemed not to have been nominated.

(*d*) If no person shall be nominated under this subsection to fill an extraordinary vacancy in the office of an elected commissioner the vacancy shall not be filled until the next triennial election of commissioners under this Part of this Act or until the election to fill the next extraordinary vacancy occurring in the elected commissioners representing the same class of electors whichever election shall first occur.

(*e*) If only one person shall be nominated as aforesaid to fill such an extraordinary vacancy as aforesaid the secretary shall certify the fact under his hand and thereupon that person shall be deemed to have been elected

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to fill the vacancy and the secretary shall forthwith cause to be inserted in at least two newspapers published in the Tyne district an advertisement stating the fact of his election and his name address and designation.

(*f*) If more than one person shall be nominated as aforesaid to fill such an extraordinary vacancy as aforesaid the secretary shall within nine days after the last day for delivering nomination papers cause to be inserted in at least two newspapers published in the Tyne district an advertisement giving a list of the names addresses and designations of the persons nominated and convening a special meeting of the electors of the class in which the vacancy has occurred for the election of a commissioner to fill the vacancy which meeting shall be held within ten days from the date of the advertisement and the proceedings thereat shall be conducted as nearly as may be in the same manner as the proceedings at meetings for the election of commissioners in a year of election.

(*g*) If an extraordinary vacancy in the office of an elected commissioner shall occur after the thirtieth day of June in any year of election or shall occur before but not be known to the secretary until after that day the vacancy shall not be filled until the triennial election of commissioners in that year under this Part of this Act.

(3) (*a*) If an extraordinary vacancy shall occur in the office of a co-opted commissioner the elected commissioners shall at a meeting to be held within thirty days after the vacancy shall be known to the secretary co-opt some person qualified as mentioned in section 38 (Co-opted commissioners) of this Act to hold office as a co-opted commissioner but if any extraordinary vacancy in the office of a co-opted commissioner shall occur after the thirtieth day of June in any year of election or shall occur before but not be known to the secretary until after that day the vacancy shall not be filled except under and in accordance with the provisions of the said section of this Part of this Act.

(*b*) If two or more persons be nominated for co-option at a meeting to be held in pursuance of paragraph (*a*) of this subsection the person to be co-opted as a commissioner at that meeting shall be determined by a majority of the votes of the elected commissioners present at the meeting and if there be an equality of votes the person to be so co-opted shall be chosen by lot.

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(4) If an extraordinary vacancy shall occur in the office of commissioner through disqualification of an appointed commissioner an elected commissioner or a co-opted commissioner the same commissioner shall if qualified to be a commissioner at the date of appointment election or co-option of a person to fill the vacancy be eligible for reappointment re-election or reco-option.

(5) Any person appointed or elected or co-opted as a commissioner under this section shall be entitled to hold office so long only as the commissioner in whose stead he is appointed elected or co-opted would have been entitled to have continued in office but shall if qualified be eligible for reappointment re-election or reco-option.

Miscellaneous.

Change of ownership of vessels or shares before triennial revision.

42.—(1) If any person shall acquire between the thirty-first day of December next preceding a year of election and the revision of the lists of electors in that year any vessel or any share or shares in a vessel belonging to any shipowner (hereinafter called "the retiring shipowner") and shall at the date of such acquisition be or before such revision become a person residing or carrying on business in the Tyne district and the registered tonnage of the vessel or the share or shares in a vessel so acquired shall have been included in the statement made and delivered to the secretary in accordance with section 12 (Shipowners to send statement of registered tonnage to Commissioners) of this Act that person (hereinafter called "the acquiring shipowner") if he be the owner of such vessel or such share or shares in a vessel at the date of such revision and the tonnage registered in his name be sufficient shall be entitled to be entered in the list of electors as the owner of such vessel or such share or shares in a vessel.

(2) The number of votes to which the acquiring shipowner shall be entitled shall be calculated on the registered tonnage of the vessel or the share or shares in a vessel so acquired added to the registered tonnage (if any) of any vessel or share or shares in a vessel registered in the name of the acquiring shipowner on such thirty-first day of December:

Provided that the acquiring shipowner shall previously to such triennial revision of the list of electors

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produce or give to the Commissioners such satisfactory evidence of his having acquired such vessel or such share or shares in a vessel as the Commissioners shall reasonably require and the acquiring shipowner shall not under any circumstances be entitled to more than eighteen votes.

(3) The number of votes to which the retiring shipowner shall be entitled shall be calculated on the registered tonnage of any vessel or share or shares in a vessel registered in the name of the retiring shipowner on such thirty-first day of December after subtracting therefrom the registered tonnage of any vessel or share or shares in a vessel so acquired by the acquiring shipowner.

Change of ownership of colliery before triennial revision.

43.—(1) If any person shall acquire (whether by purchase absorption amalgamation or otherwise) at any time before any triennial revision of the lists of electors any colliery of or belonging to any coalowner (hereinafter called "the retiring coalowner") and any shipments of coal coke culm or cinders shall have been made from such colliery during the year ended on the thirty-first day of December next preceding such revision and included in the statement made and delivered to the secretary in accordance with section 13 (Coalowners to send statement of coal &c. shipped to Commissioners) of this Act that person (hereinafter called "the acquiring coalowner") if he be the owner of such colliery at the date of such revision but not the retiring coalowner shall be entitled to the benefit of those shipments and the acquiring coalowner if the shipments made by him be sufficient shall be entitled to be entered in the list of electors in respect of those shipments.

(2) The number of votes to which the acquiring coalowner shall be entitled shall be calculated on the shipments from the colliery so acquired added to the shipments (if any) made by him during such year:

Provided that the acquiring coalowner shall previously to such triennial revision of the list of electors produce or give to the Commissioners such satisfactory evidence of his having acquired such colliery as the Commissioners shall reasonably require and the acquiring coalowner shall not under any circumstances be entitled to more than eighteen votes.

(3) In this section the term "shipments" means shipments on a vessel in the Tyne or in any dock or at any staith and includes deliveries to any such vessel.

Change of ownership of business of traders before triennial revision.

44.—(1) If any person shall acquire at any time before any triennial revision of the lists of electors any business within the Tyne district of or belonging to any trader (hereinafter called "the retiring trader") and shall at the date of such acquisition be or before such revision become a person residing or carrying on business in the Tyne district and any payments of any of the Tyne dues mentioned in the definition of "trader" in this Part of this Act shall have been made in respect of such business during the year ended on the thirty-first day of December next preceding such revision that person (hereinafter called "the acquiring trader") if he be the owner of such business at the date of such revision but not the retiring trader shall be entitled to the benefit of those payments and the acquiring trader if the payments made by him be sufficient shall be entitled to be entered in the list of electors in respect of that business.

(2) The number of votes to which the acquiring trader shall be entitled shall be calculated on the payments made in respect of the business so acquired added to the payments (if any) made by him during such year:

Provided that the acquiring trader shall previously to such triennial revision of the list of electors produce or give to the Commissioners such satisfactory evidence of his having acquired such business as the Commissioners shall reasonably require and the acquiring trader shall not under any circumstances be entitled to more than eighteen votes.

Change of ownership of vessels or shares during continuance of list.

45. If any vessel or share or shares in a vessel belonging to any shipowner on the list of electors (hereinafter called "the retiring shipowner") shall at any time while that list shall be in force be acquired by any person who is at the date of such acquisition or becomes during the currency of such list a person residing or carrying on business in the Tyne district that person (hereinafter called "the acquiring shipowner") shall become entitled to the benefit of the registered tonnage of the vessel or the share or shares

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in a vessel so acquired if such registered tonnage shall have been included in the statement last previously made and delivered to the secretary in accordance with section 12 (Shipowners to send statement of registered tonnage to Commissioners) of this Act on producing or giving to the Commissioners such satisfactory evidence of the acquiring shipowner having acquired the vessel or the share or shares in a vessel as the Commissioners shall reasonably require and thereupon the Commissioners shall amend that list by substituting therein the name of the acquiring shipowner for the name of the retiring shipowner in respect of such vessel or share or shares in a vessel On such substitution the acquiring shipowner shall (if the tonnage registered in his name be sufficient) become an elector and the retiring shipowner shall cease to be an elector in respect of such vessel or share or shares in a vessel :

Provided that the acquiring shipowner shall not under any circumstances be entitled to more than eighteen votes.

Change of ownership of colliery during continuance of list.

46.—(1) If any colliery of any coalowner on the list of electors (hereinafter called "the retiring coalowner") shall be acquired (whether by purchase absorption amalgamation or otherwise) by any other person (hereinafter called "the acquiring coalowner") at any time while that list shall be in force the acquiring coalowner shall become entitled to the benefit of the shipments of coal coke culm or cinders made from such colliery and included in the statement last previously made and delivered to the secretary in accordance with section 13 (Coalowners to send statement of coal &c. shipped to Commissioners) of this Act on producing or giving to the Commissioners such satisfactory evidence of the acquiring coalowner having acquired the colliery as the Commissioners shall reasonably require and thereupon the Commissioners shall amend that list by substituting therein (if the tonnage shipped from such colliery and in respect of which Tyne dues have been paid added to the tonnage shipped and in respect of which Tyne dues have been paid by the acquiring coalowner be sufficient) the name of the acquiring coalowner for the name of the retiring coalowner in respect of such colliery On such substitution the acquiring coalowner (if the said tonnage be sufficient)

shall become an elector and the retiring coalowner shall cease to be an elector in respect of such colliery : A.D. 1934.

Provided that the acquiring coalowner shall not under any circumstances be entitled to more than eighteen votes.

(2) In this section the term "shipments" means shipments on a vessel in the Tyne or in any dock or at any staith and includes deliveries to any such vessel and the word "shipped" has a like meaning.

Change of ownership of business of traders during continuance of list.

47. If any business within the Tyne district of or belonging to any trader on the list of electors (hereinafter called "the retiring trader") shall at any time while that list shall be in force be acquired by any person who is at the date of such acquisition or becomes during the currency of such list a person residing or carrying on business in the Tyne district that person (hereinafter called "the acquiring trader") shall become entitled to the benefit of all payments of any of the Tyne dues mentioned in the definition of "trader" in this Part of this Act made by the retiring trader in respect of that business and included in the register of traders last previously made by the secretary on producing or giving to the Commissioners such satisfactory evidence of the acquiring trader having acquired such business as the Commissioners shall reasonably require and thereupon the Commissioners shall amend that list by substituting therein (if the payments of the said Tyne dues in respect of such business added to the payment (if any) of the said Tyne dues made by the acquiring trader be sufficient) the name of the acquiring trader for the name of the retiring trader On such substitution the acquiring trader (if the said payments be sufficient) shall become an elector and the retiring trader shall cease to be an elector in respect of such business :

Provided that the acquiring trader shall not under any circumstances be entitled to more than eighteen votes.

Nomination and voting by executors &c.

48. The executor or administrator or any one but not more than one of the executors or administrators of any person on a list of electors who shall have died while that list is in force and the receiver or committee (if only one) or any one but not more than one of the receivers or committees (if more than one) of any

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person on a list of electors who shall become of unsound mind (whether so found by inquisition or not) while that list is in force shall have the same or the like powers of proposing or seconding and voting for any candidate for the office of a commissioner as such person could have exercised under this Act had he been living or of sound mind but nothing in this section shall confer on any executor administrator receiver or committee as such any right to become a candidate for the office of commissioner :

Provided that any executor administrator receiver or committee desirous of proposing or seconding or voting as aforesaid shall previously produce or give to the Commissioners such satisfactory evidence of his being such executor administrator receiver or committee and in the case of an executor or administrator of his being authorised by the other executors or administrators (if any) and in the case of a receiver or committee of his being authorised by an order or direction under the seal of the master in lunacy to exercise such powers of proposing or seconding and voting as the Commissioners may reasonably require.

Signing of statements and other documents.

49. Any statement required to be made under this Part of this Act and any nomination paper voting paper or proxy paper tendered in connection with any election of commissioners under this Part of this Act shall be signed as follows :—

If the statement is required to be made or the paper is tendered by an individual it shall be signed by the individual under his hand except that if he is trading under a partnership name or an individual name other than his own he shall sign in the name under which he so trades ;

If the statement is required to be made or the paper is tendered by a partnership or co-ownership it shall be signed under the hand of any one member of that partnership or co-ownership and be expressed to be for and on behalf of the partnership or co-ownership ;

If the statement is required to be made or the paper is tendered by a company it shall be signed by a director or the secretary or the

manager of that company under his hand and be expressed to be for and on behalf of the company;

If the statement is required to be made or the paper is tendered by a county or local authority it shall be signed under the hand of the clerk or town clerk of that authority and be expressed to be for and on behalf of the authority:

Provided that any statement made by a coalowner under section 13 (Coalowners to send statement of coal &c. shipped to Commissioners) of this Act may be signed by the fitter of that coalowner if expressed to be for and on behalf of the coalowner.

Penalty for making false statements &c.

50. Any person whether acting for himself or on behalf of any partnership co-ownership company or other body who wilfully makes or causes to be made a false statement or declaration or a false entry in any nomination paper proxy paper or voting paper shall be guilty of a misdemeanour and if an elector shall be disqualified thenceforth to vote at any election of commissioners under this Part of this Act.

Chairman's and secretary's decision in certain cases to be final.

51. The decision of the chairman of any meeting for the election of commissioners under this Part of this Act and in the case of an uncontested election the decision of the secretary shall be final with regard to any claim objection or dispute.

PART III.

AUDITORS.

Definitions for Part III.

52. In this Part of this Act unless the subject or context otherwise requires—

Words and expressions to which meanings are assigned by Part II of this Act have the same respective meanings;

"the four councils" means the Newcastle Council the Gateshead Council the Tynemouth Council and the South Shields Council;

"the appointed auditors" means the auditors from time to time appointed as auditors of the accounts of the Commissioners by the four councils under this Part of this Act and includes

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the persons holding office at the passing of this Act as the auditors appointed by the four councils so long as they shall hold that office;

"the elected auditor" means the person from time to time elected as an auditor of the accounts of the Commissioners by the dues payers under this Part of this Act and includes the person holding office at the passing of this Act as the auditor elected by the dues payers so long as he shall hold that office.

Present auditors continued in office.

53. Notwithstanding any repeal effected by this Act each of the persons holding office at the passing of this Act as an appointed auditor or the elected auditor shall continue to hold office during the remainder of his term of office under the enactments so repealed unless he shall previously die or resign or become disqualified for that office.

Appointed auditors.

54.—(1) Each of the four councils shall on the ninth day of November in the year nineteen hundred and thirty-four and every subsequent year respectively appoint one person being a member or qualified to be a member of the council by which he is appointed and not being a commissioner to be an auditor of the accounts of the Commissioners for the ensuing year.

(2) If on any ninth day of November on which an appointment of an auditor should be made under subsection (1) of this section any of the four councils fail to appoint a person to be auditor of the accounts of the Commissioners that council shall make such appointment within seven days next after that day.

(3) Every person appointed as an auditor under this section shall hold office on and from the date of his appointment until and including the eighth day of November in the year after his appointment unless he shall previously die or resign or become disqualified and on the expiry of his term of office shall if qualified be eligible for re-appointment.

(4) Notwithstanding the foregoing provisions of this section any of the four councils on making an appointment under subsection (1) of this section may by resolution determine that the person so appointed shall be an auditor of the accounts of the Commissioners

for the ensuing three years and if and whenever any such resolution be passed subsection (3) of this section shall with respect to the person to whom the resolution relates have effect as if the words "the third year" were substituted therein for the words "the year." A.D. 1934.

Nomination of and qualification for elected auditor.

55.—(1) The advertisement published by the secretary in any year of election in pursuance of section 27 (Advertisement asking for nominations) of this Act shall (in addition to stating the matters mentioned in that section) state the manner in which and time by which nominations of persons as candidates for election as an auditor of the accounts of the Commissioners in that year may and shall be made and delivered and what persons are qualified to be such candidates.

(2) The persons qualified to be nominated as candidates for election as an auditor of the accounts of the Commissioners shall be every person who is qualified to be a candidate for election as a commissioner as mentioned in subsection (1) of section 28 (Qualification for and manner of nomination) of this Act and is not a person holding office as a nominated commissioner an appointed commissioner or a co-opted commissioner or a person nominated as a candidate for election as a commissioner in the same year of election.

(3) The provisions of subsections (2) (3) and (4) of the said section 28 (Qualification for and manner of nomination) and the provisions of section 29 (Withdrawal from candidature) of this Act shall apply with respect to the nomination of a person for election as an auditor under this section and the withdrawal of any such nomination as though those provisions were re-enacted in this section with any necessary alterations.

Procedure where no contest for election of auditor.

56.—(1) If in any year of election only one person be nominated for election as auditor—

(*a*) the secretary shall certify the fact under his hand and thereupon that person shall be deemed to be elected as auditor; and

(*b*) the secretary shall on or before the thirtieth day of September in the year of election cause to be inserted in at least two newspapers published in the Tyne district an advertisement stating

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the fact of his election and his name address and designation; and

(*c*) it shall not be necessary to hold a meeting of electors for the purpose of electing an auditor.

(2) If in any year of election no person be nominated for election as auditor then the vacancy occurring in the office of elected auditor on the ninth day of November in that year shall not be filled until the next triennial election and in the meantime the appointed auditors shall act as if the full number of auditors had been elected.

Meeting for election when contest.

57.—(1) If in any year of election more than one person be nominated for election as auditor an aggregate meeting of all the three classes of electors shall be—

(i) convened by the secretary by an advertisement in like manner and giving the like information as is mentioned in paragraph (1) of section 31 (Meetings for election of commissioners when a contest) of this Act and inserted in the same newspapers as the advertisement mentioned in that paragraph if in that year of election an advertisement be published in pursuance of that paragraph; and

(ii) held on the third Wednesday in October in the year of election concurrently with the meeting or meetings held in pursuance of the last-mentioned section of this Act or if no such meeting be held in that year of election then between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon and at such place in the Tyne district as the Commissioners appoint:

Provided that if at any such aggregate meeting all of the electors have voted or if one hour elapses during which no vote is tendered the chairman of the meeting may thereupon declare the election to be closed and any vote which may be subsequently tendered shall not be receivable:

Provided also that if in any year of election the third Wednesday in October be a day appointed for a public fast or thanksgiving the aggregate meeting of electors required to be held under this section shall be held on the day following that Wednesday.

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(2) At every aggregate meeting held in pursuance of subsection (1) of this section the electors present personally or by proxy at the meeting shall be entitled to vote for some person qualified to be nominated and nominated as provided by this Part of this Act to be an auditor of the accounts of the Commissioners and the person who obtains the largest number of votes at the meeting shall be thereby elected to be an auditor of the accounts of the Commissioners together with the appointed auditors.

(3) If at any election of an auditor in pursuance of this section there be an equality of votes the chairman of the meeting shall have a second or casting vote.

(4) The result of every election held in pursuance of this section shall immediately after the conclusion of the meeting at which it takes place be communicated in writing by the chairman of the meeting to the secretary.

Term of office of elected auditor.

58. Every person elected as an auditor under the foregoing provisions of this Part of this Act shall hold office on and from the ninth day of November in the year of election until and including the eighth day of November in the next year of election unless he shall previously die or resign or become disqualified and on the expiry of his term of office shall if qualified be eligible for re-election.

Disqualification of auditors.

59.—(1) Any person holding office as an appointed auditor or the elected auditor shall be disqualified to continue to hold that office—

(i) if he hold or accept any other office or any place of profit under the Commissioners; or

(ii) if he be adjudged bankrupt or make a composition or arrangement with his creditors or become of unsound mind (whether so found by inquisition or not); or

(iii) if he be nominated appointed elected or co-opted as a commissioner; or

(iv) if he be concerned or participate in any manner in any contract or in the profit thereof or in any work to be done under the authority of the Commissioners Provided that no person being a member of any company shall be

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disqualified from holding office as an auditor of the Commissioners' accounts by reason of any contract entered into between such company and the Commissioners.

(2) Any person holding office as an appointed auditor shall also be disqualified to hold that office if he shall cease to be qualified to be a member of the municipal council by which he was appointed.

Occurence of extraordinary vacancy in office of auditor.

60. An extraordinary vacancy in the office of auditor shall occur if an auditor become disqualified under the last preceding section of this Act or die or resign.

Filling up of extraordinary vacancies in office of auditor.

61.—(1) If an extraordinary vacancy in the office of an appointed auditor shall occur the municipal council by which he was appointed shall with all convenient speed appoint a person being or qualified to be a member of the council by which he was appointed and not being a commissioner to be an auditor in his place.

(2) If an extraordinary vacancy in the office of the elected auditor shall occur the secretary shall convene an aggregate special meeting of all the three classes of electors to fill the vacancy and the proceedings at the meeting shall be conducted as nearly as may be in the same manner as the proceedings at meetings in a year of election :

Provided that if any such vacancy in the office of the elected auditor shall occur after the thirtieth day of June in a year of election or shall occur before but not be known to the secretary until after that day the vacancy shall not be filled until the election of an auditor in that year in pursuance of this Part of this Act.

(3) Any person appointed or elected an auditor under this section shall continue in office so long only as the auditor in whose stead he is appointed or elected would have been entitled to continue in office but shall if qualified be eligible for reappointment or re-election.

Application of Part II to election of auditor.

62. All of the provisions of Part II of this Act relating to the nomination of persons as candidates for election as commissioners and the convening and holding of meetings of electors for election of commissioners and the proceedings and rights of voting at such meetings

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and otherwise relating to the election of commissioners (whether a triennial election or an election to fill an extraordinary vacancy) shall so far as applicable and except where expressly varied by this Part of this Act apply (mutatis mutandis) to the nomination of persons as candidates for election as an auditor of the accounts of the Commissioners and the convening and holding of meetings of electors for the election of an auditor and the proceedings and rights of voting at such meetings and otherwise relating to the election of an auditor (whether a triennial election or an election to fill an extraordinary vacancy).

PART IV.

PROVISIONS COMMON TO PARTS II AND III.

Expenses of elections of commissioners and auditor.

63. The expenses incurred by the Commissioners of and incident and preparatory to the obtaining and preparation of lists and statements and registers with respect to and the holding of elections of persons as commissioners or an auditor under Part II or Part III of this Act or otherwise relative to any such election shall be paid by the Commissioners.

Cesser of certain disqualification.

64. Notwithstanding anything in section 39 (Disqualification of commissioners) or in section 59 (Disqualification of auditors) of this Act the following provisions shall have effect with respect to the disqualification attaching to any person to be or to continue to hold office as a commissioner or to continue to hold office as one of the appointed auditors or the elected auditor (as respectively defined in Part III of this Act) by reason of such person being adjudged bankrupt or making a composition or arrangement with his creditors (viz.) :—

(*a*) any such disqualification by reason of a person being adjudged bankrupt shall cease—

(i) if the bankruptcy is annulled either on the ground that he ought not to have been adjudged bankrupt or that his debts have been paid in full on the date of the annulment; or

(ii) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part on the date of his discharge; or

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(iii) in any other case on the expiration of five years from the date of his discharge;

(*b*) any such disqualification by reason of a person making a composition or arrangement with his creditors shall cease—

(i) if he pays his debts in full on the date on which the payment is completed; or

(ii) in any other case on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

Provisions as to years when ninth November is a Sunday &c.

65. Whenever in any year the ninth day of November is a Sunday or a day appointed as a bank holiday or for public thanksgiving or mourning the following provisions shall have effect:—

(*a*) every section of Part II or Part III of this Act which requires any act or thing to be done on the ninth day of November in that year shall be construed as if the act or thing were required to be done on the first day thereafter which is not a Sunday or a day appointed as aforesaid;

(*b*) the term of office of any commissioner or auditor which under Part II or Part III of this Act would commence on the ninth day of November in that year shall commence on the first day thereafter which is not a Sunday or a day appointed as aforesaid; and

(*c*) the term of office of any commissioner or auditor which under Part II or Part III of this Act would extend to and include but not extend beyond the eighth day of November in that year shall extend to and include the day immediately preceding that on which the term of office of any commissioner or auditor will commence under the foregoing paragraph (*b*).

PART V.

MISCELLANEOUS.

Power to act notwithstanding vacancy.

66. The Commissioners may act notwithstanding any vacancy in their body however arising.

Accounts to be published.

67. The accounts of the Commissioners after having been audited by the persons for the time being holding

office under Part III of this Act as auditors of the accounts of the Commissioners shall be open to the inspection of every person who is a member of any of the four councils as defined in that Part and a full abstract of such accounts shall within one month after such audit be printed and delivered to each such person or sent by post to his residence or last known place of abode. A.D. 1934.

Power to sell or lease certain lands to South Shields Corporation.

68.—(1) Notwithstanding anything in the Tyne Improvement Acts 1850 to 1934 or in any enactment incorporated with any of those Acts the Commissioners may sell or lease to the South Shields Corporation the whole or any part of the lands hereinafter mentioned for such consideration and on such terms and conditions and in the case of a lease for such period as may be agreed between the Commissioners and the South Shields Corporation.

The lands above referred to are the lands coloured red and the lands coloured blue on the signed plan referred to in section 73 (Powers as to lands) of the Act of 1897 and any other lands of the Commissioners abutting upon or adjacent to the South Pier in the county borough of South Shields.

(2) If in pursuance of the power conferred by subsection (1) of this section the Commissioners sell or lease to the South Shields Corporation part only of the lands coloured red or the lands coloured blue on the said signed plan (in this subsection referred to as "the said lands") the second and third paragraphs of the said section 73 shall cease to apply to that part of the said lands but the South Shields Corporation shall continue to be tenants of so much of the said lands as has not been sold or leased to them in pursuance of the said power subject to the provisions of the said section 73 and on the same terms as at the passing of this Act Provided that the annual rent to be payable by the South Shields Corporation to the Commissioners for those parts of the said lands of which the South Shields Corporation shall so continue to be tenants shall be such sum as bears to the rent payable by the South Shields Corporation at the passing of this Act for the whole of the said lands the same proportion as the superficial area of the parts of the said lands of which the South Shields Corporation shall so continue to be tenants bears to the superficial area of the whole of the said lands.

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Extension of time for completion of works.

69. Section 10 (Extension of time for completion of works) of the Act of 1929 shall have effect as if the words "twenty years" were substituted therein for the words "ten years."

Power to improve course of river.

70.—(1) The Commissioners for the purpose of improving the navigation of the river or the flow of water therein may with the consent in writing of the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade shorten any bend or remove any point or projection in the banks of the river.

(2) The Commissioners may enter into agreements with the owners of and other persons interested in any land adjoining or in or near to the river for the purchase of land or otherwise to enable them to effect the purpose mentioned in subsection (1) of this section.

(3) The Commissioners shall not in carrying out any such operations as are referred to in subsection (1) of this section do anything by or in consequence of which—

(*a*) any damage injury or interference shall be caused or result to or with—

(i) any land or building abutting upon or situate near to the river; or

(ii) any dock staith quay wharf bridge jetty pier abutment or other structure lawfully constructed or placed under statutory powers on or over any bank or the bed of the river or any tributary of the river or any land adjacent to the river or any such tributary; or

(iii) any main pipe wire electric telegraphic or telephonic line or other apparatus lawfully laid under statutory powers on in over or under any bank or the bed of the river or any tributary of the river or any land adjacent to the river or any such tributary by any local authority company or body carrying on any gas water or electricity undertaking or by the London and North Eastern Railway Company;

except with the consent of the owner of such land building structure or apparatus; or

(*b*) any interruption in the supply of gas water or electricity or interference with telegraphic or telephonic communication through any such main pipe wire electric line or apparatus as aforesaid shall except with the consent of the owner thereof be caused or result.

(4) (*a*) If notwithstanding subsection (3) of this section any such damage injury or interference as is referred to in that subsection shall be caused or result the Commissioners shall pay compensation in respect thereof to the owners of and other persons having any estate or interest in the land building structure or apparatus so damaged injured or interfered with and the amount of such compensation shall in case of difference be ascertained and determined in accordance with the provisions of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase and taking of lands otherwise than by agreement for which purpose—

(i) the Lands Clauses Acts as so modified shall be deemed to be incorporated with this Act;

(ii) this Act shall be deemed to be the special Act within the meaning of the said Acts;

(iii) the operations of the Commissioners under subsection (1) of this section shall be deemed to be the works by the special Act authorised to be executed; and

(iv) the Commissioners shall be deemed to be the promoters of the undertaking:

Provided that any claim for compensation under this subsection may be made from time to time as any such damage injury or interference is caused or results but no owner or other person shall be entitled to claim compensation more than once in respect of the same damage injury or interference.

(*b*) The Commissioners shall also indemnify every such owner or other person as aforesaid against all claims demands damages costs charges and expenses which may be made against or recovered from or incurred by such owner or person by reason or in consequence of any such damage injury or interference as aforesaid.

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(*c*) If notwithstanding subsection (3) of this section any interruption in the supply of gas water or electricity by any such local authority company or body as is referred to in that subsection shall be caused by the Commissioners in carrying out any such operations as aforesaid they shall indemnify such local authority company or body against any loss damages or penalties which they may suffer or incur by reason or in consequence of such interruption.

(*d*) Nothing in this subsection shall prejudice or affect any right or immunity of the Commissioners under or by virtue of any statutory provision for their protection in force at the date of the passing of this Act.

(5) Nothing in this section shall impose on the Commissioners any liability to pay compensation in respect of any damage injury or loss caused to or suffered by any such owner or other person as aforesaid by or in consequence of the user of the river as altered under the powers conferred on the Commissioners by subsection (1) of this section.

(6) Notwithstanding anything in this section the Commissioners shall not except with the previous consent in writing of the North Eastern Electric Supply Company Limited execute any work under this section—

(*a*) on the north side of the river within four hundred yards of the eastern boundary or of the western boundary of the lands at the passing of this Act belonging to the company and forming the site of their Carville power station at Wallsend or used in connection therewith; or

(*b*) on the south side of the river within four hundred yards of the eastern boundary or of the western boundary of the lands at the passing of this Act belonging to the company and forming the site of their Dunston power station or used in connection therewith.

(7) Nothing in this section shall prejudice or affect the powers and rights of the Postmaster-General under the Telegraph Acts 1863 to 1926 and in particular any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General shall be subject to the provisions of section 7 of the Telegraph Act 1878.

Continuance of shipment dues on coal &c.

71. Subsection (3) of section 7 (Shipment dues on coal &c.) of the Act of 1925 is hereby repealed and the dues and charges authorised by that section shall continue in force until Parliament shall otherwise determine.

Dues on seaplanes &c.

72.—(1) Subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending that Act or of any Order made under or in pursuance thereof the Commissioners may demand levy collect and receive on and in respect of seaplanes hydroplanes and similar craft entering or using or departing from the port such reasonable rates as may from time to time be fixed by the Commissioners which rates shall be in lieu of the rates leviable by the Commissioners under the existing Acts on and in respect of vessels Provided that any rate levied under this section shall not exceed a rate of one shilling per linear foot of maximum span.

(2) All the provisions of the existing Acts and of any Act incorporated with any of those Acts with respect to the enforcement collection and recovery of dues rates tolls and charges shall (so far as appropriate) apply and be applicable with respect to all rates which the Commissioners are by this section authorised to demand levy collect and receive.

Extension of powers to remove wrecks.

73. Section 42 (Further power to deal with wrecks &c. and recover expenses) of the Act of 1890 shall have effect as if the words "or in or near any approach thereto" were inserted therein after the words "within the port."

Provisions as to foyboatmen.

74.—(1) The Commissioners may by byelaws made under this section—

(*a*) limit the number of foyboatmen to be licensed by the Commissioners under section 17 (Power to license foyboatmen) of the Act of 1925 as the circumstances of the port may from time to time require;

(*b*) provide generally for the good government of foyboatmen so licensed by the Commissioners and in particular for ensuring their good conduct in and constant attendance to and effectual performance of their duties;

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(*c*) determine the system to be adopted with respect to the supply of foyboatmen so licensed by the Commissioners to meet the requirements of the port;

(*d*) provide for the punishment of any breach of any byelaws made by the Commissioners for the good government of foyboatmen so licensed by them by the infliction of fines without prejudice to the powers of the Commissioners under the Act of 1925 to endorse suspend or cancel the licence if there be any such breach of byelaw; and

(*e*) fix a schedule of maximum charges for services rendered by foyboatmen so licensed by the Commissioners.

(2) All byelaws under this section shall be made under the common seal of the Commissioners.

(3) The grant or renewal of a licence to a foyboatman by the Commissioners under the powers of the Act of 1925 and this Act shall not impose any liability on the Commissioners for any loss occasioned by any act or default of the foyboatman.

(4) (*a*) A foyboatman licensed by the Commissioners shall when required by the Commissioners produce his licence to the Commissioners and if his licence be suspended or cancelled shall deliver up the licence to the Commissioners.

(*b*) If any foyboatman licensed by the Commissioners fail to comply with the requirements of this subsection he shall be liable on conviction in respect of each offence to a fine not exceeding forty shillings.

Publication of rates.

75.—(1) The Commissioners shall from time to time cause to be printed clearly a list of the several rates for the time being leviable by them and cause a printed copy of such list to be exhibited and kept exhibited on some conspicuous part of the principal office of the Commissioners and on one or more conspicuous places on the property of the Commissioners adjacent to the port and the copies of the lists so exhibited shall be renewed from time to time as occasion shall require.

(2) No rate shall be leviable by the Commissioners during any time when printed copies of the list mentioned

in subsection (1) of this section are not kept exhibited as required by that subsection nor shall any rate not specified in such list be leviable by the Commissioners Provided that if any such printed copy of the list be destroyed injured or obliterated the rates mentioned in the list shall continue leviable by the Commissioners during such time as may be reasonably required for the restoration or reparation of such copy in the same manner as if such copy had continued exhibited.

(3) This section shall not apply with respect to any toll or charge leviable by the Commissioners under the Ferry Act 1829 and the Ferry Act 1848.

Confirmation of byelaws.

76.—(1) No byelaws made by the Commissioners after the passing of this Act under the Tyne Improvement Acts 1850 to 1934 or the Harbours Docks and Piers Clauses Act 1847 shall come into operation until they have been confirmed by the confirming authority.

(2) The confirming authority in relation to byelaws so made shall be the Minister except that as respects byelaws which in the opinion of the Minister after consultation with the Board of Trade primarily concern the interests of navigation the confirming authority shall be the Board of Trade.

(3) Before confirming any byelaws which relate to seaplanes hydroplanes and similar craft the confirming authority shall consult with the President of the Air Council.

(4) At least one month before application for confirmation of any byelaws is made notice shall be given in one or more newspapers circulating in the Tyne district (as defined in Part II of this Act) of intention to apply for confirmation and of the place at which and times during which a copy of the byelaws shall be open to public inspection.

(5) For at least one month before application for confirmation of any byelaws is made a copy of the byelaws shall be kept at the principal office of the Commissioners and shall at all reasonable hours be open to public inspection without payment.

(6) The Commissioners shall supply a copy of any such byelaws to every person who shall apply for a copy thereof or of any part thereof on payment of such

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sum not exceeding sixpence for every one hundred words contained in the copy as the Commissioners may determine.

(7) The confirming authority may confirm or refuse to confirm any byelaws submitted under this section for confirmation and as regards any byelaw so confirmed may fix the date on which the byelaw is to come into operation and if no date be so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

(8) The validity of a byelaw so made by the Commissioners and confirmed by the Minister or the Board of Trade shall not be questioned in any legal proceedings on the ground that the Minister or the Board of Trade as the case may be is not the confirming authority in relation to that byelaw.

(9) The foregoing provisions of this section shall not apply to byelaws made by the Commissioners under sections 96 to 98 of the Commissioners Clauses Act 1847.

(10) The following provisions of the existing Acts are hereby repealed :—

(i) In section 36 (Byelaws for preventing discharge of ashes &c. into river &c.) of the Act of 1857 the words " and shall be confirmed and published " as provided by the Harbours Docks and " Piers Clauses Act 1847 " at the end of the section;

(ii) In section 53 (Additional power to Commissioners to make byelaws) of the Act of 1865 the words " and the said Harbours Docks and Piers Clauses Act " near the beginning of the section.

(11) In section 54 (Byelaws to be approved and published as provided by Harbours Docks and Piers Clauses Act) of the Act of 1865 the words " in manner " prescribed by the said Harbours Docks and Piers Clauses " Act " shall be construed as meaning in the manner prescribed by this Act.

(12) Section 20 (Byelaws for ferries) of the Act of 1902 shall have effect as if the words " and the proviso " to section 83 and section 84 of the Harbours Docks " and Piers Clauses Act 1847 " were inserted therein in substitution for the words " and the provisions of the

" Harbours Docks and Piers Clauses Act 1847 'with " respect to the byelaws to be made by the under- " takers'."

Publication of byelaws.

77.—(1) Whenever any byelaws made by the Commissioners shall be confirmed in accordance with the provisions of the last preceding section of this Act the secretary shall deliver a printed copy of such byelaws without charge to every person applying for a copy and a copy thereof shall be exhibited on some conspicuous part of the principal office of the Commissioners and also on one or more conspicuous places on the property of the Commissioners adjacent to the port and the copies of the byelaws so exhibited shall be renewed from time to time as occasion shall require and shall be open to inspection without fee or reward If the secretary shall not permit such copies to be inspected at all reasonable times he shall for every such offence be liable to a penalty not exceeding five pounds.

(2) All byelaws made and confirmed as mentioned in subsection (1) of this section shall when exhibited in accordance with the provisions of that subsection be binding on and be observed by all parties and shall be sufficient to justify all persons acting under the same.

(3) The production of a printed copy of any byelaw purported to be made by the Commissioners and to be authenticated by the secretary or an assistant secretary of the Ministry of Transport or of the Board of Trade if the byelaws require confirmation by the Minister or that Board and a printed copy of any byelaws purported to be made by the Commissioners and to be authenticated by the common seal of the Commissioners if they do not require such confirmation shall be evidence of the existence and due making of such byelaws in all cases of prosecution under the byelaws without proof of the signature of any such secretary or assistant secretary or of the common seal of the Commissioners.

(4) Where proof of the publication of any such byelaws is required it shall be sufficient to prove that a printed copy of the byelaws was exhibited in manner required by subsection (1) of this section and that if and whenever any such printed copy shall have been displaced or damaged the printed copy was renewed as soon as conveniently might be unless proof be adduced by

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the party complained against that such printed copy of the byelaws was not a complete copy or was not duly renewed as directed by that subsection.

(5) The foregoing provisions of this section shall apply to—

(i) all byelaws to be made by the Commissioners after the passing of this Act under the Explosives Act 1875 or the Petroleum (Consolidation) Act 1928; and

(ii) all byelaws made by the Commissioners before the passing of this Act under the Tyne Improvement Acts 1850 to 1929 the Harbours Docks and Piers Clauses Act 1847 the Explosives Act 1875 or the Petroleum (Consolidation) Act 1928 and in force at the passing of this Act.

Agreements for assistance in cases of fire.

78. The Commissioners may enter into and carry into effect agreements with any one or more of the councils for the administrative county of Northumberland or Durham or for any county borough county district or parish situate within the geographical county of Northumberland or Durham (if the council is for the time being maintaining a fire brigade) in anticipation of and for dealing with any outbreak of fire or explosion in the port or at any property abutting on the river or in the administrative county or county borough county district or parish of any party to the agreement (other than the Commissioners) providing for assistance to the Commissioners by any other party or parties to the agreement or assistance to any such other party or parties by the Commissioners in case of such fire or explosion as aforesaid by means of members of their respective fire brigades and their respective fire-fighting appliances.

Recovery of penalties &c.

79. Save as otherwise by this Act expressly provided all offences against this Act or any incorporated enactment or any byelaw of the Commissioners made under this Act and for the time being in force and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any incorporated enactment or any such byelaw may be prosecuted and recovered in a summary manner Provided that all costs and expenses

except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered as civil debts. A.D. 1934.

Powers of Act cumulative.

80. All powers rights and remedies given to the Commissioners by this Act shall except where otherwise expressly provided be deemed to be in addition to and not in derogation of any other powers rights and remedies conferred on them by Act of Parliament charter law or custom and the Commissioners may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

81. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditament subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade (as the case may be) on behalf of His Majesty first had and obtained for that purpose.

Further repeal.

82. In addition to the enactments mentioned in Parts I and II of the Second Schedule to this Act which are repealed by the foregoing provisions of this Act the provisions of the existing Acts and of the Ferry Act 1829 mentioned in Part III of that schedule are hereby repealed to the extent mentioned in the third column of that Part.

Expenses of execution and costs of Act.

83. All money necessary for carrying this Act into effect and payable by the Commissioners and all the costs charges and expenses of and preliminary and incidental to the preparing obtaining and passing of this Act shall be provided and paid by the Commissioners out of the Tyne Consolidated Fund.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Tyne Improvement Acts 1850 to 1929.

Session and chapter.	Short title.
13 & 14 Vict. c. lxiii	The River Tyne Improvement Act 1850.
15 Vict. c. cx	The Tyne Improvement Act 1852.
20 & 21 Vict. c. lxxi	The Tyne Improvement Act 1857.
22 & 23 Vict. c. vii	The Tyne Improvement Act 1859.
24 & 25 Vict. c. xci	The Tyne Improvement Act 1861.
28 & 29 Vict. c. cclxxiv	The Tyne Improvement Act 1865.
29 Vict. c. xci	The Tyne Improvement Act 1866.
30 & 31 Vict. c. cxxxv	The Tyne Improvement Act 1867.
33 & 34 Vict. c. xc.	The Tyne Improvement Act 1870.
35 Vict. c. xiii	The Tyne Coal Dues Act 1872.
35 & 36 Vict. c. cxxxi	The Tyne Improvement Act 1872.
38 Vict. c. xxiii	The Tyne Improvement Commission Act 1875.
40 & 41 Vict. c. xciii	The Tyne Improvement Act 1877.
44 Vict. c. lii	The Tyne Improvement Act 1881.
49 Vict. c. xxxiv	The Tyne Improvement Act 1886.
53 Vict. c. xxviii	The Tyne Improvement Act 1890.
60 & 61 Vict. c. ccix	The Tyne Improvement Act 1897.
61 Vict. c. viii	The Tyne Improvement (Constitution and Works) Act 1898.
2 Edw. 7. c. xxxiii	The Tyne Improvement Act 1902.
7 Edw. 7. c. xxvi	The Tyne Improvement Act 1907.
8 Edw. 7. c. lxxxv	The Tyne Improvement Act 1908.
9 & 10 Geo. 5. c. lx	The Tyne Improvement Act 1919.
10 & 11 Geo. 5. c. xiv	The Tyne Improvement Act 1920.
15 & 16 Geo. 5. c. xxxiii	The Tyne Improvement Act 1925.
17 Geo. 5. c. iv	The Tyne Improvement Act 1927.
19 & 20 Geo. 5. c. xlix	The Tyne Improvement Act 1929.

SECOND SCHEDULE.

List of Enactments repealed.

Part I.

Enactments relating to incorporation of the Harbours Docks and Piers Clauses Act 1847.

Name of Act.	Section.	Extent of repeal.
Act of 1850 -	7	The whole section.
	8	So far as it relates to the Commissioners.
Act of 1852 -	5	The whole section.
Act of 1857 -	4	The whole section.
Act of 1859 -	5	The whole section.
Act of 1861 -	4	The whole section.
Act of 1865 -	3	The whole section.
Act of 1872 -	2	So far as it relates to the Harbours Docks and Piers Clauses Act 1847.
Act of 1877 -	3	The whole section.
Act of 1886 -	2	So far as it relates to the Harbours Docks and Piers Clauses Act 1847.
Act of 1890 -	2	So far as it relates to the Harbours Docks and Piers Clauses Act 1847.
Act of 1897 -	70	So far as not previously repealed.
	71	The whole section.
Act of 1907 -	2	So far as it relates to the Harbours Docks and Piers Clauses Act 1847.
Act of 1920 -	2	So far as it relates to the Harbours Docks and Piers Clauses Act 1847.
Act of 1925 -	2	The whole section.
Act of 1929 -	3	The whole section.

Part II.

Enactments relating to appointment and election of the Commissioners and auditors.

Name of Act.	Enactments repealed.
Act of 1850 - - -	Sections 10 to 22.
Act of 1875 - - -	The whole Act.
Act of 1886 - - -	Sections 22 and 23.
Act of 1890 - - -	Sections 7 to 23 and the schedules.
Act of 1897 - - -	Part VI.
Act of 1898 - - -	Sections 3 to 7.
Act of 1925 - - -	Section 28.
Act of 1927 - - -	Sections 4 to 7 and 9 to 14.
Act of 1929 - - -	Section 27.

A.D. 1934.

PART III.

MISCELLANEOUS ENACTMENTS.

Name of Act.	Section.	Extent of repeal.
Ferry Act 1829 - -	68	The whole section.
Act of 1850 - -	23	The whole section.
Act of 1857 - -	8	The whole section.
Act of 1925 - -	4	Subsection (2).
	18	Subsection (4).
	34	The whole section.
Act of 1927 - -	8	The whole section.

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